

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 2964

By: Olsen

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5
6 AS INTRODUCED

7 An Act relating to trespass; amending 21 O.S. 2021,
8 Section 1835, as amended by Section 2, Chapter 159,
9 O.S.L. 2023 (21 O.S. Supp. 2023, Section 1835), which
10 relates to trespassing without permission; requiring
11 certain notice and waiting period before entry by
12 certain parties; amending 69 O.S. 2021, Section 702,
13 which relates to entry upon premises to make surveys
14 and examinations for establishment or relocation of
15 highways; requiring certain notice and waiting period
16 before entry; and providing an effective date.

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

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

21 Section 1835. A. Whoever shall willfully or maliciously enter
22 the garden, yard, pasture or field of another after being expressly
23 forbidden to do so or without permission by the owner or lawful
24 occupant thereof, or a person failing to leave lodging establishment
premises pursuant to Section 508 of Title 15 of the Oklahoma
Statutes, shall be deemed guilty of trespass and upon conviction
shall be punished by a fine of not more than Two Hundred Fifty

1 Dollars (\$250.00); provided, that this provision shall not apply to
2 registered land surveyors and registered professional engineers for
3 the purpose of land surveying in the performance of their
4 professional services; and, provided further, that anyone who
5 willfully or maliciously enters any such garden, yard, pasture or
6 field, and therein commits or attempts to commit waste, theft or
7 damage shall be deemed guilty of a misdemeanor and upon conviction
8 shall be fined not less than Fifty Dollars (\$50.00) nor more than
9 Five Hundred Dollars (\$500.00), or by confinement in the county jail
10 for not less than thirty (30) days nor more than six (6) months, or
11 both such fine and imprisonment.

12 1. This provision shall not apply to:

- 13 a. peace officers as defined in Section 99 of this title,
- 14 b. ~~federal, state or local government employees engaged~~
15 ~~in the performance of their duties,~~
- 16 c. firefighters, emergency medical personnel or public
17 utility employees engaged in addressing an emergency
18 that presents an imminent danger to health, safety or
19 the environment in the performance of their duties, or
- 20 d. ~~parties engaged in oil and gas operations, which shall~~
21 ~~include, without limitation, exploration, drilling,~~
22 ~~production and sales activities, under authority of~~
23 ~~mineral ownership, an oil and gas lease, seismic~~
24 ~~agreement or permit, gas gathering, purchase,~~

1 ~~transportation or treating contracts, Corporation~~
2 ~~Commission or other lawful authority from persons~~
3 ~~entitled to give the same;~~

4 c. railroad employees and emergency equipment from
5 entering such land to restore rail service following
6 an accident, derailment, or natural disaster.

7 2. The provisions of this section shall not prohibit:

8 a. ~~railroad employees and emergency equipment from~~
9 ~~entering such land to restore rail service following~~
10 ~~an accident, derailment or natural disaster,~~

11 ~~b. the entrance of utility employees or contractors while~~
12 ~~acting in the scope of their employment, or~~

13 ~~c.~~

14 b. employees or contractors of valid easement or license
15 holders while acting in the scope of their
16 employment;

17 c. federal, state, or local government employees engaged
18 in the performance of their duties,

19 d. parties engaged in oil and gas operations, which shall
20 include, without limitation, exploration, drilling,
21 production and sales activities, under authority of
22 mineral ownership, an oil and gas lease, seismic
23 agreement or permit, gas gathering, purchase,
24 transportation or treating contracts, Oklahoma

1 Corporation Commission or other lawful authority from
2 persons entitled to give the same, or
3 e. registered land surveyors and registered professional
4 engineers for the purpose of land surveying in the
5 performance of their professional services.

6 However, two forms of notice shall first be provided to the land
7 owner and a seventy-two-hour waiting period shall be required before
8 the above mentioned parties may enter a property. The notice shall
9 be given personally or in the form of a phone call, text message,
10 email, or mail if sent with a return receipt service. The two
11 notices must be in different forms. The seventy-two-hour waiting
12 period shall commence after the property owner receives both
13 notices. However, if the landowner acknowledges the first notice
14 and grants permission to enter their property, the requirement for a
15 second form of notice shall not be required

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

- 19 a. ~~registered land surveyors and registered professional~~
20 ~~engineers for the purpose of land surveying in the~~
21 ~~performance of their professional services,~~
22 b. persons making a delivery, selling a product or
23 service, conducting a survey or poll, working on
24 behalf of a candidate for political office, or

1 e.

2 b. persons who have a legitimate reason for entering and
3 who, immediately upon entering, seek to conduct
4 business.

5 B. Anyone who willfully or maliciously enters any such land of
6 another and commits or attempts to commit waste, theft or damage
7 shall be deemed guilty of a misdemeanor and upon conviction shall be
8 punished by imprisonment in the county jail for a term of not less
9 than thirty (30) days nor more than six (6) months, by a fine of not
10 less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
11 (\$500.00), or by both such fine and imprisonment.

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

14 D. Whoever shall willfully enter the pecan grove of another
15 without the prior consent of the owner or occupant thereof to so do
16 shall be deemed guilty of trespass and upon conviction shall be
17 punished by a fine of not more than Twenty-five Dollars (\$25.00);
18 provided, that anyone who willfully enters any such pecan grove and
19 therein commits or attempts to commit waste, theft or damage shall
20 be deemed guilty of a misdemeanor and upon conviction shall be
21 punished by a fine of not more than Five Hundred Dollars (\$500.00),
22 or by imprisonment in the county jail for not more than six (6)
23 months, or by both such fine and imprisonment.

1 E. Whoever shall willfully or maliciously enter upon property
2 owned or managed by the Grand River Dam Authority without permission
3 shall be deemed guilty of misdemeanor trespass and upon conviction
4 shall be punished by a fine of not more than Two Hundred Fifty
5 Dollars (\$250.00); provided, that this provision shall not apply to
6 registered land surveyors and registered professional engineers for
7 the purpose of land surveying in the performance of their
8 professional services; and, provided further, that anyone who
9 willfully or maliciously enters upon property owned or managed by
10 the Grand River Dam Authority without permission and therein commits
11 or attempts to commit waste, theft or damage shall be deemed guilty
12 of misdemeanor trespass and upon conviction shall be punished by a
13 fine of not less than Fifty Dollars (\$50.00) nor more than Five
14 Hundred Dollars (\$500.00), or by imprisonment in the county jail for
15 not less than thirty (30) days nor more than six (6) months, or by
16 both such fine and imprisonment.

17 F. Any person who shall willfully or maliciously enter the
18 grounds of the Governor's Mansion within the State Capitol Park, as
19 defined in Section 1811.4 of Title 74 of the Oklahoma Statutes,
20 except at a place where entry to the property is normally expected,
21 shall be deemed guilty of a misdemeanor and upon conviction shall be
22 punished by a fine of not more than Five Hundred Dollars (\$500.00),
23 or by imprisonment in the county jail for not less than thirty (30)
24

1 days nor more than six (6) months, or by both such fine and
2 imprisonment.

3 SECTION 2. AMENDATORY 69 O.S. 2021, Section 702, is
4 amended to read as follows:

5 Section 702. The Department of Transportation, through its
6 authorized agents and employees, may enter upon any lands, waters,
7 and premises in the state for the purpose of making surveys,
8 soundings and drillings, and examinations as may be determined
9 necessary or convenient for the purpose of establishing, locating,
10 relocating, constructing, and maintaining state highways or
11 relocations thereof and facilities necessary and incidental thereto.
12 Such entry shall not be deemed a trespass, nor shall an entry for
13 such purpose be deemed an entry under any condemnation proceedings
14 which may be then pending; ~~but notice shall be given to the owner of~~
15 ~~or person residing on the premises personally or by registered mail,~~
16 ~~at least ten (10) days prior to such entry.~~

17 However, two forms of notice shall first be provided to the
18 owner or person residing on the premises and a seventy-two-hour
19 waiting period shall be required before the above mentioned parties
20 may enter a property. The notice shall be given personally or in
21 the form of a phone call, text message, email, or mail if sent with
22 a return receipt. The two notices must be in different forms. The
23 seventy-two-hour waiting period shall commence after the property
24 owner receives both notices. However, if the landowner acknowledges

1 the first notice and grants permission to enter their property, the
2 requirement for a second form of notice shall not be required

3 SECTION 3. This act shall become effective November 1, 2024.

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5 59-2-8460 JL 12/11/23

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