

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1606

By: Woods

AS INTRODUCED

An Act relating to trespassing; amending 21 O.S. 2021, Section 1835, as amended by Section 2, Chapter 159, O.S.L. 2023 (21 O.S. Supp. 2023, Section 1835), which relates to trespassing on posted property; providing for certain posting; defining term; providing short title; forbidding individuals from entering certain property with certain postings; authorizing certain agencies to specify type of paint to be use for marking; providing for penalties; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1835, as amended by Section 2, Chapter 159, O.S.L. 2023 (21 O.S. Supp. 2023, Section 1835), is amended to read as follows:

Section 1835. A. Whoever shall willfully or maliciously enter the garden, yard, pasture or field of another after being expressly forbidden to do so or without permission by the owner or lawful occupant thereof when such property is posted pursuant to this act, or a person failing to leave lodging establishment premises pursuant to Section 508 of Title 15 of the Oklahoma Statutes, shall be deemed

1 guilty of trespass and upon conviction shall be punished by a fine
2 ~~of~~ not more than Two Hundred Fifty Dollars (\$250.00); provided, that
3 this provision shall not apply to registered land surveyors and
4 registered professional engineers for the purpose of land surveying
5 in the performance of their professional services; and, provided
6 further, that anyone who willfully or maliciously enters any such
7 garden, yard, pasture or field, and therein commits or attempts to
8 commit waste, theft or damage shall be deemed guilty of a
9 misdemeanor and upon conviction shall be fined not less than Fifty
10 Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by
11 confinement in the county jail for not less than thirty (30) days
12 nor more than six (6) months, or by both such fine and imprisonment.

13 1. This provision shall not apply to:

- 14 a. peace officers as defined in Section 99 of this title,
- 15 b. federal, state or local government employees engaged
16 in the performance of their duties,
- 17 c. firefighters, emergency medical personnel or public
18 utility employees engaged in addressing an emergency
19 that presents an imminent danger to health, safety or
20 the environment in the performance of their duties, or
- 21 d. parties engaged in oil and gas operations, which shall
22 include, without limitation, exploration, drilling,
23 production and sales activities, under authority of
24 mineral ownership, an oil and gas lease, seismic

1 agreement or permit, gas gathering, purchase,
2 transportation or treating contracts, Corporation
3 Commission or other lawful authority from persons
4 entitled to give the same~~r~~.

5 2. The provisions of this section shall not prohibit:

- 6 a. railroad employees and emergency equipment from
7 entering such land to restore rail service following
8 an accident, derailment or natural disaster,
9 b. the entrance of utility employees or contractors while
10 acting in the scope of their employment, or
11 c. employees or contractors of valid easement or license
12 holders while acting in the scope of their
13 employment~~r~~.

14 3. The following persons may enter such land of another unless
15 forbidden to do so, either orally or in writing, by the owner or
16 lawful occupier thereof:

- 17 a. registered land surveyors and registered professional
18 engineers for the purpose of land surveying in the
19 performance of their professional services,
20 b. persons making a delivery, selling a product or
21 service, conducting a survey or poll, working on
22 behalf of a candidate for political office, or
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1 c. persons who have a legitimate reason for entering and
2 who, immediately upon entering, seek to conduct
3 business.

4 For purposes of this act, "posted" means exhibiting signs to
5 read as follows: "PROPERTY RESTRICTED"; "POSTED - KEEP OUT"; "KEEP
6 OUT"; "NO TRESPASSING"; or similar signs which are displayed or
7 marked by identifiable paint marks as provided for in this act.
8 Property that is fenced or not fenced shall have such signs or
9 identifying paint marks placed conspicuously and at all places where
10 entry to the property is reasonably expected.

11 B. Anyone who willfully or maliciously enters any such land of
12 another when such property is posted pursuant to this act and
13 commits or attempts to commit waste, theft or damage shall be deemed
14 guilty of a misdemeanor and upon conviction shall be punished by
15 imprisonment in the county jail for a term ~~of~~ not less than thirty
16 (30) days nor more than six (6) months, by a fine ~~of~~ not less than
17 Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00),
18 or by both such fine and imprisonment.

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

21 D. Whoever shall willfully enter the pecan grove of another
22 without the prior consent of the owner or occupant thereof to so do
23 shall be deemed guilty of trespass and upon conviction shall be
24 punished by a fine ~~of~~ not more than Twenty-five Dollars (\$25.00);

1 provided, that anyone who willfully enters any such pecan grove and
2 therein commits or attempts to commit waste, theft or damage shall
3 be deemed guilty of a misdemeanor and upon conviction shall be
4 punished by a fine ~~of~~ not more than Five Hundred Dollars (\$500.00),
5 or by imprisonment in the county jail for not more than six (6)
6 months, or by both such fine and imprisonment.

7 E. Whoever shall willfully or maliciously enter upon property
8 owned or managed by the Grand River Dam Authority without permission
9 shall be deemed guilty of misdemeanor trespass and upon conviction
10 shall be punished by a fine ~~of~~ not more than Two Hundred Fifty
11 Dollars (\$250.00); provided, that this provision shall not apply to
12 registered land surveyors and registered professional engineers for
13 the purpose of land surveying in the performance of their
14 professional services; and, provided further, that anyone who
15 willfully or maliciously enters upon property owned or managed by
16 the Grand River Dam Authority without permission and therein commits
17 or attempts to commit waste, theft or damage shall be deemed guilty
18 of misdemeanor trespass and upon conviction shall be punished by a
19 fine ~~of~~ not less than Fifty Dollars (\$50.00) nor more than Five
20 Hundred Dollars (\$500.00), or by imprisonment in the county jail for
21 not less than thirty (30) days nor more than six (6) months, or by
22 both such fine and imprisonment.

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

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1840.1 of Title 21, unless there
10 is created a duplication in numbering, reads as follows:

11 Sections 2 through 5 of this act shall be known and may be cited
12 as the "Oklahoma Posted Land Act".

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1840.2 of Title 21, unless there
15 is created a duplication in numbering, reads as follows:

16 A. The owner or lessee of any forest land may post the land by
17 either of the following methods:

18 1. By placing signs around the boundaries of the property at
19 conspicuous points and at each point of entry. The signs shall read
20 "PROPERTY RESTRICTED", "POSTED - KEEP OUT", "KEEP OUT", "NO
21 TRESPASSING", or similar signs which are displayed. The signs shall
22 be placed so as to be readily visible to any person approaching the
23 property; or
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1 2. By placing identifying paint marks on trees or posts around
2 the area to be posted. Each paint mark shall be a vertical line of
3 at least eight (8) inches in length, and the bottom of the mark
4 shall be no less than three (3) feet nor more than five (5) feet
5 high. The paint marks shall be placed not more than one hundred
6 (100) feet apart and shall be readily visible to any person
7 approaching the property.

8 B. The type and color of the paint to be used for posting shall
9 be prescribed by the Oklahoma Department of Agriculture, Food, and
10 Forestry. The Department shall not select a color that is presently
11 being used by the timber industry in Oklahoma to mark land lines or
12 property lines.

13 SECTION 4. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1840.3 of Title 21, unless there
15 is created a duplication in numbering, reads as follows:

16 A. The owner or lessee of any real property other than forest
17 land, including cultivated land, orchards, pastureland,
18 impoundments, or other real property, may post the real property by
19 either of the following methods:

20 1. By placing signs around the boundaries of the property at
21 conspicuous points and at each point of entry. The signs shall read
22 "PROPERTY RESTRICTED", "POSTED - KEEP OUT", "KEEP OUT", "NO
23 TRESPASSING", or similar signs which are displayed. The signs shall
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1 be placed so as to be readily visible to any person approaching the
2 property; or

3 2. By placing identifying paint marks on posts around the area
4 to be posted. Each paint mark shall be a vertical line of at least
5 eight (8) inches in length, and the bottom of the mark shall be no
6 less than three (3) feet nor more than five (5) feet high. The
7 paint marks shall be placed not more than one thousand (1,000) feet
8 apart and shall be readily visible to any person approaching the
9 property.

10 B. The type and color of the paint to be used for posting shall
11 be prescribed by the Oklahoma Department of Agriculture, Food, and
12 Forestry. The Department shall not select a color that is presently
13 being used by the timber industry in Oklahoma to mark land lines or
14 property lines.

15 SECTION 5. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1840.4 of Title 21, unless there
17 is created a duplication in numbering, reads as follows:

18 A. The color of paint prescribed by the Department of Wildlife
19 Conservation for posting purposes shall not be used on trees or
20 posts for any other purpose. Any person who knowingly paints any
21 tree or post the color used for posting purposes for any other
22 purpose other than posting real property pursuant to this act shall
23 be guilty of a misdemeanor and upon conviction thereof shall be
24 fined a sum not to exceed Two Hundred Fifty Dollars (\$250.00).

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B. It shall be unlawful for any person to post any land which the person does not own or lease except with the permission of the owner or lessee. Any person violating this subsection shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed Two Hundred Fifty Dollars (\$250.00).

SECTION 6. This act shall become effective November 1, 2024.

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