

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 4104

By: Frix

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5
6 AS INTRODUCED

7 An Act relating to trespassing; amending 21 O.S.
8 2021, Section 1835, which relates to the penalty for
9 trespassing after being forbidden; requiring posting
10 on property; defining terms; providing that purple
11 paint marks mean no trespassing; requiring the
12 posting of signs explaining the meaning of purple
13 paint marks; and providing an effective date.

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

15 SECTION 1. SECTION 1. AMENDATORY 21 O.S. 2021,

Section 1835, is amended to read as follows:

16 A. 1. Whoever shall willfully or maliciously enter the garden,
17 yard, pasture or field of another after being expressly forbidden to
18 do so or without permission by the owner or lawful occupant thereof
19 when such property is posted, as defined by this subsection, shall
20 be deemed guilty of trespass and upon conviction shall be punished
21 by a fine of not more than Two Hundred Fifty Dollars (\$250.00);
22 provided, that this provision shall not apply to registered land
23 surveyors and registered professional engineers for the purpose of
24 land surveying in the performance of their professional services;

1 and, provided further, that anyone who willfully or maliciously
2 enters any such garden, yard, pasture or field, and therein commits
3 or attempts to commit waste, theft or damage shall be deemed guilty
4 of a misdemeanor and upon conviction shall be fined not less than
5 Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00),
6 or by confinement in the county jail for not less than thirty (30)
7 days nor more than six (6) months, or both such fine and
8 imprisonment. For purposes of this section, "posted" means placing
9 purple paint marks on posts on the property, provided that the marks
10 are:

- 11 a. vertical lines at least one (1) inch in width and at
12 least eight (8) inches in length,
- 13 b. placed so that the bottom of the marks is not less
14 than three (3) feet from the ground or more than five
15 (5) feet from the ground, and
- 16 c. placed at locations that are readily visible to any
17 person approaching the property and no more than one
18 thousand (1,000) feet apart on land other than forest
19 and one hundred (100) feet apart on forest land.

20 ~~1.~~ 2. This provision shall not apply to:

- 21 a. peace officers as defined in Section 99 of this title,
- 22 b. federal, state or local government employees engaged
23 in the performance of their duties,

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- 1 c. firefighters, emergency medical personnel or public
2 utility employees engaged in addressing an emergency
3 that presents an imminent danger to health, safety or
4 the environment in the performance of their duties, or
5 d. parties engaged in oil and gas operations, which shall
6 include, without limitation, exploration, drilling,
7 production and sales activities, under authority of
8 mineral ownership, an oil and gas lease, seismic
9 agreement or permit, gas gathering, purchase,
10 transportation or treating contracts, Corporation
11 Commission or other lawful authority from persons
12 entitled to give the same;

13 ~~2.~~ 3. The provisions of this section shall not prohibit:

- 14 a. railroad employees and emergency equipment from
15 entering such land to restore rail service following
16 an accident, derailment or natural disaster,
17 b. the entrance of utility employees or contractors while
18 acting in the scope of their employment, or
19 c. employees or contractors of valid easement or license
20 holders while acting in the scope of their employment;

21 ~~3.~~ 4. The following persons may enter such land of another
22 unless forbidden to do so, either orally or in writing, by the owner
23 or lawful occupier thereof:
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- 1 a. registered land surveyors and registered professional
2 engineers for the purpose of land surveying in the
3 performance of their professional services,
4 b. persons making a delivery, selling a product or
5 service, conducting a survey or poll, working on
6 behalf of a candidate for political office, or
7 c. persons who have a legitimate reason for entering and
8 who, immediately upon entering, seek to conduct
9 business.

10 B. Beginning November 1, 2022, when a landowner uses purple
11 marks to identify no trespassing, whether the property is fenced or
12 not fenced, such marks shall be accompanied by signs placed
13 conspicuously at all places where entry to the property is normally
14 expected, explaining that the purple marks means no trespassing,
15 property restricted, or similar explanation of what the purple mark
16 indicates. On and after November 1, 2023, no sign shall be required
17 to explain the purple marks.

18 C. Anyone who willfully or maliciously enters any such land of
19 another and commits or attempts to commit waste, theft or damage
20 shall be deemed guilty of a misdemeanor and upon conviction shall be
21 punished by imprisonment in the county jail for a term of not less
22 than thirty (30) days nor more than six (6) months, by a fine of not
23 less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
24 (\$500.00), or by both such fine and imprisonment.

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

4 ~~D.~~ E. 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 shall be
7 punished by a fine of not more than Twenty-five Dollars (\$25.00);
8 provided, that anyone who willfully enters any such pecan grove and
9 therein commits or attempts to commit waste, theft or damage shall
10 be deemed guilty of a misdemeanor and upon conviction shall be
11 punished by a fine of not more than Five Hundred Dollars (\$500.00),
12 or by imprisonment in the county jail for not more than six (6)
13 months, or by both such fine and imprisonment.

14 ~~E.~~ F. Whoever shall willfully or maliciously enter upon
15 property owned or managed by the Grand River Dam Authority without
16 permission shall be deemed guilty of misdemeanor trespass and upon
17 conviction shall be punished by a fine of not more than Two Hundred
18 Fifty Dollars (\$250.00); provided, that this provision shall not
19 apply to registered land surveyors and registered professional
20 engineers for the purpose of land surveying in the performance of
21 their professional services; and, provided further, that anyone who
22 willfully or maliciously enters upon property owned or managed by
23 the Grand River Dam Authority without permission and therein commits
24 or attempts to commit waste, theft or damage shall be deemed guilty

1 of misdemeanor trespass and upon conviction shall be punished by a
2 fine of not less than Fifty Dollars (\$50.00) nor more than Five
3 Hundred Dollars (\$500.00), or by imprisonment in the county jail for
4 not less than thirty (30) days nor more than six (6) months, or by
5 both such fine and imprisonment.

6 ~~F.~~ G. Any person who shall willfully or maliciously enter the
7 grounds of the Governor's Mansion within the State Capitol Park, as
8 defined in Section 1811.4 of Title 74 of the Oklahoma Statutes,
9 except at a place where entry to the property is normally expected,
10 shall be deemed guilty of a misdemeanor and upon conviction shall be
11 punished by a fine of not more than Five Hundred Dollars (\$500.00),
12 or by imprisonment in the county jail for not less than thirty (30)
13 days nor more than six (6) months, or by both such fine and
14 imprisonment.

15 SECTION 2. This act shall become effective November 1, 2022.

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