

1 ENGROSSED SENATE AMENDMENTS
TO
2 ENGROSSED HOUSE
BILL NO. 1135 By: Fetgatter of the House
3
and
4 Taylor of the Senate
5
6

7 [crimes and punishments - describing method for
8 posting with purple paint marks - effective date]
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11 AUTHOR: Add the following Senate Coauthor: Stephens
12

13 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
14 entire bill and insert

15 "An Act relating to trespassing; amending 21 O.S.
16 2011, Section 1835, which relates to the penalty for
17 trespassing after being forbidden; modifying
18 statutory language; providing certain exceptions;
19 providing for allowances; providing for criminal
20 offense; providing for penalty; deleting certain
21 definition; and providing an effective date.

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1835, is
24 amended to read as follows:

1 Section 1835. A. Whoever shall willfully or maliciously enter
2 the garden, yard, pasture or field of another after being expressly
3 forbidden to do so or without permission by the owner or lawful
4 occupant thereof ~~when such property is posted~~ shall be deemed guilty
5 of trespass and upon conviction ~~thereof~~ shall be ~~fin~~~~ed in any sum~~
6 punished by a fine of not to exceed more than Two Hundred Fifty
7 Dollars (\$250.00); provided, that this provision shall not apply to
8 registered land surveyors and registered professional engineers for
9 the purpose of land surveying in the performance of their
10 professional services; and, provided further, that anyone who
11 willfully or maliciously enters any such garden, yard, pasture or
12 field, and therein commits or attempts to commit waste, theft, or
13 damage shall be deemed guilty of a misdemeanor and upon conviction
14 ~~thereof~~ shall be fined ~~in any sum~~ not less than Fifty Dollars
15 (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by
16 confinement in the county jail for not less than thirty (30) days
17 nor more than six (6) months, or both such fine and imprisonment.
18 ~~For purposes of this section, "posted" means exhibiting signs to~~
19 ~~read as follows: "PROPERTY RESTRICTED"; "POSTED - KEEP OUT"; "KEEP~~
20 ~~OUT"; "NO TRESPASSING"; or similar signs which are displayed.~~
21 ~~Property that is fenced or not fenced must have such signs placed~~
22 ~~conspicuously and at all places where entry to the property is~~
23 ~~normally expected.~~

24 1. This provision shall not apply to:

- a. peace officers as defined in Section 99 of this title,
- b. federal, state or local government employees engaged
in the performance of their duties,
- c. firefighters, emergency medical personnel or public
utility employees engaged in addressing an emergency
that presents an imminent danger to health, safety or
the environment in the performance of their duties, or
- d. parties engaged in oil and gas operations, which shall
include, without limitation, exploration, drilling,
production and sales activities, under authority of
mineral ownership, an oil and gas ease, seismic
agreement or permit, gas gathering, purchase,
transportation or treating contracts, Corporation
Commission or other lawful authority from persons
entitled to give the same;

2. The provisions of this section shall not prohibit:

- a. railroad employees and emergency equipment from
entering such land to restore rail service following
an accident, derailment or natural disaster,
- b. the entrance of utility employees or contractors while
acting in the scope of their employment, or
- c. employees or contractors of valid easement or license
holders while acting in the scope of their employment;

1 3. The following persons may enter such land of another unless
2 forbidden to do so, either orally or in writing, by the owner or
3 lawful occupier thereof:

4 a. registered land surveyors and registered professional
5 engineers for the purpose of land surveying in the
6 performance of their professional services,

7 b. persons making a delivery, selling a product or
8 service, conducting a survey or poll, working on
9 behalf of a candidate for political office, or

10 c. persons who have a legitimate reason for entering and
11 who, immediately upon entering, seek to conduct
12 business.

13 B. Anyone who willfully or maliciously enters any such land of
14 another and commits or attempts to commit waste, theft or damage
15 shall be deemed guilty of a misdemeanor, and upon conviction, shall
16 be punished by imprisonment in the county jail for a term of not
17 less than thirty (30) days nor more than six (6) months, by a fine
18 of not less than Fifty Dollars (\$50.00) nor more than Five Hundred
19 Dollars (\$500.00), or by both such fine and imprisonment.

20 ~~B.~~ C. No provisions of this act section shall be construed to
21 conflict with Section 5-202 or 6-304 of Title 29 of the Oklahoma
22 Statutes.

23 ~~C.~~ D. Whoever shall willfully enter the pecan grove of another
24 without the prior consent of the owner or occupant thereof to so do

1 shall be deemed guilty of trespass and upon conviction ~~thereof~~ shall
2 be ~~fin~~ed in any sum punished by a fine of not to exceed more than
3 Twenty-five Dollars (\$25.00); provided, that anyone who willfully
4 enters any such pecan grove and therein commits or attempts to
5 commit waste, theft, or damage shall be deemed guilty of a
6 misdemeanor and upon conviction ~~thereof~~ shall be ~~fin~~ed in any sum
7 punished by a fine of not more than Five Hundred Dollars (\$500.00),
8 or by ~~confinement~~ imprisonment in the county jail for not ~~less than~~
9 ~~thirty (30) days nor~~ more than six (6) months, or by both such fine
10 and imprisonment.

11 ~~D.~~ E. Whoever shall willfully or maliciously enter upon
12 property owned or managed by the Grand River Dam Authority without
13 permission ~~when such property is posted~~ shall be deemed guilty of
14 misdemeanor trespass and upon conviction ~~thereof~~ shall be ~~fin~~ed in
15 ~~any sum~~ punished by a fine of not ~~to exceed~~ more than Two Hundred
16 Fifty Dollars (\$250.00); provided, that this provision shall not
17 apply to registered land surveyors and registered professional
18 engineers for the purpose of land surveying in the performance of
19 their professional services; and, provided further, that anyone who
20 willfully or maliciously enters upon property owned or managed by
21 the Grand River Dam Authority without permission and therein commits
22 or attempts to commit waste, theft, or damage shall be deemed guilty
23 of misdemeanor trespass, and upon conviction ~~thereof~~ shall be ~~fin~~ed
24 ~~in any sum~~ punished by a fine of not less than Fifty Dollars

1 (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by
2 ~~confinement~~ imprisonment in the county jail for not less than thirty
3 (30) days nor more than six (6) months, or by both such fine and
4 imprisonment. ~~For purposes of this section, "posted" means~~
5 ~~exhibiting signs to read as follows: "PROPERTY RESTRICTED"; "POSTED~~
6 ~~— KEEP OUT"; "KEEP OUT"; "NO TRESPASSING"; or similar signs which~~
7 ~~are displayed. Property that is fenced or not fenced must have such~~
8 ~~signs placed conspicuously and at all places where entry to the~~
9 ~~property is normally expected.~~

10 E. F. ~~Notwithstanding the provisions of this section, the~~
11 ~~Governor's Mansion and its grounds and appurtenances shall not be~~
12 ~~required to be posted with signs warning against trespass. Any~~
13 ~~person who shall willfully or maliciously enter the grounds of the~~
14 ~~Governor's Mansion within the State Capitol Park, as defined in~~
15 ~~Section 1811.4 of Title 74 of the Oklahoma Statutes, except at a~~
16 ~~place where entry to the property is normally expected shall be~~
17 ~~deemed guilty of a misdemeanor and upon conviction shall be fined in~~
18 ~~a sum~~ punished by a fine of not more than Five Hundred Dollars
19 (\$500.00), or by ~~confinement~~ imprisonment in the county jail for not
20 less than thirty (30) days nor more than six (6) months, or by both
21 such fine and imprisonment.

22 SECTION 2. This act shall become effective November 1, 2021."
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1 Passed the Senate the 21st day of April, 2021.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2021.

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8 _____
9 Presiding Officer of the House
10 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 1135

By: Fetgatter of the House

3 and

4 Taylor of the Senate

5
6
7 [crimes and punishments - describing method for
8 posting with purple paint marks - effective date]
9
10
11

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1835, is
14 amended to read as follows:

15 Section 1835. A. Whoever shall willfully or maliciously enter
16 the garden, yard, pasture or field of another after being expressly
17 forbidden to do so or without permission by the owner or lawful
18 occupant thereof when such property is posted, as defined by this
19 subsection, shall be deemed guilty of trespass and upon conviction
20 ~~thereof shall be fined in any sum~~ punished by a fine of not to
21 ~~exceed more than~~ Two Hundred Fifty Dollars (\$250.00); provided, that
22 this provision shall not apply to registered land surveyors and
23 registered professional engineers for the purpose of land surveying
24 in the performance of their professional services; and, provided

1 further, that anyone who willfully or maliciously enters any such
2 garden, yard, pasture or field, and therein commits or attempts to
3 commit waste, theft, or damage shall be deemed guilty of a
4 misdemeanor and upon conviction ~~thereof~~ shall be ~~fin~~~~ed in any sum~~
5 punished by a fine of not less than Fifty Dollars (\$50.00) nor more
6 than Five Hundred Dollars (\$500.00), or by ~~confinement~~ imprisonment
7 in the county jail for not less than thirty (30) days nor more than
8 six (6) months, or by both such fine and imprisonment. For purposes
9 of this section, "posted" means ~~exhibiting~~:

10 1. Exhibiting signs to read as follows: "PROPERTY RESTRICTED";
11 "POSTED - KEEP OUT"; "KEEP OUT"; "NO TRESPASSING"; or similar signs
12 which are displayed. ~~Property that is fenced or not fenced must~~ All
13 property shall have such signs placed conspicuously and at all
14 places where entry to the property is normally expected; or

15 2. Placing purple paint marks on posts on the property,
16 provided that the marks are:

- 17 a. vertical lines at least one (1) inch in width and at
18 least eight (8) inches in length,
19 b. placed so that the bottom of the mark is not less than
20 three (3) feet from the ground or more than five (5)
21 feet from the ground, and
22 c. placed at locations that are readily visible to any
23 person approaching the property and no more than one
24

1 thousand (1,000) feet apart on land other than forest,
2 and one hundred (100) feet apart on forest land.

3 B. Beginning November 1, 2021, when a landowner uses the purple
4 posting to indicate no trespassing, such marks shall be accompanied
5 by signs placed conspicuously and at all places where entry to the
6 property is normally expected explaining that the purple stripe
7 means no trespassing, property restricted, or similar explanation of
8 what the purple stripe indicates. On and after November 1, 2022, no
9 sign shall be required to explain the purple posting.

10 C. No provisions of this act section shall be construed to
11 conflict with Section 5-202 or 6-304 of Title 29 of the Oklahoma
12 Statutes.

13 ~~C.~~ D. Whoever shall willfully enter the pecan grove of another
14 without the prior consent of the owner or occupant thereof to so do
15 shall be deemed guilty of trespass and upon conviction thereof shall
16 be fined in any sum punished by a fine of not to exceed more than
17 Twenty-five Dollars (\$25.00); provided, that anyone who willfully
18 enters any such pecan grove and therein commits or attempts to
19 commit waste, theft, or damage shall be deemed guilty of a
20 misdemeanor and upon conviction thereof shall be fined in any sum
21 punished by a fine of not more than Five Hundred Dollars (\$500.00),
22 or by confinement imprisonment in the county jail for not less than
23 thirty (30) days nor more than six (6) months, or by both such fine
24 and imprisonment.

1 ~~D.~~ E. Whoever shall willfully or maliciously enter upon
2 property owned or managed by the Grand River Dam Authority without
3 permission when such property is posted shall be deemed guilty of
4 misdemeanor trespass and upon conviction ~~thereof~~ shall be ~~fin~~~~ed~~ ~~in~~
5 ~~any sum~~ punished by a fine of not to exceed more than Two Hundred
6 Fifty Dollars (\$250.00); provided, that this provision shall not
7 apply to registered land surveyors and registered professional
8 engineers for the purpose of land surveying in the performance of
9 their professional services; and, provided further, that anyone who
10 willfully or maliciously enters upon property owned or managed by
11 the Grand River Dam Authority without permission and therein commits
12 or attempts to commit waste, theft, or damage shall be deemed guilty
13 of misdemeanor trespass, and upon conviction ~~thereof~~ shall be ~~fin~~~~ed~~
14 ~~in any sum~~ punished by a fine of not less than Fifty Dollars
15 (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by
16 ~~confinement~~ imprisonment in the county jail for not less than thirty
17 (30) days nor more than six (6) months, or by both such fine and
18 imprisonment. For purposes of this ~~section~~ subsection, "posted"
19 ~~means exhibiting signs to read as follows: "PROPERTY RESTRICTED";~~
20 ~~"POSTED - KEEP OUT"; "KEEP OUT"; "NO TRESPASSING"; or similar signs~~
21 ~~which are displayed. Property that is fenced or not fenced must~~
22 ~~have such signs placed conspicuously and at all places where entry~~
23 ~~to the property is normally expected~~ shall be defined as provided
24 for in subsection A of this section.

1 ~~E.~~ F. Notwithstanding the provisions of this section, the
2 Governor's Mansion and its grounds and appurtenances shall not be
3 required to be posted with signs warning against trespass. Any
4 person who shall willfully or maliciously enter the grounds of the
5 Governor's Mansion within the State Capitol Park, as defined in
6 Section 1811.4 of Title 74 of the Oklahoma Statutes, except at a
7 place where entry to the property is normally expected shall be
8 deemed guilty of a misdemeanor and upon conviction shall be ~~fin~~~~ed in~~
9 ~~a sum~~ punished by a fine of not more than Five Hundred Dollars
10 (\$500.00), or by ~~confinement~~ imprisonment in the county jail for not
11 less than thirty (30) days nor more than six (6) months, or by both
12 such fine and imprisonment.

13 SECTION 4. This act shall become effective November 1, 2021.

14 Passed the House of Representatives the 9th day of March, 2021.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2021.

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Presiding Officer of the Senate

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