

# An Act

ENROLLED SENATE  
BILL NO. 1735

By: Daniels of the Senate

and

O'Donnell of the House

An Act relating to crimes and punishments; amending 21 O.S. Section 2021, Section 1438, which relates to penalties for unlawful entry without permission; making certain acts unlawful; providing penalties; and providing an effective date.

SUBJECT: Burglary

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1438, is amended to read as follows:

Section 1438. A. Every person who, under circumstances not amounting to any burglary, enters any building or part of any building, booth, tent, warehouse, railroad car, vessel, or other structure or erection with intent to commit any felony, larceny, or malicious mischief, is guilty of a misdemeanor.

B. Every person who, without the intention to commit any crime therein, shall willfully and intentionally break and enter into any building, trailer, vessel or other premises used as a dwelling without the permission of the owner or occupant thereof, except in the cases and manner allowed by law, shall be guilty of a misdemeanor.

C. Every person who, with the intent to commit a crime, enters an area of a commercial business that is:

1. Commonly reserved for personnel of the commercial business where money or other property is kept; or

2. Clearly marked with a sign or signs that indicates to the public that entry is forbidden,

shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a term of not more than one (1) year, or a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment. Any second or subsequent conviction under the provisions of this subsection shall be a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not more than two (2) years, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

SECTION 2. This act shall become effective November 1, 2024.

Passed the Senate the 20th day of May, 2024.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of April, 2024.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_