

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2309

By: Tadlock

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Section 1835, which relates to trespass
9 without permission; modifying language; modifying
10 definition; describing method for posting with purple
11 paint marks; specifying requirements for posting;
12 construing provision; updating language; and
13 providing an effective date.

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

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

17 Section 1835. A. Whoever shall willfully or maliciously enter
18 the garden, yard, pasture or field of another after being expressly
19 forbidden to do so or without permission by the owner or lawful
20 occupant thereof when such property is posted, as defined by this
21 subsection, shall be deemed guilty of trespass and upon conviction
22 ~~thereof shall be fined in any sum not to exceed~~ punished by a fine
23 of not more than Two Hundred Fifty Dollars (\$250.00); provided, that
24 this provision shall not apply to registered land surveyors and
registered professional engineers for the purpose of land surveying

1 in the performance of their professional services; and, provided
2 further, that anyone who willfully or maliciously enters any such
3 garden, yard, pasture or field, and therein commits or attempts to
4 commit waste, theft, or damage shall be deemed guilty of a
5 misdemeanor and upon conviction thereof shall be ~~fin~~ed in any sum
6 punished by a fine of not less than Fifty Dollars (\$50.00) nor more
7 than Five Hundred Dollars (\$500.00), or by ~~confinement~~ imprisonment
8 in the county jail for not less than thirty (30) days nor more than
9 six (6) months, or both such fine and imprisonment. For purposes of
10 this ~~section~~ subsection, "posted" means ~~exhibiting~~:

11 1. Exhibiting signs to read as follows: "PROPERTY RESTRICTED";
12 "POSTED - KEEP OUT"; "KEEP OUT"; "NO TRESPASSING"; or similar signs
13 which are displayed. Property that is fenced or not fenced must
14 have such signs placed conspicuously and at all places where entry
15 to the property is normally expected; or

16 2. Placing identifying purple paint marks on posts around the
17 property. Each purple paint mark shall be a vertical line of at
18 least eight (8) inches in length and the bottom of the mark shall be
19 no less than three (3) feet and no more than five (5) feet high.
20 The purple paint marks shall be placed no more than one hundred
21 (100) feet apart and at each point of entry and shall be readily
22 visible to any person approaching the property.

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

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

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

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

15 E. Notwithstanding the provisions of this section, the
16 Governor's Mansion and its grounds and appurtenances shall not be
17 required to be posted with signs warning against trespass. Any
18 person who shall willfully or maliciously enter the grounds of the
19 Governor's Mansion within the State Capitol Park, as defined in
20 Section 1811.4 of Title 74 of the Oklahoma Statutes, except at a
21 place where entry to the property is normally expected shall be
22 deemed guilty of a misdemeanor and upon conviction shall be ~~fin~~
23 ~~a sum~~ punished by a fine of not more than Five Hundred Dollars
24 (\$500.00), or by ~~confinement~~ imprisonment in the county jail for not

1 less than thirty (30) days nor more than six (6) months, or by both
2 fine and imprisonment.

3 SECTION 2. This act shall become effective November 1, 2017.
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