

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3803

By: Adams

6 AS INTRODUCED

7 An Act relating to foreign ownership of land;
8 providing criminal penalty for violation; amending 60
9 O.S. 2021, Sections 121, as last amended by Section
10 1, Chapter 373, O.S.L. 2024 (60 O.S. Supp. 2025,
11 Section 121), 122, 123, 124, 127, as amended by
12 Section 5, Chapter 373, O.S.L. 2024 (60 O.S. Supp.
13 2025, Section 127), which relates to foreign
14 ownership of land; defining terms; removing terms;
15 restricting a prohibited foreign-party-controlled
16 business from acquiring land; providing that a party
may not hold or retain land as an agent, trustee, or
other fiduciary for certain parties; prohibiting
certain leases; providing that a prohibited foreign
party shall not own certain agricultural land;
providing that a resident is not a prohibited foreign
party; providing timeline for divestiture of certain
property; updating statutory references; updating
timing provision to divest certain property; updating
certain allowed ownership timing provision; providing
for codification; and providing an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified

21 in the Oklahoma Statutes as Section 128 of Title 60, unless there is
22 created a duplication in numbering, reads as follows:

23 A prohibited foreign party or other party acting in concert with
24 a prohibited foreign party as an agent, trustee, or other fiduciary

1 | owning land in violation of this act upon conviction shall be guilty
2 | of a felony and shall be punishable by a fine not exceeding Fifteen
3 | Thousand Dollars (\$15,000.00), by imprisonment in the State
4 | Penitentiary not exceeding two (2) years, or by both such fine and
5 | imprisonment.

6 | SECTION 2. AMENDATORY 60 O.S. 2021, Section 121, as last
7 | amended by Section 1, Chapter 373, O.S.L. 2024 (60 O.S. Supp. 2025,
8 | Section 121), is amended to read as follows:

9 | Section 121. A. As used in Sections 121 through 127 of this
10 | title:

- 11 | 1. "Agricultural land" means any Oklahoma land that is:
 - 12 | a. used for forestry production, including, without
13 | limitation, land exceeding ten (10) acres in which ten
14 | percent (10%) of the land is stocked by trees of any
15 | size, including land that formerly had trees of any
16 | size covering the land that will be naturally or
17 | artificially regenerated, or
 - 18 | b. currently used for, or, if currently idle, land last
19 | used within the past five (5) years, for farming,
20 | ranching, or timber production, except land not
21 | exceeding ten (10) acres in the aggregate, if the
22 | annual gross receipts from the sale of the farm,
23 | ranch, or timber products produced on the land do not
24 | exceed One Thousand Dollars (\$1,000.00), including,

without limitation, land used for activities described in the Standard Industrial Classification Manual (1987), Division A, exclusive of industry numbers 0711-0783, 0851, and 0912-0919 which cover animal trapping, game management, hunting carried on as a business enterprise, trapping carried on as a business enterprise, and wildlife management, and

c. shall not include oil, gas, and all other minerals, including coal, lignite, brine, and all minerals known and recognized as commercial minerals underlying the land.

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

3. "Critical infrastructure" means physical or virtual systems and assets that:

a. if incapacitated or destroyed would have a debilitating impact on security, national economic security, public health or safety, or any combination of security, national economic security, or public health and safety, and

b. are publicly or privately owned,

and includes, without limitation, the following:

- a. a military installation or facility,
- b. an emergency service,

- c. a power generation or transmission location,
- d. a utility,
- e. a bridge,
- f. a tunnel,
- g. a railway,
- h. a dam,
- i. a cybersecurity or classified information storage system, and
- j. a communication or information technology node or facility.

4. "Deed" means any instrument in writing whereby land is assigned, transferred, or otherwise conveyed to, or vested in, the person coming into title or, at his or her direction, any other person;

5. "Foreign government" means any government other than the federal government or any government of a state or a political subdivision of a state;

2. "Foreign government adversary" means a government other than the federal government of the United States, the government of any state, political subdivision of the state, tribe, territory, or possession of the United States and designated by the United States Secretary of State as hostile or a Country of Particular Concern (CPC);

1 3. ~~"Foreign government enterprise"~~ means a business entity,
2 sovereign wealth fund, or state-backed investment fund in which a
3 foreign government adversary holds a controlling interest;

4 4. ~~"Foreign government entity"~~ means a government other than
5 the federal government of the United States, the government of any
6 state, political subdivision of the state, tribe, territory, or
7 possession of the United States; and

8 6. "Interest in agricultural land" means all direct interest
9 acquired, transferred, or held in agricultural land, including,
10 without limitation, a lease of agricultural land;

11 5. 7. "Land" means the same as defined in Section 6 of this
12 title, but shall not include oil, gas, other minerals, or any
13 interest therein.

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

17 9. "Prohibited foreign party" means:

18 a. a citizen or resident of a country subject to
19 International Traffic in Arms Regulations, pursuant to
20 22 C.F.R., Section 126.1, unless the person is also a
21 citizen of the United States,

22 b. a foreign government formed within a country subject
23 to International Traffic in Arms Regulations, pursuant
24 to 22 C.F.R., Section 126.1,

1 c. a party or entity other than an individual or a
2 government that is created or organized under the laws
3 of a foreign government within a country subject to
4 International Traffic in Arms Regulations, pursuant to
5 22 C.F.R., Section 126.1,

6 d. any party or entity other than an individual or a
7 government:

8 (1) that is created or organized under the laws of
9 any state, and

10 (2) in which a significant interest or substantial
11 control is directly or indirectly held or is
12 capable of being exercised by:

13 (a) an individual referred to in subparagraph a
14 of this paragraph,

15 (b) a foreign government referred to in
16 subparagraph b of this section,

17 (c) a party or entity referred to in
18 subparagraph c of this paragraph, or

19 (d) a combination of the individuals, parties,
20 entities, or governments referred to in this
21 division,

22 e. an Entity of Particular Concern designated by the
23 United States Department of State, or

1 f. an agent, trustee, or other fiduciary of a person or
2 entity enumerated in subparagraphs a through e of this
3 paragraph;

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

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

11 12. "Resident alien" means a person who:

12 a. is not a citizen of the United States, and
13 b. is a bona fide resident of Oklahoma;

14 13. "Significant interest" or "substantial control" means:

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

17 (1) a party referred to in subparagraph d of
18 paragraph 9 of this subsection,
19 (2) an individual referred to in subparagraph a of
20 paragraph 9 of this subsection,
21 (3) a party referred to in subparagraph c of
22 paragraph 9 of this subsection,
23 (4) a single government referred to in subparagraph b
24 of paragraph 9 of this subsection,

(5) a party acting in concert with one (1) or more prohibited foreign parties,

- b. an interest of thirty-three percent (33%) or more held whenever the parties, individuals, or governments referred to in paragraph 9 of this subsection 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 9 of this subsection even though the individuals, parties, or foreign governments may not be acting in concert.

B. No alien or any person who is not a citizen of the United States.

16 ~~States or foreign government adversary shall acquire title to or own~~
17 ~~land in this state either directly or indirectly through a business~~
18 ~~entity, trust, or foreign government enterprise, except as~~
19 ~~hereinafter provided, but they shall have and enjoy in this state~~
20 ~~such rights as to personal property as are, or shall be, accorded a~~
21 ~~citizen of the United States under the laws of the nation to which~~
22 ~~such alien belongs, or by the treaties of such nation with the~~
23 ~~United States, except as the same may be affected by the provisions~~
24 ~~of Section 121 et seq. of this title or the Constitution of this~~

1 state. Provided, however, the requirements of this subsection shall
2 not apply to a business entity that is engaged in regulated
3 interstate commerce or has a national security agreement with the
4 Committee on Foreign Investment in the United States (CFIUS) in
5 accordance with federal law. A prohibited foreign-party-controlled
6 business shall not acquire by grant, purchase, lease, devise,
7 descent, or otherwise to any interest in land in this state.

8 C. A party may not hold or retain land as an agent, trustee, or
9 other fiduciary for a prohibited foreign-party-controlled business
10 in violation of this section.

11 D. A prohibited foreign-party-controlled business shall not
12 lease any interest in land in this state.

13 E. A prohibited foreign party shall not hold any interest in
14 agricultural land located within a ten-mile radius of critical
15 infrastructure.

16 F. An individual who is a resident shall not be considered a
17 prohibited foreign party.

18 G. A prohibited foreign-party-controlled business entity in
19 violation of this section shall have one (1) year to divest their
20 interest in the land.

21 E. H. On or after November 1, 2023, any deed recorded with a
22 county clerk shall include as an exhibit to the deed an affidavit
23 executed by the person, the person's attorney-in-fact, a court-
24 appointed guardian or personal representative, an authorized officer

1 of the entity, or trustee of the trust coming into title attesting
2 that the person, business entity, or trust is obtaining the land in
3 compliance with the requirements of this section and that no funding
4 source is being used in the sale or transfer in violation of this
5 section or any other state or federal law. A county clerk shall not
6 accept and record any deed without an affidavit as required by this
7 section which is duly notarized pursuant to Title 49 of the Oklahoma
8 Statutes. The requirements of this subsection shall not apply to a:

9 1. Deed which, without additional consideration, confirms,
10 corrects, modifies, or supplements a deed previously recorded;

11 2. Deed made by a grantor to cure a defect in title or
12 effectuate a disclaimer of interest in real property;

13 3. Transfer-on-death deed made by a grantor designating a
14 grantee beneficiary pursuant to the Nontestamentary Transfer of
15 Property Act, Section 1251 et seq. of Title 58 of the Oklahoma
16 Statutes;

17 4. State or federal court order in an action to quiet title or
18 to cure a defect in title;

19 5. State or federal court order or decree in probate,
20 partition, quiet title, and divorce actions;

21 6. Deed which secures a debt or other obligation, or which
22 releases such property as security for a debt or other obligation;

23 7. Deed of dedication to the public; or

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1 8. Deed in favor of the United States or any of its political
2 subdivisions, a state or any of its political subdivisions, or a
3 tribe.

4 The applicable exemption shall be shown on the face of the deed
5 prior to the recording of the deed and no affidavit shall be
6 required.

7 D. The Attorney General shall promulgate a separate affidavit
8 form for individuals and for business entities or trusts to comply
9 with the requirements of this section. The Attorney General may
10 establish additional exemptions which the Attorney General deems
11 necessary to substantially comply with the requirements of this
12 section. The county clerk may accept an affidavit in substantial
13 compliance with the affidavit form promulgated by the Attorney
14 General.

15 SECTION 3. AMENDATORY 60 O.S. 2021, Section 122, is
16 amended to read as follows:

17 Section 122. This article shall not apply to lands now owned in
18 this state by resident aliens so long as they are held by the
19 present owners, nor to any resident alien who is or shall take up
20 bona fide residence in this state: and any resident alien who is or
21 shall become a bona fide resident of the State of Oklahoma shall
22 have the right to acquire and hold lands in this state upon the same
23 terms as citizens of the State of Oklahoma during the continuance of
24 such bona fide residence of such resident alien in this state:

1 Provided, that if any such resident alien shall cease to be a bona
2 fide inhabitant of this state, such alien shall have ~~five (5) years~~
3 one (1) year from the time ~~he ceases~~ he or she ceases to be ~~such~~
4 bona fide resident in which to alienate such lands.

5 SECTION 4. AMENDATORY 60 O.S. 2021, Section 123, is
6 amended to read as follows:

7 ~~All nonresident aliens~~ A prohibited foreign party or a
8 prohibited foreign-party-controlled business entity who may
9 hereinafter acquire real estate in Oklahoma by devise, descent or by
10 purchase, where such purchase is made under any legal proceeding
11 foreclosing liens in favor of such alien, may hold the same for ~~five~~
12 ~~(5) years~~ one (1) year from the date of so acquiring such title.

13 SECTION 5. AMENDATORY 60 O.S. 2021, Section 124, is
14 amended to read as follows:

15 Section 124. Any ~~alien~~ prohibited foreign party or prohibited
16 foreign-party-controlled business entity who shall hereafter hold
17 lands in this state in contravention of the provisions of this
18 article, may nevertheless convey the fee simple title thereof at any
19 time before the institution of foreclosure proceedings as
20 hereinafter provided. Provided, however, that if any such
21 conveyance shall be made by such ~~alien~~ prohibited foreign party or
22 prohibited foreign-party-controlled business entity either to an
23 ~~alien~~ a prohibited foreign party or prohibited foreign-party-
24 controlled business entity or a citizen of the United States in

1 trust, and for the purpose and with the intention of evading the
2 provisions of this article, or the provisions of the Constitution of
3 this state, such conveyance shall be null and void, and any such
4 lands so conveyed shall be forfeited and absolutely foreclosed upon.

5 SECTION 6. AMENDATORY 60 O.S. 2021, Section 127, as
6 amended by Section 5, Chapter 373, O.S.L. 2024 (60 O.S. Supp. 2025,
7 Section 127), is amended to read as follows:

8 Section 127. If it shall be determined upon the trial of any
9 such foreclosure proceedings that lands are held contrary to the
10 provisions of this article, or the Constitution of this state, the
11 court trying such cause shall render judgment condemning such lands,
12 and order the same to be sold under the order of court, at such
13 time, terms, and conditions as to the court may seem best; the
14 proceeds of such sale, after deducting the cost of the proceeding,
15 shall be paid to any lienholders of the property if applicable, then
16 the rest shall be paid to the clerk of the court rendering the
17 judgment where the same shall remain for one (1) year from the date
18 of such payment, subject to the order of the alien prohibited
19 foreign party or prohibited foreign-party-controlled business entity
20 owner of such lands, his or her heirs and legal representatives, and
21 if not claimed within the period of one (1) year, such clerk shall
22 pay the same into the State Treasury for the benefit of the
23 available school fund of the state. Provided, that when any money
24 shall have been paid to the State Treasurer as hereinabove provided,

1 an alien the prohibited foreign party or prohibited foreign-party-
2 controlled business entity or his or her heirs may procure the same
3 to be returned by applying for and procuring an order from the court
4 condemning the property showing that such judgment foreclosing the
5 property was procured by fraud, or mistake, or that there was
6 material irregularity in the proceedings; this application, however,
7 must be made within two (2) years from the date such monies were
8 turned over into the State Treasury; and in no event shall the state
9 be liable or called on to refund any further sum than the actual
10 cash transmitted and delivered to such Treasurer. Provided further,
11 that the defendant in such foreclosure proceedings may at any time
12 before final judgment suggest and prove to the court that he or she
13 has conformed to or complied with the law, under and by which he or
14 she will be entitled to hold such estate; which, it being admitted
15 or proved, the suit shall be dismissed on payment by defendant of
16 the costs and reasonable attorney fees, to be fixed by the court.

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

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