

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1994

By: Standridge, Bullard,
Hamilton, and Jett of the
Senate

6 and

7 Ford of the House

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to unlawful occupation of property;
11 authorizing property owners or their authorized
12 agents to request assistance from the sheriff from
13 where the property is located for the immediate
14 removal of unauthorized occupants under certain
15 conditions; requiring such owners or agents to submit
16 completed and verified complaints; specifying
17 requirements for complaints; providing requirements
18 for the sheriff; authorizing sheriffs to arrest
19 unauthorized occupants for legal cause; providing fee
20 for service of such notice; authorizing owners or
21 agents to request that sheriffs stand by while the
22 owner or agent takes possession of the property;
23 authorizing sheriffs to charge a reasonable hourly
24 rate; exempting sheriffs from liability to any party
for loss, destruction, or damage; exempting property
owners or agents from liability to any party for the
loss, destruction, or damage to personal property
unless it was wrongfully removed; providing civil
remedies; providing criminal penalties for certain
persons who cause intentional damages to the
property; providing criminal penalties for persons
who present false documents purporting to be valid
lease agreements, deeds, or other instruments
conveying real property rights; prohibiting use of
act to circumvent rights or laws governing the
landlord tenant relationship; providing for
codification; and declaring an emergency.

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

3 SECTION 1. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1354 of Title 21, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A property owner or his or her authorized agent may request
7 from the sheriff of the county in which the property is located the
8 immediate removal of a person or persons unlawfully occupying real
9 property pursuant to this section if all of the following conditions
10 are met:

11 1. The requesting person is the property owner or authorized
12 agent of the property owner;

13 2. An unauthorized person or persons have unlawfully entered
14 and remain or continue to reside on the property owner's property;

15 3. The real property was not open to members of the public at
16 the time the unauthorized person or persons entered;

17 4. The property owner or their agent has directed the
18 unauthorized persons to leave the property;

19 5. The unauthorized person or persons are not current or former
20 tenants pursuant to a written or oral rental agreement authorized by
21 the property owner;

22 6. The unauthorized person cannot produce documentation,
23 correspondence, or identification cards sent or issued by a
24 government agency, including, but not limited to, Service Oklahoma

1 or the Election Board, which show that the person used the property
2 address as an address of record with the agency within the previous
3 twelve (12) months;

4 7. The unauthorized person cannot produce a lease signed by the
5 property owner or their agent;

6 8. The unauthorized person or persons are not immediate family
7 members of the property owner; and

8 9. There is no pending litigation related to the real property
9 between the property owner and any known unauthorized person.

10 B. To request the immediate removal of an unlawful occupant of
11 a residential dwelling, the property owner or his or her authorized
12 agent must submit a complaint by presenting a completed and verified
13 Complaint to Remove Persons Unlawfully Occupying Residential Real
14 Property form to the sheriff of the county in which the real
15 property is located. The submitted complaint must be in
16 substantially the following form:

17 COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING

18 REAL PROPERTY

19 I, the owner or authorized agent of the owner of the real
20 property located at _____, declare under the penalty of
21 perjury that (initial each box):

22 1. _____ I am the owner of the real property or the authorized
23 agent of the owner of the real property.

24 2. _____ I purchased the property on _____.

1 3. _____ An unauthorized person or persons have unlawfully
2 entered and are remaining or residing unlawfully on the real
3 property.

4 4. _____ The real property was not open to members of the
5 public at the time the unauthorized person or persons entered.

6 5. _____ I have directed the unauthorized person or persons to
7 leave the real property, but they have not done so.

8 6. _____ The person or persons are not current or former
9 tenants pursuant to any valid lease authorized by the property
10 owner, and any lease that may be produced by an occupant is
11 fraudulent.

12 7. _____ The unauthorized person or persons sought to be
13 removed are not an owner or a co-owner of the property and have not
14 been listed on the title to the property unless the person or
15 persons have engaged in title fraud.

16 8. _____ The unauthorized person or persons are not immediate
17 family members of the property owner.

18 9. _____ There is no litigation related to the real property
19 pending between the property owner and any person sought to be
20 removed.

21 10. _____ I understand that a person or persons removed from
22 the property pursuant to this procedure may bring a cause of action
23 against me for any false statements made in this complaint, or for
24 wrongfully using this procedure, and that as a result of such action

1 I may be held liable for actual damages, penalties, costs, and
2 reasonable attorney fees.

3 11. _____ I am requesting the sheriff to immediately remove the
4 unauthorized person or persons from the property.

5 12. _____ A copy of my valid government-issued identification
6 is attached, or I am an agent of the property owner, and documents
7 evidencing my authority to act on the property owner's behalf are
8 attached.

9 I ACKNOWLEDGE AND UNDERSTAND THAT MAKING OR CAUSING TO BE MADE A
10 FALSE STATEMENT IN THIS AFFIDAVIT MAY SUBJECT ME TO CRIMINAL
11 PROSECUTION FOR PERJURY AND/OR BEING LIABLE FOR ACTUAL DAMAGES
12 SUFFERED OR INCURRED BY ANY PERSON OR OTHER ENTITY AS A RESULT OR
13 CONSEQUENCE OF THE MAKING OF OR RELIANCE UPON SUCH FALSE STATEMENT.

14 _____ (Signature of Property Owner or
15 Agent of Owner)

16 C. Upon receipt of the complaint, the sheriff shall verify that
17 the person submitting the complaint is the record owner of the real
18 property or the authorized agent of the owner and appears otherwise
19 entitled to relief under this section. If verified, the sheriff
20 must, without unnecessary delay, serve a notice to immediately
21 vacate on all the unlawful occupants and shall put the owner in
22 possession of the real property. Service may be accomplished by
23 hand delivery of the notice to an occupant or by posting the notice
24 on the front door or at a conspicuous location on the property. The

1 sheriff shall also attempt to verify the identities of all persons
2 occupying the property and note the identities on the return of
3 service. If appropriate, the sheriff may arrest any person found on
4 the property for trespass, outstanding warrants, or any other legal
5 cause.

6 D. The sheriff is entitled to the same fee for service of the
7 notice to immediately vacate as if the sheriff were serving a writ
8 of execution under Section 1148.10 of Title 12 of the Oklahoma
9 Statutes. After the sheriff serves the notice to immediately
10 vacate, the property owner or authorized agent may request that the
11 sheriff stand by to keep the peace while the property owner or agent
12 of the owner changes the locks and removes the personal property of
13 the unlawful occupants from the premises. When such a request is
14 made, the sheriff may charge a reasonable hourly rate, and the
15 person requesting the sheriff to stand by and keep the peace is
16 responsible for paying the reasonable hourly rate set by the
17 sheriff. The sheriff is not liable to the unlawful occupant or any
18 other party for loss, destruction, or damage of property. The
19 property owner or his or her authorized agent is not liable to an
20 unlawful occupant or any other party for the loss, destruction, or
21 damage to the personal property unless the removal was wrongful.

22 E. A person may bring a civil cause of action for wrongful
23 removal against the person who requested such removal under this
24 section. A person harmed by a wrongful removal under this section

1 may be restored to possession of the real property and may recover
2 actual costs and damages incurred, statutory damages equal to triple
3 the fair market rent of the dwelling, court costs, and reasonable
4 attorney fees.

5 F. This section does not limit the rights of a property owner
6 or limit the authority of a law enforcement officer to arrest an
7 unlawful occupant for trespassing, vandalism, theft, or other
8 crimes.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1355 of Title 21, unless there
11 is created a duplication in numbering, reads as follows:

12 A person who unlawfully detains or occupies or trespasses upon a
13 property and who intentionally damages the dwelling causing One
14 Thousand Dollars (\$1,000.00) or more and is removed from the
15 property pursuant to this act shall, upon conviction, be guilty of a
16 felony punishable by imprisonment in the custody of the Department
17 of Corrections for a term not exceeding three (3) years or by a fine
18 not exceeding Ten Thousand Dollars (\$10,000.00), or both such fine
19 and imprisonment.

20 SECTION 3. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1356 of Title 21, unless there
22 is created a duplication in numbering, reads as follows:

23 Any person who, with the intent to detain or remain upon real
24 property, knowingly and willfully presents to another person a false

1 document purporting to be a valid lease agreement, deed, or other
2 instrument conveying real property rights upon conviction is guilty
3 of a misdemeanor punishable by imprisonment in the county jail not
4 exceeding one (1) year or by a fine not exceeding One Thousand
5 Dollars (\$1,000.00), or both such fine and imprisonment.

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1357 of Title 21, unless there
8 is created a duplication in numbering, reads as follows:

9 This act shall not be used to circumvent any rights or laws
10 governing the landlord tenant relationship as provided in Title 41
11 of the Oklahoma Statutes.

12 SECTION 5. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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17 59-2-10850 GRS 04/03/24
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