# An Act

ENROLLED SENATE
BILL NO. 285

By: David of the Senate

and

Ritze of the House

An Act relating to trespass; amending 21 O.S. 2001, Section 1835, which relates to offenses against property rights; specifying sign posting requirements for certain building; creating crime against certain trespass; providing penalty; creating crime for types of trespass and conduct; providing penalties; stating jurisdiction; defining term; providing for codification; and providing an effective date.

SUBJECT: Trespass

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

SECTION 1. AMENDATORY 21 O.S. 2001, 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 shall be deemed guilty of trespass and upon conviction thereof shall be fined in any sum not to exceed Two Hundred Fifty Dollars ($250.00); provided, that this provision shall not apply to registered land surveyors and registered professional engineers for the purpose of land surveying in the performance of their professional services; and, provided further, that anyone who willfully or maliciously enters any such garden, yard, pasture or field, and therein commits or attempts to

commit waste, theft, or damage shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or both such fine and imprisonment. For purposes of this section, "posted" means exhibiting signs to read as follows: "PROPERTY RESTRICTED"; "POSTED - KEEP OUT"; "KEEP OUT"; "NO TRESPASSING"; or similar signs which are displayed. Property that is fenced or not fenced must have such signs placed conspicuously and at all places where entry to the property is normally expected.

B. No provisions of this act shall conflict with Section 5-202 or 6-304 of Title 29 of the Oklahoma Statutes.

C. Whoever shall willfully enter the pecan grove of another without the prior consent of the owner or occupant thereof to so do shall be deemed guilty of trespass and upon conviction thereof shall be fined in any sum not to exceed Twenty-five Dollars ($25.00); provided, that anyone who willfully enters any such pecan grove and therein commits or attempts to commit waste, theft, or damage shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than Five Hundred Dollars ($500.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

D. Whoever shall willfully or maliciously enter upon property owned or managed by the Grand River Dam Authority without permission when such property is posted shall be deemed guilty of misdemeanor trespass and upon conviction thereof shall be fined in any sum not to exceed Two Hundred Fifty Dollars ($250.00); provided, that this provision shall not apply to registered land surveyors and registered professional engineers for the purpose of land surveying in the performance of their professional services; and, provided further, that anyone who willfully or maliciously enters upon property owned or managed by the Grand River Dam Authority without permission and therein commits or attempts to commit waste, theft, or damage shall be deemed guilty of misdemeanor trespass, and upon conviction thereof shall be fined in any sum not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or both such fine and imprisonment.

For purposes of this section, "posted" means exhibiting signs to read as follows: "PROPERTY RESTRICTED"; "POSTED - KEEP OUT"; "KEEP OUT"; "NO TRESPASSING"; or similar signs which are displayed. Property that is fenced or not fenced must have such signs placed conspicuously and at all places where entry to the property is normally expected.

E. Notwithstanding the provisions of this section, the Governor's Mansion and its grounds and appurtenances shall not be required to be posted with signs warning against trespass. Any person who shall willfully or maliciously enter the grounds of the Governor's Mansion within the State Capitol Park, as defined in Section 1811.4 of Title 74 of the Oklahoma Statutes, except at a place where entry to the property is normally expected shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not more than Five Hundred Dollars ($500.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or by both fine and imprisonment.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 282 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any person or group of persons to:

1. Willfully and knowingly enter or remain in any posted, cordoned off, or otherwise restricted area of a building or grounds where the Governor, any member of the immediate family of the Governor, the Lieutenant Governor, or other state official being provided protection by the Department of Public Safety is or will be temporarily visiting;

2. Willfully and knowingly enter or remain in any posted, cordoned off, or otherwise restricted area of a building or grounds the use of which is restricted in conjunction with an event designated as a special event of national or state significance;

3. Willfully and knowingly, enter with the intent to impede or to disrupt the orderly conduct of government business or official functions in or within close proximity to any building or grounds, as described in paragraph 1 or 2 of this subsection, or to engage in disorderly or disruptive conduct in or within close proximity to any

building or grounds, as described in paragraph 1 or 2 of this subsection, which results in the impeding or disruption of the orderly conduct of government business or official functions;

4. Willfully and knowingly obstruct or to impede ingress or egress to or from any building or grounds, as described in paragraph 1 or 2 of this subsection; or

5. Willfully and knowingly engage in any act or acts of physical violence against any person or property in any building or grounds, as described in paragraph 1 or 2 of this subsection.

B. Violation of this section and attempts or conspiracies to commit such violations shall, upon conviction, be punishable by:

1. A fine of One Thousand Dollars ($1,000.00) or imprisonment for not more than ten (10) years with the Department of Corrections, or by both fine and imprisonment, if:

a. the person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm, or

b. the offense results in great bodily injury, as defined by Section 646 of Title 21 of the Oklahoma Statutes, to any other person; or

2. A fine of Five Hundred Dollars ($500.00) or imprisonment in the county jail for not more than one (1) year, or by both fine and imprisonment, in any other case.

C. Violation of this section, and attempts or conspiracies to commit such violations, shall be prosecuted by the district attorney in the district court having jurisdiction of the place where the offense occurred.

D. As used in this section, the term "other person for whom the Oklahoma Highway Patrol Division of the Department of Public Safety is charged with providing protection" means any person the Oklahoma Highway Patrol - Executive Security Division is authorized to protect pursuant to Section 2-101 or Section 2-105.3a of Title 47 of the Oklahoma Statutes when the person has not declined protection.

SECTION 3. This act shall become effective November 1, 2011.

Passed the Senate the 10th day of May, 2011.

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of April, 2011.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 11th

day of May, 20 11,

at 1:09 o'clock PM.

By: Jessica R Pegan

Approved by the Governor of the State of Oklahoma the 17th day of

May, 20 11, at 3:09 o'clock PM.

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

17th day of May, 20 11,

at 4:25 o'clock PM.

By: Michelle R Day