

1 ENGROSSED SENATE
2 BILL NO. 957

By: Bergstrom of the Senate

3 and

4 West (Josh) of the House

5
6 An Act relating to firearms; amending 21 O.S. 2011,
7 Section 1289.25, as amended by Section 2, Chapter
8 266, O.S.L. 2017 (21 O.S. Supp. 2017, Section
9 1289.25), which relates to physical or deadly force
10 against intruder; modifying inclusions; and providing
11 an effective date.

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

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

16 Section 1289.25.

17 PHYSICAL OR DEADLY FORCE AGAINST INTRUDER

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

21 B. A person, regardless of official capacity or lack of
22 official capacity, within a place of worship or a person, an owner,
23 manager or employee of a business is presumed to have held a
24 reasonable fear of imminent peril of death or great bodily harm to

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

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

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

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

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

21 2. The person or persons sought to be removed are children or
22 grandchildren, or are otherwise in the lawful custody or under the
23 lawful guardianship of, the person against whom the defensive force
24 is used; ~~or~~

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; or

5 4. The person who uses defensive force is unlawfully carrying a
6 concealed or unconcealed firearm in a manner or location not
7 authorized by the provisions of the Oklahoma Self Defense Act or as
8 may otherwise be prohibited by law.

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

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

21 F. A person who uses defensive force, as permitted pursuant to
22 the provisions of subsections A, B and, C, D, and E of this section,
23 is justified in using such defensive force and is immune from
24 criminal prosecution and civil action for the use of such defensive

1 force. As used in this subsection, the term "criminal prosecution"
2 includes charging or prosecuting the defendant.

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

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

13 I. The provisions of this section and the provisions of the
14 Oklahoma Self-Defense Act shall not be construed to require any
15 person using a weapon pursuant to the provisions of this section to
16 be licensed in any manner.

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

21 K. As used in this section:

22 1. "Defensive force" includes, but shall not be limited to,
23 pointing a weapon at a perpetrator in self-defense or in order to
24

1 thwart, stop or deter a forcible felony or attempted forcible
2 felony;

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

7 3. "Place of worship" means:

8 a. any permanent building, structure, facility or office
9 space owned, leased, rented or borrowed, on a full-
10 time basis, where an individual or a group of people
11 use the location exclusively for worship services,
12 activities and business of the congregation, which may
13 include, but not be limited to, churches, temples,
14 synagogues and mosques, and

15 b. any permanent building, structure, facility or office
16 space owned, leased, rented or borrowed for use on a
17 temporary basis, only when an individual or a group of
18 people are using the location for worship services,
19 activities and business of the congregation including,
20 but not limited to, churches, temples, synagogues and
21 mosques;

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

