

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 2632

By: Babinec, Ritze, Montgomery,
Humphrey, Roberts (Sean),
Faught and Downing of the
House

5 and

6 Bergstrom of the Senate

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8
9 An Act relating to firearms; amending 21 O.S. 2011,
10 Section 1289.25, as amended by Section 2, Chapter
11 266, O.S.L. 2017 (21 O.S. Supp. 2017, Section
12 1289.25), which relates to the use of deadly force;
expanding right to use deadly force at certain
places; defining term; and providing an effective
date.

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15 AUTHOR: Add the following Senator Coauthor: Pittman

16 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

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18 "An Act relating to firearms; amending 21 O.S. 2011,
19 Section 1289.25, as amended by Section 2, Chapter
20 266, O.S.L. 2017 (21 O.S. Supp. 2017, Section
21 1289.25), which relates to the use of deadly force;
expanding right to use deadly force at certain
places; defining term; and providing an effective
date.

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23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
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1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.25, as
2 amended by Section 2, Chapter 266, O.S.L. 2017 (21 O.S. Supp. 2017,
3 Section 1289.25), is amended to read as follows:

4 Section 1289.25

5 PHYSICAL OR DEADLY FORCE AGAINST INTRUDER

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

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

19 1. a. The person against whom the defensive force was used
20 was in the process of unlawfully and forcefully
21 entering, or had unlawfully and forcibly entered, a
22 dwelling, residence, occupied vehicle, ~~or~~ a place of
23 business or place of worship, or if that person had
24 removed or was attempting to remove another against

1 the will of that person from the dwelling, residence,
2 occupied vehicle, ~~or~~ place of business; and or place
3 of worship.

4 ~~2.~~ b. The person who uses defensive force knew or had reason
5 to believe that an unlawful and forcible entry or
6 unlawful and forcible act was occurring or had
7 occurred; or

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

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

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

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

3 3. The person who uses defensive force is engaged in an
4 unlawful activity or is using the dwelling, residence, occupied
5 vehicle, ~~or~~ place of business or place of worship to further an
6 unlawful activity.

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

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

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

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

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

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

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

19 K. As used in this section:

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

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

5 3. "Place of worship" means:

6 a. any permanent building, structure, facility or office
7 space owned, leased, rented or borrowed, on a full-
8 time basis, when used for worship services, activities
9 and business of the congregation, which may include,
10 but not be limited to, churches, temples, synagogues
11 and mosques, and

12 b. any permanent building, structure, facility or office
13 space owned, leased, rented or borrowed for use on a
14 temporary basis, when used for worship services,
15 activities and business of the congregation including,
16 but not limited to, churches, temples, synagogues and
17 mosques;

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

21 ~~4.~~ 5. "Vehicle" means a conveyance of any kind, whether or not
22 motorized, which is designed to transport people or property.

23 SECTION 2. This act shall become effective November 1, 2018."
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Passed the Senate the 12th day of April, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2018.

Presiding Officer of the House
of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 2632

By: Babinec, Ritze, Montgomery,
Humphrey, Roberts (Sean),
Faught and Downing of the
House

4 and

5 Bergstrom of the Senate

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8 An Act relating to firearms; amending 21 O.S. 2011,
9 Section 1289.25, as amended by Section 2, Chapter
10 266, O.S.L. 2017 (21 O.S. Supp. 2017, Section
11 1289.25), which relates to the use of deadly force;
12 expanding right to use deadly force at certain
13 places; defining term; and providing an effective
14 date.

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

15 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1289.25, as
16 amended by Section 2, Chapter 266, O.S.L. 2017 (21 O.S. Supp. 2017,
17 Section 1289.25), is amended to read as follows:

18 Section 1289.25

19 PHYSICAL OR DEADLY FORCE AGAINST INTRUDER

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

23 B. A person or an owner, manager or employee of a business is
24 presumed to have held a reasonable fear of imminent peril of death

1 or great bodily harm to himself or herself or another when using
2 defensive force that is intended or likely to cause death or great
3 bodily harm to another 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 business or place of worship, 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 business
10 or place of worship; 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 business or place of worship 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 business or place of worship 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. Nothing contained in the provisions of this section shall
18 prohibit the current property right of a place of worship or any
19 other business or property owner to set its own policy regarding
20 weapons.

21 L. 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 any building, structure or office
8 space owned, leased, rented or borrowed and used for worship
9 services and religious activities;

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

13 ~~4.~~ 5. "Vehicle" means a conveyance of any kind, whether or not
14 motorized, which is designed to transport people or property.

15 SECTION 4. This act shall become effective November 1, 2018.

16 Passed the House of Representatives the 6th day of March, 2018.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2018.

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Presiding Officer of the Senate

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