

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 853

6 By: Weaver

7 COMMITTEE SUBSTITUTE

8 An Act relating to firearms; amending 21 O.S. 2021,
9 Sections 1279 and 1280, which relate to pointing
10 firearms; clarifying exception to certain prohibited
11 act; modifying penalty provisions; removing
12 revocation and administrative penalty provisions;
13 amending 21 O.S. 2021, Sections 1289.16 and 1289.25,
14 which relate to the Oklahoma Firearms Act of 1971;
15 authorizing the pointing of firearms under certain
16 circumstances; removing administrative penalty
17 provision; expanding situations that allow for the
18 use of physical or deadly force; allowing for the
19 defensive display of firearms under certain
20 circumstances; providing exceptions; defining terms;
21 updating statutory language; and declaring an
22 emergency.

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

24 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1279, is
amended to read as follows:

Section 1279.

MISDEMEANOR POINTING A FIREARM

~~Except for an act of self-defense, it~~ It shall be unlawful for
any person to point ~~any pistol~~ a firearm or ~~any~~ other deadly weapon,

1 whether loaded or not, at ~~any other~~ another person or persons. Any
2 person ~~violating~~ convicted of a violation of the provisions of this
3 section shall, ~~upon conviction, be guilty of a misdemeanor~~
4 ~~punishable~~ be punished as provided in Section 1280 of this title.

5 ~~Any person convicted of violating the~~ The provisions of this
6 section ~~after having been issued a handgun license pursuant to the~~
7 ~~provisions of the Oklahoma Self-Defense Act~~ may be subject to an
8 ~~administrative violation as provided in Section 1280 of this title~~
9 shall not apply to a person acting in self-defense or to a home or
10 business owner in defense of the owner's private property.

11 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1280, is
12 amended to read as follows:

13 Section 1280.

14 PENALTY FOR 1279

15 Any person violating the provisions of Section 1279 of this
16 title shall, upon conviction, be guilty of a misdemeanor punishable
17 by a fine ~~of~~ not less than One Hundred Dollars (\$100.00) nor more
18 than One Thousand Dollars (\$1,000.00) and ~~shall be imprisoned~~
19 imprisonment in the county jail for a period not ~~less than three (3)~~
20 ~~nor more than~~ to exceed twelve (12) months. ~~Any person convicted of~~
21 ~~violating the provisions of Section 1279 of this title after having~~
22 ~~been issued a handgun license pursuant to the provisions of the~~
23 ~~Oklahoma Self-Defense Act shall have the handgun license revoked and~~
24 ~~shall be liable for an administrative fine of Fifty Dollars (\$50.00)~~

1 ~~upon a hearing and determination by the Oklahoma State Bureau of~~
2 ~~Investigation that the person is in violation of the provisions of~~
3 ~~this section.~~

4 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1289.16, is
5 amended to read as follows:

6 Section 1289.16

7 FELONY POINTING FIREARMS

8 ~~Except for an act of self-defense, it~~

9 A. It shall be unlawful for any person to willfully or without
10 lawful cause point a ~~shotgun, rifle or pistol,~~ firearm or any other
11 deadly weapon, whether loaded or not, at any another person or
12 persons for the purpose of threatening or with the intention of
13 discharging the firearm or with any malice or for any purpose of
14 injuring, either through physical injury or mental or emotional
15 intimidation or for purposes of whimsy, humor or prank, or in anger
16 or otherwise, but not to include the pointing of shotguns, rifles or
17 pistols by law. Lawful cause shall include:

18 1. A person who can legally own or possess a weapon pursuant to
19 the provisions of Section 1272 of this title:

- 20 a. during an act of self-defense, or
- 21 b. in defense of private property located on any premises
22 owned, rented, leased, or occupied by permission of
23 the property owner;

24

1 2. A person in the defensive display of a firearm or other
2 deadly weapon, as provided for in Section 1289.25 of this title;

3 3. Law enforcement authorities in the performance of their
4 duties, ~~armed;~~

5 4. Armed security guards licensed by the Council on Law
6 Enforcement Education and Training pursuant to the Oklahoma Security
7 Guard and Private Investigator Act in the performance of their
8 duties, ~~members;~~

9 5. Members of the state military forces in the performance of
10 their duties, ~~members;~~

11 6. Members of the federal military reserve and active military
12 components in the performance of their duties, ~~or any federal;~~

13 7. Federal government law enforcement ~~officer~~ officers in the
14 performance of ~~any duty,~~ their duties; or ~~in~~

15 8. Any person during the performance of a play on stage, while
16 participating in a rodeo, or when participating in a television
17 program or on film, ~~or in defense of any person, one's home or~~
18 ~~property project.~~

19 B. Any person convicted of a violation of the provisions of
20 this section shall be punished as provided in Section 1289.17 of
21 this title.

22 ~~Any person convicted of a violation of the provisions of this~~
23 ~~section after having been issued a handgun license pursuant to the~~
24 ~~Oklahoma Self-Defense Act shall have the license revoked and shall~~

1 ~~be subject to an administrative fine of One Thousand Dollars~~
2 ~~(\$1,000.00), upon a hearing and determination by the Oklahoma State~~
3 ~~Bureau of Investigation that the person is in violation of the~~
4 ~~provisions of this section.~~

5 SECTION 4. AMENDATORY 21 O.S. 2021, Section 1289.25, is
6 amended to read as follows:

7 Section 1289.25

8 PHYSICAL OR DEADLY FORCE ~~AGAINST INTRUDER~~

9 A. The Legislature hereby recognizes that the citizens of ~~the~~
10 ~~State of Oklahoma~~ this state have a right to expect absolute safety
11 within their own homes, places of business ~~or~~, places of worship, or
12 occupied premises and have the right to establish policies regarding
13 the possession of weapons on property pursuant to the provisions of
14 Section 1290.22 of this title.

15 B. A person, regardless of official capacity or lack of
16 official capacity, within a place of worship or a person, an owner,
17 manager, or employee of a business is presumed to have held a
18 reasonable fear of imminent peril of death or great bodily harm to
19 himself or herself or another when using defensive force that is
20 intended or likely to cause death or great bodily harm to another
21 if:

22 1. a. ~~The~~ the person against whom the defensive force was
23 used was in the process of unlawfully and forcefully
24 entering, or had unlawfully and forcibly entered, a

1 dwelling, residence, occupied vehicle, place of
2 business ~~or~~, place of worship, or any other occupied
3 premises or if that person had removed or was
4 attempting to remove another against the will of that
5 person from the dwelling, residence, occupied vehicle,
6 place of business ~~or~~, place of worship, or any other
7 occupied premises, and

8 b. ~~The~~ the person who uses defensive force knew or had
9 reason to believe that an unlawful and forcible entry
10 or unlawful and forcible act on the occupied premises
11 was occurring or had occurred; or

12 2. The person who uses defensive force knew or had a reasonable
13 belief that the person against whom the defensive force was used
14 entered or was attempting to enter into a dwelling, residence,
15 occupied vehicle, place of business ~~or~~, place of worship, or any
16 other occupied premises for the purpose of committing a forcible
17 felony, as defined in Section 733 of this title, and that the
18 defensive force was necessary to prevent the commission of the
19 forcible felony.

20 C. The presumption set forth in subsection B of this section
21 does not apply if:

22 1. The person against whom the defensive force is used has the
23 right to be in or is a lawful resident of the dwelling, residence,
24 ~~or~~ vehicle, or any other occupied premises such as an owner, lessee,

1 or titleholder, and there is not a protective order from domestic
2 violence in effect or a written pretrial supervision order of no
3 contact against that person;

4 2. The person or persons sought to be removed are children or
5 grandchildren, or are otherwise in the lawful custody or under the
6 lawful guardianship, of, the person against whom the defensive force
7 is used; or

8 3. The person who uses defensive force is engaged in an
9 unlawful activity or is using the dwelling, residence, occupied
10 vehicle, place of business ~~or,~~ place of worship, or any other
11 occupied premises to further an unlawful activity.

12 D. A person who is not engaged in an unlawful activity and who
13 is attacked in any other place where he or she has a right to be has
14 no duty to retreat and has the right to stand his or her ground and
15 meet force with force, including deadly force, if he or she
16 reasonably believes it is necessary to do so to prevent death or
17 great bodily harm to himself or herself or another or to prevent the
18 commission of a forcible felony.

19 E. A person who unlawfully and by force enters or attempts to
20 enter the dwelling, residence, occupied vehicle of another person,
21 place of business ~~or,~~ place of worship, or any other occupied
22 premises is presumed to be doing so with the intent to commit an
23 unlawful act involving force or violence.

24

1 F. A person who uses defensive force, as permitted pursuant to
2 the provisions of subsections A, B, D, and E of this section, is
3 justified in using such defensive force and is immune from criminal
4 prosecution and civil action for the use of such defensive force.
5 As used in this subsection, the term "criminal prosecution" includes
6 charging or prosecuting the defendant.

7 G. A law enforcement agency may use standard procedures for
8 investigating the use of defensive force, but the law enforcement
9 agency may not arrest the person for using defensive force unless it
10 determines that there is probable cause that the defensive force
11 that was used was unlawful.

12 H. The court shall award reasonable attorney fees, court costs,
13 compensation for loss of income, and all expenses incurred by the
14 defendant in defense of any civil action brought by a plaintiff if
15 the court finds that the defendant is immune from prosecution as
16 provided in subsection F of this section.

17 I. The provisions of this section and the provisions of the
18 Oklahoma Self-Defense Act shall not be construed to require any
19 person using a weapon pursuant to the provisions of this section to
20 be licensed in any manner.

21 J. A person pointing a weapon at a perpetrator in self-defense
22 or in order to thwart, stop, or deter a forcible felony or attempted
23 forcible felony shall not be ~~deemed~~ found guilty of committing a
24 criminal act.

1 K. 1. The defensive display of a firearm or other deadly
2 weapon by a person shall not be a criminal act if a reasonable
3 person would believe that physical force is immediately necessary to
4 protect himself, herself, or another person against the use or
5 attempted use of unlawful physical or deadly force by another or in
6 defense of private property located on any premises owned, rented,
7 leased, or occupied by permission of the property owner.

8 2. The provisions of this subsection shall not apply to a
9 person who:

- 10 a. intentionally provokes another person to use or
11 attempt to use unlawful physical or deadly force, or
12 b. uses a firearm during the commission of an unlawful
13 act involving force or violence.

14 3. The provisions of this subsection shall not be construed to
15 require the defensive display of a firearm or any other deadly
16 weapon before the use of defensive force or the threat of defensive
17 force by a person who is justified in the use or threatened use of
18 defensive force.

19 L. As used in this section:

20 1. "Defensive display of a firearm" includes, but is not
21 limited to:

- 22 a. verbally informing another person that the person
23 possesses or has available a firearm or other deadly
24 weapon,

1 b. exposing or displaying a firearm or any other deadly
2 weapon in a manner that a reasonable person would
3 understand was meant to protect the person against the
4 use or attempted use by another of unlawful physical
5 or deadly force, or

6 c. placing the hand of the person on a firearm or other
7 deadly weapon while the firearm is contained in a
8 pocket, purse, holster, sling scabbard, case, or other
9 means of containment or transport;

10 2. "Defensive force" includes, but ~~shall~~ is not ~~be~~ limited to,
11 pointing a weapon at a perpetrator in self-defense or in order to
12 thwart, stop, or deter a forcible felony or attempted forcible
13 felony;

14 ~~2.~~ 3. "Dwelling" means a building or conveyance of any kind,
15 including any attached porch, whether the building or conveyance is
16 temporary or permanent, mobile or immobile, which has a roof over
17 it, including a tent, and is designed to be occupied by people;

18 4. "Occupied premises" means any premises occupied by an owner,
19 tenant, lessee, guest, or authorized user of the premises, including
20 their agents;

21 ~~3.~~ 5. "Place of worship" means:

22 a. any permanent building, structure, facility, or office
23 space owned, leased, rented, or borrowed, on a full-
24 time basis, when used for worship services,

1 activities, and business of the congregation, which
2 may include, but not be limited to, churches, temples,
3 synagogues, and mosques, and

4 b. any permanent building, structure, facility, or office
5 space owned, leased, rented, or borrowed for use on a
6 temporary basis, when used for worship services,
7 activities, and business of the congregation
8 including, but not limited to, churches, temples,
9 synagogues, and mosques;

10 ~~4.~~ 6. "Residence" means a dwelling in which a person resides
11 either temporarily or permanently or is visiting as an invited
12 guest; and

13 ~~5.~~ 7. "Vehicle" means a conveyance of any kind, whether or not
14 motorized, which is designed to transport people or property.

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

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