

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1607

By: Walke

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Sections 1835 and 1835.1, which relate
9 to penalties for trespassing on certain property;
10 making certain acts unlawful; removing requirement to
11 post certain property; modifying conditions that
12 allow businesses to forbid certain persons from
13 entering the premises; and providing an effective
14 date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1835, is
17 amended to read as follows:

18 Section 1835. A. Whoever shall willfully or maliciously ~~enter~~:

19 1. Enter the garden, yard, pasture or field of another after
20 being expressly forbidden to do so or without permission by the
21 owner or lawful occupant thereof when such property is posted; or

22 2. Enter into a house or attached or detached outbuilding
23 within the curtilage of a house, a fenced-in patio or garden area of
24 a house, or any other enclosed and locked property belonging to
another person or legal entity, without prior consent of the owner

1 or lawful occupant under circumstances where the person reasonably
2 should know that he or she does not have permission to enter,
3 shall be deemed guilty of trespass and upon conviction thereof shall
4 be ~~fin~~~~ed in any sum~~ punished by a fine not ~~to exceed~~ exceeding Two
5 Hundred Fifty Dollars (\$250.00); provided, that this provision shall
6 not apply to registered land surveyors and registered professional
7 engineers for the purpose of land surveying in the performance of
8 their professional services; and, provided further, that anyone who
9 willfully or maliciously enters any such garden, yard, pasture or
10 field or property of another, as described in paragraph 2 of this
11 subsection, and therein commits or attempts to commit waste, theft,
12 or damage shall be deemed guilty of a misdemeanor and upon
13 conviction thereof shall be ~~fin~~~~ed in any sum~~ punished by a fine of
14 not less than Fifty Dollars (\$50.00) ~~nor more than~~ and not exceeding
15 Five Hundred Dollars (\$500.00), or by ~~confinement~~ imprisonment in
16 the county jail for not less than thirty (30) days ~~nor more than~~ and
17 not exceeding six (6) months, or by both such fine and imprisonment.
18 For purposes of this section, "posted" means exhibiting signs to
19 read as follows: "PROPERTY RESTRICTED"; "POSTED - KEEP OUT"; "KEEP
20 OUT"; "NO TRESPASSING"; or similar signs which are displayed.
21 Property that is ~~fenced or~~ not fenced must have such signs placed
22 conspicuously and at all places where entry to the property is
23 normally expected.

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1 B. No provisions of this act shall conflict with Section 5-202
2 or 6-304 of Title 29 of the Oklahoma Statutes.

3 C. Whoever shall willfully enter the pecan grove of another
4 without the prior consent of the owner or occupant thereof ~~to so do~~
5 shall be deemed guilty of trespass and upon conviction thereof shall
6 be ~~fin~~~~ed in any sum~~ punished by a fine not ~~to exceed~~ exceeding
7 Twenty-five Dollars (\$25.00); provided, that anyone who willfully
8 enters any such pecan grove and therein commits or attempts to
9 commit waste, theft, or damage shall be deemed guilty of a
10 misdemeanor and upon conviction thereof shall be ~~fin~~~~ed in any sum~~
11 punished by a fine not ~~more than~~ exceeding Five Hundred Dollars
12 (\$500.00), or by ~~confinement~~ imprisonment in the county jail for not
13 less than thirty (30) days ~~nor more than~~ and not exceeding six (6)
14 months, or by both such fine and imprisonment.

15 D. Whoever shall willfully or maliciously enter upon property
16 owned or managed by the Grand River Dam Authority without permission
17 when such property is posted shall be deemed guilty of misdemeanor
18 trespass and upon conviction thereof shall be ~~fin~~~~ed in any sum~~
19 punished by a fine not ~~to exceed~~ exceeding Two Hundred Fifty Dollars
20 (\$250.00); provided, that this provision shall not apply to
21 registered land surveyors and registered professional engineers for
22 the purpose of land surveying in the performance of their
23 professional services; and, provided further, that anyone who
24 willfully or maliciously enters upon property owned or managed by

1 the Grand River Dam Authority without permission and therein commits
2 or attempts to commit waste, theft, or damage shall be deemed guilty
3 of misdemeanor trespass, and upon conviction thereof shall be ~~fin~~
4 ~~in any sum~~ punished by a fine of not less than Fifty Dollars
5 (\$50.00) ~~nor more than~~ and not exceeding Five Hundred Dollars
6 (\$500.00), or by ~~confinement~~ imprisonment in the county jail for not
7 less than thirty (30) days ~~nor more than~~ and not exceeding six (6)
8 months, or by both such fine and imprisonment. For purposes of this
9 section, "posted" means exhibiting signs to read as follows:
10 "PROPERTY RESTRICTED"; "POSTED - KEEP OUT"; "KEEP OUT"; "NO
11 TRESPASSING"; or similar signs which are displayed. Property that
12 is fenced or not fenced must have such signs placed conspicuously
13 and at all places where entry to the property is normally expected.

14 E. Notwithstanding the provisions of this section, the
15 Governor's Mansion and its grounds and appurtenances shall not be
16 required to be posted with signs warning against trespass. Any
17 person who shall willfully or maliciously enter the grounds of the
18 Governor's Mansion within the State Capitol Park, as defined in
19 Section 1811.4 of Title 74 of the Oklahoma Statutes, except at a
20 place where entry to the property is normally expected shall be
21 deemed guilty of a misdemeanor and upon conviction thereof shall be
22 ~~fin~~ punished by a fine not more than exceeding Five
23 Hundred Dollars (\$500.00), or by ~~confinement~~ imprisonment in the
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1 county jail for not less than thirty (30) days ~~nor more than~~ and not
2 exceeding six (6) months, or by both such fine and imprisonment.

3 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1835.1, is
4 amended to read as follows:

5 Section 1835.1 A. Every person, partnership, corporation or
6 other legal entity engaged in any public business, trade, or
7 profession of any kind wherein merchandise, goods or services are
8 offered for sale may forbid the entry or presence of any person upon
9 the premises of the place of business, if the owner or an agent of
10 the owner of the public business, trade or profession reasonably
11 believes that the person has been ~~convicted of~~ a participant in a
12 crime involving entry onto or criminal acts occurring upon any real
13 property owned, leased, or under the control of such person,
14 partnership, corporation or other legal entity. Such crimes shall
15 include, but are not limited to, shoplifting, vandalism, and
16 disturbing the peace while upon the premises of any place of
17 business of the person, partnership, corporation, or other legal
18 entity.

19 B. In order to exercise the authority conferred by subsection A
20 of this section, the owner or an agent of the owner of a public
21 business, trade, or profession must notify the person whom the owner
22 or agent desires to prohibit from such owner's place of business.

23 C. No person shall willfully enter or remain upon the premises
24 after being expressly forbidden to do so in the manner provided for

1 in this section. Any person convicted of violating the provisions
2 of this section, upon conviction, shall be guilty of trespass and
3 shall be punished by a fine ~~of not more than~~ exceeding Two Hundred
4 Fifty Dollars (\$250.00), or by confinement imprisonment in the
5 county jail for a term ~~of not more than~~ exceeding thirty (30) days,
6 or by both such fine and imprisonment.

7 D. The provisions of this act shall not preclude any other
8 remedy allowed by law.

9 SECTION 3. This act shall become effective November 1, 2021.

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