

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

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

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

7 and

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

10  
11  
12 COMMITTEE SUBSTITUTE

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

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

22 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.25, as  
23 last amended by Section 1, Chapter 218, O.S.L. 2018 (21 O.S. Supp.  
24 2020, Section 1289.25), is amended to read as follows:

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, ~~r~~ or vehicle, such as an owner, lessee, ~~r~~ 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  
24

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 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated  
15 03/31/2021 - DO PASS, As Amended and Coauthored.  
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