

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 957

By: Bergstrom

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5  
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,  
8 Section 1289.25, as amended by Section 2, Chapter  
9 266, O.S.L. 2017 (21 O.S. Supp. 2017, Section  
10 1289.25), which relates to physical or deadly force  
11 against intruder; modifying inclusions; and providing  
12 an effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.25, as  
15 amended by Section 2, Chapter 266, O.S.L. 2017 (21 O.S. Supp. 2017,  
16 Section 1289.25), is amended to read as follows:

17 Section 1289.25.

18 PHYSICAL OR DEADLY FORCE AGAINST INTRUDER

19 A. The Legislature hereby recognizes that the citizens of the  
20 State of Oklahoma have a right to expect absolute safety within  
21 their own homes, places of worship or places of business.

22 B. A person or an owner, manager or employee of a place of  
23 worship or business is presumed to have held a reasonable fear of  
24 imminent peril of death or great bodily harm to himself or herself

1 or another when using defensive force that is intended or likely to  
2 cause death or great bodily harm to another if:

3 1. The person against whom the defensive force was used was in  
4 the process of unlawfully and forcefully entering, or had unlawfully  
5 and forcibly entered, a dwelling, residence, occupied vehicle, ~~or~~ a  
6 place of worship or place of business, or if that person had removed  
7 or was attempting to remove another against the will of that person  
8 from the dwelling, residence, occupied vehicle, ~~or~~ place of worship  
9 or place of business; and

10 2. The person who uses defensive force knew or had reason to  
11 believe that an unlawful and forcible entry or unlawful and forcible  
12 act was occurring or had occurred.

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

15 1. The person against whom the defensive force is used has the  
16 right to be in or is a lawful resident of the dwelling, residence,  
17 or vehicle, such as an owner, lessee, or titleholder, and there is  
18 not a protective order from domestic violence in effect or a written  
19 pretrial supervision order of no contact against that person;

20 2. The person or persons sought to be removed are children or  
21 grandchildren, or are otherwise in the lawful custody or under the  
22 lawful guardianship of, the person against whom the defensive force  
23 is used; or  
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1           3. The person who uses defensive force is engaged in an  
2 unlawful activity or is using the dwelling, residence, occupied  
3 vehicle, ~~or~~ place of worship or place of business to further an  
4 unlawful activity.

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

12           E. A person who unlawfully and by force enters or attempts to  
13 enter the dwelling, residence, occupied vehicle of another person,  
14 ~~or~~ a place of worship or place of business is presumed to be doing  
15 so with the intent to commit an unlawful act involving force or  
16 violence.

17           F. A person who uses defensive force, as permitted pursuant to  
18 the provisions of subsections B and D of this section, is justified  
19 in using such defensive force and is immune from criminal  
20 prosecution and civil action for the use of such defensive force.  
21 As used in this subsection, the term "criminal prosecution" includes  
22 charging or prosecuting the defendant.

23           G. A law enforcement agency may use standard procedures for  
24 investigating the use of defensive force, but the law enforcement

1 agency may not arrest the person for using defensive force unless it  
2 determines that there is probable cause that the defensive force  
3 that was used was unlawful.

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

9 I. The provisions of this section and the provisions of the  
10 Oklahoma Self-Defense Act shall not be construed to require any  
11 person using a weapon pursuant to the provisions of this section to  
12 be licensed in any manner.

13 J. A person pointing a weapon at a perpetrator in self-defense  
14 or in order to thwart, stop or deter a forcible felony or attempted  
15 forcible felony shall not be deemed guilty of committing a criminal  
16 act.

17 K. As used in this section:

18 1. "Defensive force" includes, but shall not be limited to,  
19 pointing a weapon at a perpetrator in self-defense or in order to  
20 thwart, stop or deter a forcible felony or attempted forcible  
21 felony;

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

3 3. "Residence" means a dwelling in which a person resides  
4 either temporarily or permanently or is visiting as an invited  
5 guest; and

6 4. "Vehicle" means a conveyance of any kind, whether or not  
7 motorized, which is designed to transport people or property.

8 SECTION 2. This act shall become effective November 1, 2018.

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