

An Act

ENROLLED SENATE
BILL NO. 1994

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

and

Ford, O'Donnell, Worthen,
Echols, Crosswhite Hader,
Hays, Stark, Staires,
Cantrell, Townley,
Steagall, Conley, and
Maynard of the House

An Act relating to unlawful occupation of property; authorizing property owners or their authorized agents to request assistance from the sheriff from where the property is located for the immediate removal of unauthorized occupants under certain conditions; requiring such owners or agents to submit completed and verified complaints; specifying requirements for complaints; providing requirements for the sheriff; authorizing sheriffs to arrest unauthorized occupants for legal cause; providing fee for service of such notice; authorizing owners or agents to request that sheriffs stand by while the owner or agent takes possession of the property; authorizing sheriffs to charge a reasonable hourly 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.

SUBJECT: Unlawful occupation of property

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

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

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

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

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

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

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

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

6. The unauthorized person cannot produce documentation, correspondence, or identification cards sent or issued by a government agency, including, but not limited to, Service Oklahoma or the Election Board, which show that the person used the property address as an address of record with the agency within the previous twelve (12) months;

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

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

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

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

COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING

REAL PROPERTY

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

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

2. _____ I purchased the property on _____.

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

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

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

6. _____ The person or persons are not current or former tenants pursuant to any valid lease authorized by the property

owner, and any lease that may be produced by an occupant is fraudulent.

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

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

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

10. _____ I understand that a person or persons removed from the property pursuant to this procedure may bring a cause of action against me for any false statements made in this complaint, or for wrongfully using this procedure, and that as a result of such action I may be held liable for actual damages, penalties, costs, and reasonable attorney fees.

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

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

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

_____ (Signature of Property Owner or Agent of Owner)

C. Upon receipt of the complaint, the sheriff shall verify that the person submitting the complaint is the record owner of the real property or the authorized agent of the owner and appears otherwise

entitled to relief under this section. If verified, the sheriff must, without unnecessary delay, serve a notice to immediately vacate on all the unlawful occupants and shall put the owner in possession of the real property. Service may be accomplished by hand delivery of the notice to an occupant or by posting the notice on the front door or at a conspicuous location on the property. The sheriff shall also attempt to verify the identities of all persons occupying the property and note the identities on the return of service. If appropriate, the sheriff may arrest any person found on the property for trespass, outstanding warrants, or any other legal cause.

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

E. A person may bring a civil cause of action for wrongful removal against the person who requested such removal under this section. A person harmed by a wrongful removal under this section may be restored to possession of the real property and may recover actual costs and damages incurred, statutory damages equal to triple the fair market rent of the dwelling, court costs, and reasonable attorney fees.

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

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

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

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

Any person who, with the intent to detain or remain upon real property, knowingly and willfully presents to another person a false document purporting to be a valid lease agreement, deed, or other instrument conveying real property rights upon conviction is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both such fine and imprisonment.

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

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

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

Passed the Senate the 23rd day of May, 2024.

Presiding Officer of the Senate

Passed the House of Representatives the 17th 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: _____