

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1974

By: Jett

AS INTRODUCED

An Act relating to trespassing; authorizing law enforcement to issue certain orders and remove certain individuals from private property; authorizing creation of certain database; creating misdemeanor offense; providing elements of subsequent offenses; requiring certain detainment; requiring certain assessment under certain circumstances; requiring certain confinement under certain circumstances; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1835.2A of Title 21, unless there is created a duplication in numbering, reads as follows:

A. 1. Law enforcement may issue a written no-trespass order and remove an individual from private property upon the first encounter and request from the property owner or authorized designee.

2. Upon the first trespass at the same location after a written no-trespass order, if law enforcement responds and encounters the person on the property, law enforcement is authorized to move the

1 person to a suitable and safe public property a minimum of one (1)  
2 mile from the location from which the person is removed, or return  
3 the person to his or her homeless encampment or shelter. The  
4 provisions of this subsection are in addition to any existing  
5 options available to law enforcement before the effective date of  
6 this act.

7 B. 1. Law enforcement may, as funds become available, create a  
8 database of no-trespass orders and the persons attached to them.  
9 That database shall include names, aliases, and photos from multiple  
10 angles.

11 2. The database shall be accessible to law enforcement in the  
12 field, including by smartphone or computer.

13 3. Because trespassers may not have identification, may give  
14 false names, or may have many aliases, the database shall include  
15 photo-matching software so that the responding officers can take a  
16 picture of the individual detained, and the software will match the  
17 photo to the correct photo in the database if such photo is present.

18 C. Any person who violates a no-trespass order and has three  
19 no-trespass orders on file shall on the next trespassing offense  
20 upon conviction be guilty of a misdemeanor punishable by a work  
21 detail of one (1) day.

22 D. For every subsequent offense, the trespasser shall upon  
23 conviction be guilty of a misdemeanor and subject to double the  
24 amount of days on a work detail. For the fifth offense, the work  
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1 detail would consist of two (2) days. For the sixth offense, the  
2 work detail would consist of four (4) days.

3 E. Because offenders may not have a fixed address or may  
4 disappear between the days of their work requirement, they shall be  
5 held in jail overnight if they have a work detail the next day.

6 F. 1. After the sixth trespassing offense within two (2)  
7 years, the offender shall receive a mental health assessment by a  
8 state or county healthcare official who holds a doctoral degree in  
9 psychology or psychiatry. The offender will either be assigned to  
10 counseling, mandatory mental health treatment, or be imprisoned in  
11 the county jail without the possibility of parole until one (1) year  
12 has passed. The decision on how to proceed with prosecution shall  
13 be made by the mental health professionals in conference with the  
14 public prosecutor, the latter of whom has the final decision on how  
15 to proceed.

16 2. If the offender is assigned to counseling or outpatient  
17 treatment, after the ninth trespassing offense within two (2) years,  
18 the offender must be placed in mandatory mental health confinement  
19 or be imprisoned in the county jail without the possibility of  
20 parole until one (1) year has passed.

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