

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1560

By: Standridge

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5  
6 AS INTRODUCED

7 An Act relating to municipalities; providing certain  
8 definitions; describing elements of an offense;  
9 providing evidence of intent; requiring consent for  
10 certain land use; declaring certain exception;  
11 declaring certain offense to be a misdemeanor;  
12 allowing peace officers to issue citation after  
13 certain efforts; providing certain exception;  
14 providing procedure for handling personal property;  
15 prohibiting certain fee; prohibiting municipalities  
16 from designating property for certain purposes under  
17 certain conditions; providing procedure for  
18 designations; defining terms; prohibiting  
19 municipalities from adopting certain policies;  
20 prohibiting municipalities from discouraging peace  
21 officers or attorneys from enforcing public camping  
22 bans; providing exception; authorizing Attorney  
23 General to bring certain action; denying certain  
24 funds for certain entities; allowing certain property  
25 to apply for approval; providing for codification;  
26 providing an effective date; and declaring an  
27 emergency.

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29  
30 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

31 SECTION 1. NEW LAW A new section of law to be codified  
32 in the Oklahoma Statutes as Section 57-101 of Title 11, unless there  
33 is created a duplication in numbering, reads as follows:

34 A. As used in this section:  
35

1 1. "Camp" means to reside temporarily in a place, with shelter;  
2 and

3 2. "Shelter" includes a tent, tarpaulin, lean-to, sleeping bag,  
4 bedroll, blankets, or any form of temporary, semipermanent, or  
5 permanent shelter, other than clothing or any handheld device,  
6 designed to protect a person from weather conditions that threaten  
7 personal health and safety.

8 B. A person commits an offense if the person intentionally or  
9 knowingly camps in a public place without the effective consent of  
10 the officer or agency having the legal duty or authority to manage  
11 the public place.

12 C. The actor's intent or knowledge may be established through  
13 evidence of activities associated with sustaining a living  
14 accommodation that are conducted in a public place including:

- 15 1. Cooking;
- 16 2. Making a fire;
- 17 3. Storing personal belongings for an extended period;
- 18 4. Digging; or
- 19 5. Sleeping.

20 D. Consent given by an officer or agency of a political  
21 subdivision is not effective for purposes of subsection B of this  
22 section, unless given to authorize the person to camp for:

- 23 1. Recreational purposes;

1           2. Purposes of sheltering homeless individuals, if the property  
2 on which the camping occurs is subject to a plan approved under the  
3 laws of this state, and the camping occurs in a manner that complies  
4 with the plan; or

5           3. Purposes related to providing emergency shelter during a  
6 disaster declared under the laws of this state.

7           E. An offense committed under this section shall be a  
8 misdemeanor.

9           F. This section does not preempt an ordinance, order, rule, or  
10 other regulation adopted by a state agency or political subdivision  
11 relating to prohibiting camping in a public place or affect the  
12 authority of a state agency or political subdivision to adopt or  
13 enforce an ordinance, order, rule, or other regulation relating to  
14 prohibiting camping in a public place if the ordinance, order, rule,  
15 or other regulation:

16           1. Is compatible with and equal to or more stringent than the  
17 offense prescribed by this section; or

18           2. Relates to an issue not specifically addressed by this  
19 section.

20           G. Except as provided by subsection H of this section, before  
21 or at the time a peace officer issues a citation to a person for an  
22 offense under this section, the peace officer must make a reasonable  
23 effort to:

1           1. Advise the person of an alternative place at which the  
2 person may lawfully camp; and

3           2. Contact, if reasonable and appropriate, an appropriate  
4 official of the political subdivision in which the public place is  
5 located, or an appropriate nonprofit organization operating within  
6 that political subdivision, and request the official or organization  
7 to provide the person with:

8               a. information regarding the prevention of human  
9               trafficking, or

10              b. any other services that would reduce the likelihood of  
11              the person suspected of committing the offense  
12              continuing to camp in the public place.

13           H. Subsection G of this section does not apply if the peace  
14 officer determines there is an imminent threat to the health or  
15 safety of any person to the extent that compliance with that  
16 subsection is impracticable.

17           I. If the person is arrested or detained solely for an offense  
18 under this section, a peace officer enforcing this section shall  
19 ensure that the person's personal property not designated as  
20 contraband under other law is preserved by:

21              1. Permitting the person to remove all the property from the  
22 public place at the time of the person's departure; or

23              2. Taking custody of the property and allowing the person to  
24 retrieve the property after the person is released from custody.

1 J. A fee may not be charged for the storage or release of  
2 property pursuant to paragraph 2 of subsection I of this section.

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 57-102 of Title 11, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. A political subdivision may not designate a property to be  
7 used by homeless individuals to camp unless the local housing  
8 authority with authorized jurisdiction approves a plan described by  
9 subsection C of this section.

10 B. Not later than thirty (30) days after the date the local  
11 housing authority with appropriate jurisdiction receives a plan  
12 submitted by a political subdivision under this section, the  
13 authority shall make a final determination regarding approval of the  
14 plan.

15 C. A plan submitted for approval under this section shall  
16 describe each of the following with respect to a proposed property:

17 1. The availability of local health care for proposed new  
18 campers, including access to Medicaid services and mental health  
19 services;

20 2. The availability of indigent services for proposed new  
21 campers;

22 3. The availability of reasonably affordable public  
23 transportation for proposed new campers;

24 4. Local law enforcement resources in the area; and  
25

1           5. The steps the applicant has taken to coordinate with the  
2 local mental health authority to provide for any proposed new  
3 campers.

4           D. An applicant shall respond to reasonable requests for  
5 additional information made by the authority regarding the proposed  
6 property or plan.

7           E. The local housing authority having appropriate jurisdiction  
8 may not approve a plan described by subsection C of this section if  
9 the authority determines that a property proposed under the plan is  
10 a public park.

11           F. In this section:

12           1. "Camp" has the meaning assigned by Section 1 of this act;  
13 and

14           2. "Proposed new campers" means homeless individuals the  
15 applicant intends to allow to camp at the property.

16           SECTION 3.        NEW LAW        A new section of law to be codified  
17 in the Oklahoma Statutes as Section 57-103 of Title 11, unless there  
18 is created a duplication in numbering, reads as follows:

19           A. As used in this section:

20           1. "Local entity" means:

- 21           a. the governing body of a municipality or county,  
22           b. an officer or employee of or a division, department,  
23                or other body that is part of a municipality or  
24                county, including a sheriff, municipal police

1 department, municipal attorney, or county attorney,  
2 and

3 c. a district attorney;

4 2. "Policy" includes a formal, written rule, ordinance, order,  
5 or policy and an informal, unwritten policy; and

6 3. "Public camping ban" means a law, rule, ordinance, order, or  
7 other regulation that prohibits camping in a public place.

8 B. A local entity may not adopt or enforce a policy under which  
9 the entity prohibits or discourages the enforcement of any public  
10 camping ban.

11 C. In compliance with subsection A of this section, a local  
12 entity may not prohibit or discourage a peace officer or prosecuting  
13 attorney who is employed by or otherwise under the direction or  
14 control of the entity from enforcing a public camping ban.

15 D. This section does not prohibit a policy that encourages  
16 diversion or a provision of services in lieu of citation or arrest.

17 E. The Attorney General may bring an action in a district court  
18 in the county in which the principal office of the entity is located  
19 to enjoin a violation of this section.

20 F. A local entity may not receive state grant funds, and state  
21 grant funds for the local entity shall be denied, for the state  
22 fiscal year following the year in which a final judicial  
23 determination in an action brought under subsection E of this  
24

1 section is made that the entity has intentionally violated  
2 subsection B of this section.

3 G. A local entity that has not violated subsection B of this  
4 section may not be denied state grant funds, regardless of whether  
5 the entity is a part of another entity that is in violation of that  
6 subsection.

7 SECTION 4. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 57-104 of Title 11, unless there  
9 is created a duplication in numbering, reads as follows:

10 A political subdivision that designated a property to be used by  
11 homeless individuals to camp before the effective date of this act  
12 may apply on or after that date for approval of a plan as provided  
13 by this act.

14 SECTION 5. This act shall become effective July 1, 2022.

15 SECTION 6. It being immediately necessary for the preservation  
16 of the public peace, health or safety, an emergency is hereby  
17 declared to exist, by reason whereof this act shall take effect and  
18 be in full force from and after its passage and approval.

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