

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3803

By: Adams

AS INTRODUCED

An Act relating to foreign ownership of land; providing criminal penalty for violation; amending 60 O.S. 2021, Sections 121, as last amended by Section 1, Chapter 373, O.S.L. 2024 (60 O.S. Supp. 2025, Section 121), 122, 123, 124, 127, as amended by Section 5, Chapter 373, O.S.L. 2024 (60 O.S. Supp. 2025, Section 127), which relates to foreign ownership of land; defining terms; removing terms; restricting a prohibited foreign-party-controlled 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.

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 128 of Title 60, unless there is created a duplication in numbering, reads as follows:

A prohibited foreign party or other party acting in concert with 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,

1 without limitation, land used for activities described  
2 in the Standard Industrial Classification Manual  
3 (1987), Division A, exclusive of industry numbers  
4 0711-0783, 0851, and 0912-0919 which cover animal  
5 trapping, game management, hunting carried on as a  
6 business enterprise, trapping carried on as a business  
7 enterprise, and wildlife management, and  
8 c. shall not include oil, gas, and all other minerals,  
9 including coal, lignite, brine, and all minerals known  
10 and recognized as commercial minerals underlying the  
11 land.

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

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

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

21 b. are publicly or privately owned,

22 and includes, without limitation, the following:

23 a. a military installation or facility,

24 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  
24

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,

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

3       b. an interest of thirty-three percent (33%) or more held  
4       whenever the parties, individuals, or governments  
5       referred to in paragraph 9 of this subsection are  
6       acting in concert with respect to the interest even  
7       though no single individual, party, or government  
8       holds an interest of thirty-three percent (33%) or  
9       more, or

10       c. an interest of fifty percent (50%) or more, in the  
11       aggregate, held by parties, individuals, or  
12       governments referred to in paragraph 9 of this  
13       subsection even though the individuals, parties, or  
14       foreign governments may not be acting in concert.

15       ~~B. No alien or any person who is not a citizen of the United~~  
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 ~~C.~~ 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  
24

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 ceased~~ 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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