

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 925

By: Dahm, Hamilton, Bergstrom,
Stephens and Allen of the
Senate

6 and

7 Steagall, West (Kevin) and
8 McDugle of the House

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11 COMMITTEE SUBSTITUTE

12 An Act relating to firearms; amending 21 O.S. 2011,
13 Section 1289.25, as last amended by Section 1,
14 Chapter 218, O.S.L. 2018 (21 O.S. Supp. 2020, Section
15 1289.25), which relates to Oklahoma Firearms Act of
16 1971; providing for the defensive display of firearms
17 under certain circumstances; providing exceptions;
18 providing examples of certain action; defining term;
19 and declaring an emergency.

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

21 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.25, as
22 last amended by Section 1, Chapter 218, O.S.L. 2018 (21 O.S. Supp.
23 2020, Section 1289.25), is amended to read as follows:

24 Section 1289.25

PHYSICAL OR DEADLY FORCE AGAINST INTRUDER

1 A. The Legislature hereby recognizes that the citizens of the
2 State of Oklahoma have a right to expect absolute safety within
3 their own homes, places of business, occupied premises or places of
4 worship and have the right to establish policies regarding the
5 possession of weapons on property pursuant to the provisions of
6 Section 1290.22 of this title.

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

14 1. a. The person against whom the defensive force was used
15 was in the process of unlawfully and forcefully
16 entering, or had unlawfully and forcibly entered, a
17 dwelling, residence, occupied vehicle, place of
18 business, occupied premises or place of worship, or if
19 that person had removed or was attempting to remove
20 another against the will of that person from the
21 dwelling, residence, occupied vehicle, place of
22 business, occupied premises or place of worship.

23 b. The person who uses defensive force knew or had reason
24 to believe that an unlawful and forcible entry or

1 unlawful and forcible act on the occupied premises was
2 occurring or had occurred; or

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

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

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

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

22 3. The person who uses defensive force is engaged in an
23 unlawful activity or is using the dwelling, residence, occupied
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1 vehicle, place of business or place of worship or occupied premises
2 to further an unlawful activity.

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

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

15 F. A person who uses defensive force, as permitted pursuant to
16 the provisions of subsections A, B, D and E of this section, is
17 justified in using such defensive force and ~~is immune from~~ shall not
18 be subject to criminal prosecution and civil action for the use of
19 such defensive force. As used in this subsection, the term
20 "criminal prosecution" includes charging or prosecuting the
21 defendant.

22 G. A law enforcement agency may use standard procedures for
23 investigating the use of defensive force, but the law enforcement
24 agency may not arrest the person for using defensive force unless it

1 determines that there is probable cause that the defensive force
2 that was used was unlawful.

3 H. The court shall award reasonable attorney fees, court costs,
4 compensation for loss of income, and all expenses incurred by the
5 defendant in defense of any civil action brought by a plaintiff if
6 the court finds that the defendant is ~~immune from~~ not subject to
7 prosecution as provided in subsection F of this section.

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

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

16 K. 1. Defensive display of a firearm or other deadly weapon by
17 a person is justified when and to the extent a reasonable person who
18 believes that physical force is immediately necessary to protect
19 himself, herself or another against the use or attempted use of
20 unlawful physical or deadly force by a person, premises owner or
21 controller in self-defense, or in defense of real or private
22 property, located on any premises, owned, rented, leased or occupied
23 by permission of the premise owner or controller, whether or not a
24 person is in possession of a valid handgun license pursuant to the

1 provisions of the Oklahoma Self-Defense Act and shall not be deemed
2 a criminal act.

3 2. The provisions of this subsection shall not apply to a
4 person who:

5 a. intentionally provokes another person to use or
6 attempt to use unlawful physical or deadly force, or

7 b. uses a firearm during the commission of an unlawful
8 act involving force or violence.

9 3. The provisions of this subsection do not require the
10 defensive display of a firearm or any other deadly weapon before the
11 use of defensive force or the threat of defensive force by a person
12 who is justified in the use or threatened use of defensive force.

13 4. For purposes of this subsection, "defensive display of a
14 firearm" includes, but is not limited to:

15 a. verbally informing another person that the person
16 possesses or has available a firearm or any other
17 deadly weapon,

18 b. exposing or displaying a firearm or any other deadly
19 weapon in a manner that a reasonable person would
20 understand was meant to protect the person against the
21 use or attempted use by another of unlawful physical
22 or deadly force, or

23 c. placing the hand of the person on a firearm or any
24 other deadly weapon while the firearm is contained in

1 a pocket, purse, holster, sling scabbard, case or
2 other means of containment or transport.

3 L. As used in this section:

4 1. "Defensive force" includes, but shall not be limited to,
5 pointing a weapon at a perpetrator in self-defense or in order to
6 thwart, stop or deter a forcible felony or attempted forcible
7 felony;

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

12 3. "Place of worship" means:

13 a. any permanent building, structure, facility or office
14 space owned, leased, rented or borrowed, on a full-
15 time basis, when used for worship services, activities
16 and business of the congregation, which may include,
17 but not be limited to, churches, temples, synagogues
18 and mosques, and

19 b. any permanent building, structure, facility or office
20 space owned, leased, rented or borrowed for use on a
21 temporary basis, when used for worship services,
22 activities and business of the congregation including,
23 but not limited to, churches, temples, synagogues and
24 mosques;

1 4. "Residence" or occupied premises means a dwelling or
2 building in which a person ~~resides~~ is occupying either temporarily
3 or permanently or is visiting as an invited guest; ~~and~~

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

6 6. "Occupied premises" means any premises occupied by an owner,
7 tenant, lessee, business, place of worship, liquor store, guest or
8 by an authorized user of the premises including their agents.

9 SECTION 2. It being immediately necessary for the preservation
10 of the public peace, health or safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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14 58-1-8029 GRS 03/31/21

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