

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 POLICY COMMITTEE
RECOMMENDATION
4 FOR
HOUSE BILL NO. 1453

5 By: Shaw

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POLICY COMMITTEE RECOMMENDATION

10 An Act relating to foreign ownership of property;
11 defining terms; prohibiting real property ownership
12 by certain parties; providing certain exemptions;
13 requiring divestment of violating property; requiring
14 district attorney or Attorney General to bring suit
15 for violating; providing for judicial foreclosure of
16 property; providing certain documents to be recorded
17 in the county records office; providing for felony
18 punishment and fines; providing affirmative defense
19 to prosecution; providing when title to real property
20 is not invalid or subject to divestiture; prohibiting
21 agricultural land ownership by certain parties;
22 providing certain exemptions; requiring divestment of
23 violating property; requiring certain entities upon
24 discovery of a violation to report such violation to
the district attorney or Attorney General; providing
that the district attorney or Attorney General may
issue certain subpoenas; providing that the district
attorney or Attorney General upon a certain
determination shall commence legal actions; providing
for judicial foreclosure of property; providing
certain documents to be recorded in the county
records office; providing when title to agricultural
land is not invalid or subject to divestiture;
providing for felony punishment and fines; providing
affirmative defense to prosecution; requiring
inclusion of certain affidavit with recording of a
deed; directing Attorney General to promulgate

1 certain affidavit forms; providing for codification;
2 and providing an effective date.

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

5 SECTION 1. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 128.1 of Title 60, unless there
7 is created a duplication in numbering, reads as follows:

8 As used in this act:

9 1. "Agricultural land" means any land which is outside the
10 corporate limits of a municipality and is:

11 a. used for forestry production, including without
12 limitation, land exceeding ten (10) acres in which ten
13 percent (10%) of the land is stocked by trees of any
14 size, including land that formerly had trees of any
15 size covering the land that will be naturally or
16 artificially regenerated, or

17 b. currently used for, or, if currently idle, land last
18 used within the past five (5) years, for farming,
19 ranching, or timber production, except land not
20 exceeding ten (10) acres in the aggregate, if the
21 annual gross receipts from the sale of the farm,
22 ranch, or timber products produced on the land do not
23 exceed One Thousand Dollars (\$1,000.00).

1 This does not include oil, gas, and all other minerals,
2 including coal, lignite, brine, and all minerals known and
3 recognized as commercial minerals underlying the land;

4 2. "Controlling interest" means an ownership interest of fifty
5 percent (50%) or more, in the aggregate;

6 3. "Foreign government" means any government other than the
7 federal government or any government of a state or a political
8 subdivision of a state;

9 4. "Interest in agricultural land" means all direct interest
10 acquired, transferred, or held in agricultural land, including
11 without limitation, a lease of agricultural land:

- 12 a. for a term of one (1) year or longer, or
- 13 b. renewable by option for terms which, if the options
14 were all exercised, would total one (1) year;

15 5. "Party" means any individual, corporation, company,
16 association, firm, partnership, society, joint-stock company, trust,
17 estate, or any other legal entity;

18 6. "Prohibited foreign party" means:

- 19 a. a citizen or resident of a country subject to
20 International Traffic in Arms Regulations, 22 C.F.R.,
21 Section 126.1,
- 22 b. a foreign government formed within a country subject
23 to International Traffic in Arms Regulations, 22
24 C.F.R., Section 126.1,

- c. a party other than an individual or a government, that is created or organized under the laws of a foreign government within a country subject to International Traffic in Arms Regulations, 22 C.F.R., Section 126.1,
- d. any party other than an individual or government:
 - (1) that is created or organized under the laws of any state, and
 - (2) in which a significant interest or substantial control is directly or indirectly held or is capable of being exercised by:
 - (a) an individual referred to in subparagraph a of this paragraph,
 - (b) a foreign government referred to in subparagraph b of this paragraph,
 - (c) a party referred to in subparagraph c of this paragraph, or
 - (d) a combination of the individuals, parties, or governments referred to in this division,
- e. an Entity of Particular Concern designated by the United States Department of State, or
- f. an agent, trustee, or other fiduciary of a person or entity enumerated in subparagraphs a through e of this paragraph;

1 7. "Prohibited foreign-party-controlled business" means a
2 corporation, company, association, firm, partnership, society,
3 joint-stock company, trust, estate, or other legal entity whose
4 controlling interest is owned by a prohibited foreign party;

5 8. "Real property" means all land or property that is not
6 agricultural land;

7 9. "Residence" means a person's principal dwelling place where
8 the person intends to remain permanently for an indefinite period of
9 time;

10 10. "Resident alien" means a person who:

11 a. is not a citizen of the United States, and

12 b. is a lawful permanent resident of a:

13 (1) state of the United States,

14 (2) territory of the United States,

15 (3) trusteeship of the United States, or

16 (4) protectorate of the United States;

17 11. "Significant interest" or "substantial control" means:

18 a. an interest of thirty-three percent (33%) or more held
19 by:

20 (1) a party referred to in subparagraph d of
21 paragraph 6 of this section,

22 (2) an individual referred to in subparagraph a of
23 paragraph 6 of this section,

- (3) a party referred to in subparagraph c of paragraph 6 of this section, or
- (4) a single government referred to in subparagraph b of paragraph 6 of this section,

b. an interest of thirty-three percent (33%) or more held whenever the parties, individuals, or governments referred to in paragraph 6 of this section are acting in concert with respect to the interest even though no single individual, party, or government holds an interest of thirty-three percent (33%) or more, or

c. an interest of fifty percent (50%) or more, in the aggregate, held by parties, individuals, or governments referred to in paragraph 6 of this section even though the individuals, parties, or foreign governments may not be acting in concert.

SECTION 2. NEW LAW A new section of law to be codified

17 in the Oklahoma Statutes as Section 128.2 of Title 60, unless there
18 is created a duplication in numbering, reads as follows:

19 A. 1. A prohibited foreign party or a prohibited foreign-
20 party-controlled business shall not acquire by grant, purchase,
21 devise, descent, or otherwise any interest in real property in this
22 state.

2. A party may not hold real property as an agent, trustee, or other fiduciary for a prohibited foreign party or prohibited foreign-party-controlled business in violation of this section.

B. A prohibited foreign party or a prohibited foreign-party-controlled business entity in violation of this section shall have one (1) year to divest of the real property.

C. If a prohibited foreign party or a prohibited foreign-party-controlled business entity does not divest the real property as required by subsection B of this section, the district attorney having jurisdiction or the Attorney General shall commence an action in the district court within the jurisdiction of the real property.

1. If the ownership of the real property is determined by the district court to be in violation of this section, the court shall order that the real property be sold through judicial foreclosure.

2. Proceeds of the sale shall be disbursed to lienholders, in the order of priority, except for liens which, under the terms of the sale, are to remain on the real property.

3. The district attorney or Attorney General shall promptly record a copy of the following in the county clerk's office of the county where the real property is located:

- a. upon commencement, notice of the pendency of an action brought under this subsection, and
- b. the order for the sale of the real property under paragraph 1 of this subsection.

1 D. A prohibited foreign party or a prohibited foreign-party-
2 controlled business entity shall, upon conviction, be guilty of a
3 felony punishable by not more than two (2) years' imprisonment or a
4 fine of Thirty Thousand Dollars (\$30,000.00), or both.

5 E. It is an affirmative defense to prosecution under this
6 section that a prohibited foreign party or prohibited foreign-party-
7 controlled business entity is a resident alien of the State of
8 Oklahoma.

9 F. Title to real property is not invalid or subject to
10 divestiture due to a violation of this section by:

- 11 1. Any former owner; or
- 12 2. Another person holding or owning a former interest in the
13 real property.

14 G. Individuals not subject to this section shall be required to
15 determine or inquire into whether another person is or may be
16 subject to this section.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 128.3 of Title 60, unless there
19 is created a duplication in numbering, reads as follows:

20 A. 1. Except as provided in Section 4 of this act, a
21 prohibited foreign party or a prohibited foreign-party-controlled
22 business entity shall not acquire by grant, purchase, devise,
23 descent, or otherwise any interest in agricultural land in this
24 state regardless of whether the prohibited foreign party or a

1 prohibited foreign-party-controlled business entity intends to use
2 the agricultural land for nonfarming purposes.

3 2. A party may not hold agricultural land as an agent, trustee,
4 or other fiduciary for a prohibited foreign party in violation of
5 this act.

6 B. A prohibited foreign party or a prohibited foreign-party-
7 controlled business entity that acquires agricultural land in
8 violation of this section remains in violation as long as the
9 prohibited foreign party or a prohibited foreign-party-controlled
10 business entity holds an interest in the agricultural land.

11 SECTION 4. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 128.4 of Title 60, unless there
13 is created a duplication in numbering, reads as follows:

14 A. A prohibited foreign party or a prohibited foreign-party-
15 controlled business entity, who is a resident alien of the United
16 States, shall have the right to acquire and hold agricultural land
17 in the state upon the same terms as a citizen of the United States
18 during the continuance of his or her residence in the State of
19 Oklahoma.

20 B. 1. If a prohibited foreign party or a prohibited foreign-
21 party-controlled business entity is no longer a resident alien under
22 subsection A of this section, he or she shall have one (1) year to
23 divest of the agricultural land.

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1 2. If the prohibited foreign party or a prohibited foreign-
2 party-controlled business entity does not divest of the agricultural
3 land as required by paragraph 1 of this subsection, the district
4 attorney having jurisdiction or the Attorney General shall commence
5 an action in district court within the jurisdiction of the
6 agricultural land.

7 3. If the ownership of the agricultural land is held in
8 violation of this section, the district court shall order that the
9 agricultural land be sold through judicial foreclosure.

10 C. 1. If any person or entity determines a prohibited foreign
11 party or a prohibited foreign-party-controlled business entity has
12 acquired agricultural land in Oklahoma in violation of this act, the
13 person or entity shall report the violation to the district attorney
14 having jurisdiction or the Attorney General.

15 2. Upon receiving notice under paragraph 1 of this subsection
16 or upon receipt of information that leads the district attorney
17 having jurisdiction or the Attorney General to believe that a
18 violation of this act may exist, the Attorney General may issue
19 subpoenas requiring the:

- 20 a. appearance of witnesses,
- 21 b. production of relevant records, and
- 22 c. giving of relevant testimony.

23 3. If, as a result of the investigation under paragraph 2 of
24 this subsection, the district attorney having jurisdiction or the

1 Attorney General concludes that a violation of this act has
2 occurred, the district attorney having jurisdiction or the Attorney
3 General shall commence an action in the district court within the
4 jurisdiction of the agricultural land.

5 4. If the ownership of the agricultural land is held in
6 violation of this act, the district court shall order that the
7 agricultural land be sold through judicial foreclosure.

8 D. 1. The proceeds of the sale of agricultural land by
9 judicial foreclosure authorized under this section shall be
10 disbursed to lienholders, in the order of priority, except for liens
11 which under the terms of the sale are to remain on the agricultural
12 land.

13 2. The district attorney having jurisdiction or the Attorney
14 General shall promptly record a copy of the following in the county
15 clerk's office where the agricultural land is located:

16 a. upon commencement, notice of the pendency of an action
17 brought under paragraph 2 of subsection B and under
18 paragraph 3 of subsection C of this section, and
19 b. the order for the sale of the agricultural land under
20 paragraph 3 of subsection B and under paragraph 4 of
21 subsection C of this section.

22 E. Title to agricultural land is not invalid or subject to
23 divestiture due to a violation of this act by:

24 1. Any former owner; or

1 2. Another person holding or owning a former interest in the
2 agricultural land.

3 F. No person not subject to this act shall be required to
4 determine or inquire into whether another person is or may be
5 subject to this act.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 128.5 of Title 60, unless there
8 is created a duplication in numbering, reads as follows:

9 A. A prohibited foreign party or prohibited foreign-party-
10 controlled business entity owning agricultural land on or after the
11 effective date of this act and not listed under one of the
12 exceptions set out in subsections A and B of Section 4 of this act
13 shall, upon conviction, be guilty of a felony punishable by
14 imprisonment for not more than two (2) years, or a fine of Thirty
15 Thousand Dollars (\$30,000.00), or by both such imprisonment and
16 fine.

17 B. It is an affirmative defense to prosecution under this
18 section that a prohibited foreign party or prohibited foreign-party-
19 controlled business entity is a resident alien of the State of
20 Oklahoma.

21 SECTION 6. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 128.6 of Title 60, unless there
23 is created a duplication in numbering, reads as follows:

1 On or after the effective date of this act, any deed recorded
2 with a county clerk shall include, as an exhibit to the deed, an
3 affidavit executed by the person or entity acquiring title attesting
4 that the person, business entity, or trust is obtaining the land in
5 compliance with the requirements of Sections 2, 3, 4, and 5 of this
6 act and that no funding source is being used in the sale or transfer
7 in violation of Sections 2, 3, 4, and 5 of this act or any other
8 state or federal law. A county clerk shall not accept and record
9 any deed without an affidavit as required by this section. The
10 Attorney General shall promulgate a separate affidavit form for
11 individuals and for business entities or trusts to comply with the
12 requirements of this section, with the exception of those deeds
13 which the Attorney General deems necessary when promulgating the
14 affidavit form.

15 SECTION 7. This act shall become effective November 1, 2026.

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