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February 29, 2024

By: Stewart

An Act relating to crimes and punishments; amending 21 O.S. 2021, Section 1835, as amended by Section 2, Chapter 159, O.S.L. 2023 (21 O.S. Supp. 2023, Section 1835), which relates to trespass; modifying elements of certain felony offenses; modifying elements of certain punishments; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1835, as amended by Section 2, Chapter 159, O.S.L. 2023 (21 O.S. Supp. 2023, Section 1835), is amended to read as follows:

Section 1835. A. Whoever shall ~~willfully or maliciously~~
knowingly enter the garden, yard, pasture, or field of another after
being expressly forbidden to do so or without permission by the
owner or lawful occupant thereof, or a person failing to leave
lodging establishment premises pursuant to Section 508 of Title 15
of the Oklahoma Statutes, shall upon conviction be ~~deemed~~ guilty of
trespass ~~and upon conviction shall be punished~~ punishable by a fine
of not more than Two Hundred Fifty Dollars (\$250.00); ~~provided, that~~
~~this~~. Such provision shall not apply to registered land surveyors

1 and registered professional engineers for the purpose of land
2 surveying in the performance of their professional services~~, and,~~
3 ~~provided further, that anyone.~~ Any person who willfully or
4 maliciously enters any such garden, yard, pasture, or field, and
5 therein commits or attempts to commit waste, theft, or damage shall
6 upon conviction be ~~deemed~~ guilty of a misdemeanor ~~and upon~~
7 ~~conviction shall be fined~~ punishable by:

8 1. A fine not less than Fifty Dollars (\$50.00) nor more than
9 Five Hundred Dollars (\$500.00)~~, or by confinement;~~

10 2. Imprisonment in the county jail for not less than thirty
11 (30) days nor more than six (6) months~~, or both;~~

12 3. Both such fine and imprisonment; or

13 4. A court-ordered work detail program as provided for and
14 administered by the court.

15 ~~1- B.~~ B. This provision shall not apply to:

16 ~~a. peace~~

17 1. Peace officers as defined in Section 99 of this title~~;~~

18 ~~b. federal~~

19 2. Federal, state, or local government employees engaged in the
20 performance of their duties~~;~~

21 ~~c. firefighters~~

22 3. Firefighters, emergency medical personnel, or public utility
23 employees engaged in addressing an emergency that presents an
24

1 imminent danger to health, safety, or the environment in the
2 performance of their duties~~;~~ or

3 ~~d. parties~~

4 4. Parties engaged in oil and gas operations, which shall
5 include, ~~without limitation~~ but not be limited to, exploration,
6 drilling, production, and sales activities, under authority of
7 mineral ownership, an oil and gas lease, seismic agreement or
8 permit, gas gathering, purchase, transportation or treating
9 contracts, Corporation Commission or other lawful authority from
10 persons entitled to give the same~~;~~.

11 ~~2. C.~~ The provisions of this section shall not prohibit:

12 ~~a. railroad~~

13 1. Railroad employees and emergency equipment from entering
14 such land to restore rail service following an accident, derailment,
15 or natural disaster~~;~~.

16 ~~b. the~~

17 2. The entrance of utility employees or contractors while
18 acting in the scope of their employment~~;~~ or

19 ~~c. employees~~

20 3. Employees or contractors of valid easement or license
21 holders while acting in the scope of their employment~~;~~.

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

1 a. ~~registered~~

2 1. Registered land surveyors and registered professional
3 engineers for the purpose of land surveying in the performance of
4 their professional services~~;~~;

5 b. ~~persons~~

6 2. Persons making a delivery, selling a product or service,
7 conducting a survey or poll, or working on behalf of a candidate for
8 political office~~;~~; or

9 c. ~~persons~~

10 3. Persons who have a legitimate reason for entering and who,
11 immediately upon entering, seek to conduct business.

12 ~~B. E.~~ Anyone who ~~willfully or maliciously~~ knowingly enters any
13 such land of another and commits or attempts to commit waste, theft,
14 or damage shall upon conviction be ~~deemed~~ guilty of a misdemeanor
15 ~~and upon conviction shall be punished~~ punishable by:

16 ~~imprisonment~~ 1. Imprisonment in the county jail for a term of
17 not less than thirty (30) days nor more than six (6) months~~, by a;~~;

18 2. A fine of not less than Fifty Dollars (\$50.00) nor more than
19 Five Hundred Dollars (\$500.00)~~, or by both;~~;

20 3. Both such fine and imprisonment~~;~~; or

21 4. A court-ordered work detail program as provided for and
22 administered by the court.

1 ~~E.~~ F. No provisions of this section shall be construed to
2 conflict with Section 5-202 or 6-304 of Title 29 of the Oklahoma
3 Statutes.

4 ~~D.~~ G. Whoever shall willfully enter the pecan grove of another
5 without the prior consent of the owner or occupant thereof to so do
6 shall upon conviction be ~~deemed~~ guilty of trespass ~~and upon~~
7 ~~conviction shall be punished~~ punishable by a fine of not more than
8 Twenty-five Dollars (\$25.00); ~~provided, that anyone.~~ Any person who
9 willfully enters any such pecan grove and therein commits or
10 attempts to commit waste, theft, or damage shall upon conviction be
11 ~~deemed~~ guilty of a misdemeanor ~~and upon conviction shall be punished~~
12 punishable by a fine of not more than Five Hundred Dollars
13 (\$500.00), or by imprisonment in the county jail for not more than
14 six (6) months, or by both such fine and imprisonment.

15 ~~E.~~ H. Whoever shall willfully or maliciously enter upon
16 property owned or managed by the Grand River Dam Authority without
17 permission shall upon conviction be ~~deemed~~ guilty of misdemeanor
18 trespass ~~and upon conviction shall be punished~~ punishable by a fine
19 of not more than Two Hundred Fifty Dollars (\$250.00); ~~provided, that~~
20 ~~this.~~ Such provision shall not apply to registered land surveyors
21 and registered professional engineers for the purpose of land
22 surveying in the performance of their professional services; ~~and,~~
23 ~~provided further, that anyone.~~ Any person who willfully or
24 maliciously enters upon property owned or managed by the Grand River

1 Dam Authority without permission and therein commits or attempts to
2 commit waste, theft, or damage shall upon conviction be ~~deemed~~
3 guilty of misdemeanor trespass ~~and upon conviction shall be punished~~
4 punishable by a fine of not less than Fifty Dollars (\$50.00) nor
5 more than Five Hundred Dollars (\$500.00), or by imprisonment in the
6 county jail for not less than thirty (30) days nor more than six (6)
7 months, or by both such fine and imprisonment.

8 ~~F.~~ I. Any person who shall willfully or maliciously enter the
9 grounds of the Governor's Mansion within the State Capitol Park, as
10 defined in Section 1811.4 of Title 74 of the Oklahoma Statutes,
11 except at a place where entry to the property is normally expected,
12 shall upon conviction be ~~deemed~~ guilty of a misdemeanor ~~and upon~~
13 ~~conviction shall be punished~~ punishable by a fine of not more than
14 Five Hundred Dollars (\$500.00), or by imprisonment in the county
15 jail for not less than thirty (30) days nor more than six (6)
16 months, or by both such fine and imprisonment.

17 SECTION 2. This act shall become effective November 1, 2024.

18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
19 February 29, 2024 - DO PASS
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