

1 ENGROSSED HOUSE  
2 BILL NO. 2818

By: Steagall, Adams, and  
Kendrix of the House

3 and

4 Weaver of the Senate  
5  
6

7 An Act relating to firearms; amending 21 O.S. 2021,  
8 Sections 1279 and 1280, which relate to pointing  
9 firearms at others and related penalties; clarifying  
10 scope of and exception to certain unlawful act;  
11 deleting mandatory minimum sentencing option;  
12 deleting handgun license revocation requirement;  
13 amending 21 O.S. 2021, Sections 1289.16 and 1289.25,  
14 which relate to the Oklahoma Firearms Act of 1971;  
15 authorizing the pointing of firearms under certain  
16 circumstances; making certain acts unlawful; deleting  
17 administrative penalty provision; expanding  
18 situations that allow for the use of physical or  
19 deadly force; allowing for the defensive display of  
20 firearms under certain circumstances; providing  
21 exceptions; defining terms; and declaring an  
22 emergency.

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

24 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1279, is  
amended to read as follows:

Section 1279.

MISDEMEANOR POINTING A FIREARM

1       ~~Except for an act of self-defense, it~~ It shall be unlawful for  
2 any person to point any ~~pistol~~ firearm or any other deadly weapon  
3 whether loaded or not, at any other person or persons. Any person  
4 violating the provisions of this section shall, upon conviction, be  
5 guilty of a misdemeanor punishable as provided in Section 1280 of  
6 this title.

7       ~~Any person convicted of violating the~~ The provisions of this  
8 section ~~after having been issued a~~ shall not apply to persons acting  
9 in self-defense or to home or business owners in defense of their  
10 private property, whether or not they possess a valid handgun  
11 license pursuant to the provisions of the Oklahoma Self-Defense Act  
12 ~~may be subject to an administrative violation as provided in Section~~  
13 ~~1280 of this title.~~

14       SECTION 2.       AMENDATORY       21 O.S. 2021, Section 1280, is  
15 amended to read as follows:

16       Section 1280.

17                               PENALTY FOR 1279

18       Any person violating the provisions of Section 1279 of this  
19 title shall, upon conviction, be guilty of a misdemeanor punishable  
20 by a fine of not less than One Hundred Dollars (\$100.00) nor more  
21 than One Thousand Dollars (\$1,000.00) and shall be imprisoned in the  
22 county jail for a period of ~~not less than three (3) nor~~ more than  
23 twelve (12) months. ~~Any person convicted of violating the~~  
24 ~~provisions of Section 1279 of this title after having been issued a~~

1 ~~handgun license pursuant to the provisions of the Oklahoma Self-~~  
2 ~~Defense Act shall have the handgun license revoked and shall be~~  
3 ~~liable for an administrative fine of Fifty Dollars (\$50.00) upon a~~  
4 ~~hearing and determination by the Oklahoma State Bureau of~~  
5 ~~Investigation that the person is in violation of the provisions of~~  
6 ~~this section.~~

7 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1289.16, is  
8 amended to read as follows:

9 Section 1289.16.

10 FELONY POINTING FIREARMS

11 ~~Except for an act of self-defense, it~~ A. It shall be unlawful  
12 ~~for any person to willfully or without lawful cause~~ lawful to point  
13 ~~a shotgun, rifle or pistol, firearm, knife, or any other~~ deadly  
14 ~~weapon, whether loaded or not, at any another person or persons for~~  
15 ~~the purpose of threatening or with the intention of discharging the~~  
16 ~~firearm or with any malice or for any purpose of injuring, either~~  
17 ~~through physical injury or mental or emotional intimidation or for~~  
18 ~~purposes of whimsy, humor or prank, or in anger or otherwise, but~~  
19 ~~not to include the pointing of shotguns, rifles or pistols by law.~~

20 1. A person who can legally own or possess a weapon pursuant to  
21 the provisions of Section 1272 of this title:

22 a. during an act of self-defense, or

23 b. in defense of real or private property, whether owned,  
24 leased, or occupied by permission of the property

1 owner and whether or not the person possesses a valid  
2 handgun license issued pursuant to the Oklahoma Self-  
3 Defense Act;

4 2. A person in the defensive display of a firearm or other  
5 deadly weapon, as provided for in Section 1289.25 of this title;

6 3. Law enforcement authorities in the performance of their  
7 duties, ~~armed;~~

8 4. Armed security guards licensed by the Council on Law  
9 Enforcement Education and Training pursuant to the Oklahoma Security  
10 Guard and Private Investigator Act in the performance of their  
11 duties, ~~members;~~

12 5. Members of the state military forces in the performance of  
13 their duties, ~~members;~~

14 6. Members of the federal military reserve and active military  
15 components in the performance of their duties, ~~or any;~~

16 7. Any federal government law enforcement officer in the  
17 performance of any duty, ~~;~~ or ~~in~~

18 8. Any person during the performance of a play on stage, while  
19 participating in a rodeo, or when participating in a television  
20 program or ~~on~~ film, ~~or in defense of any person, one's home or~~  
21 property project.

22 B. It shall be unlawful for any person to willfully and without  
23 lawful cause point a firearm, knife, or any other deadly weapon,  
24 whether loaded or not, at any person or persons for the purpose of

1 threatening or with the intention of discharging the firearm or with  
2 any malice or for any purpose of injuring, either through physical  
3 injury or mental or emotional intimidation, or for purposes of  
4 whimsy, humor, or prank, or in anger or otherwise.

5 C. Any person convicted of a violation of the provisions of  
6 this section shall be punished as provided in Section 1289.17 of  
7 this title.

8 ~~Any person convicted of a violation of the provisions of this~~  
9 ~~section after having been issued a handgun license pursuant to the~~  
10 ~~Oklahoma Self-Defense Act shall have the license revoked and shall~~  
11 ~~be subject to an administrative fine of One Thousand Dollars~~  
12 ~~(\$1,000.00), upon a hearing and determination by the Oklahoma State~~  
13 ~~Bureau of Investigation that the person is in violation of the~~  
14 ~~provisions of this section.~~

15 SECTION 4. AMENDATORY 21 O.S. 2021, Section 1289.25, is  
16 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 business, occupied premises, or places of  
22 worship and have the right to establish policies regarding the  
23 possession of weapons on property pursuant to the provisions of  
24 Section 1290.22 of this title.

1 B. A person, regardless of official capacity or lack of  
2 official capacity, within a place of worship or a person, an owner,  
3 manager or employee of a business is presumed to have held a  
4 reasonable fear of imminent peril of death or great bodily harm to  
5 himself or herself or another when using defensive force that is  
6 intended or likely to cause death or great bodily harm to another  
7 if:

8 1. a. The person against whom the defensive force was used  
9 was in the process of unlawfully and forcefully  
10 entering, or had unlawfully and forcibly entered, a  
11 dwelling, residence, occupied vehicle, place of  
12 business, occupied premises, or place of worship, or  
13 if that person had removed or was attempting to remove  
14 another against the will of that person from the  
15 dwelling, residence, occupied vehicle, place of  
16 business, occupied premises, or place of worship.

17 b. The person who uses defensive force knew or had reason  
18 to believe that an unlawful and forcible entry or  
19 unlawful and forcible act on the occupied premises was  
20 occurring or had occurred; or

21 2. The person who uses defensive force knew or had a reasonable  
22 belief that the person against whom the defensive force was used  
23 entered or was attempting to enter into a dwelling, residence,  
24 occupied vehicle, place of business, occupied premises, or place of

1 worship for the purpose of committing a forcible felony, as defined  
2 in Section 733 of this title, and that the defensive force was  
3 necessary to prevent the commission of the forcible felony.

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

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

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

15 3. The person who uses defensive force is engaged in an  
16 unlawful activity or is using the dwelling, residence, occupied  
17 vehicle, place of business or place of worship to further an  
18 unlawful activity.

19 D. A person who is not engaged in an unlawful activity and who  
20 is attacked in any other place where he or she has a right to be has  
21 no duty to retreat and has the right to stand his or her ground and  
22 meet force with force, including deadly force, if he or she  
23 reasonably believes it is necessary to do so to prevent death or  
24

1 great bodily harm to himself or herself or another or to prevent the  
2 commission of a forcible felony.

3 E. A person who unlawfully and by force enters or attempts to  
4 enter the dwelling, residence, occupied vehicle of another person,  
5 place of business, occupied premises, or place of worship is  
6 presumed to be doing so with the intent to commit an unlawful act  
7 involving force or violence.

8 F. A person who uses defensive force, as permitted pursuant to  
9 the provisions of subsections A, B, D and E of this section, is  
10 justified in using such defensive force and is immune from and shall  
11 not be subject to criminal prosecution and civil action for the use  
12 of such defensive force. As used in this subsection, the term  
13 "criminal prosecution" includes charging or prosecuting the  
14 defendant.

15 G. A law enforcement agency may use standard procedures for  
16 investigating the use of defensive force, but the law enforcement  
17 agency may not arrest the person for using defensive force unless it  
18 determines that there is probable cause that the defensive force  
19 that was used was unlawful.

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



1 I. The provisions of this section and the provisions of the  
2 Oklahoma Self-Defense Act shall not be construed to require any  
3 person using a weapon pursuant to the provisions of this section to  
4 be licensed in any manner.

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

9 K. 1. The defensive display of a firearm or other deadly  
10 weapon by a person is justified when and to the extent a reasonable  
11 person believes that physical force is immediately necessary to  
12 protect himself, herself, or another person against the use or  
13 attempted use of unlawful physical or deadly force by a person,  
14 premises owner or controller in self-defense, or in defense of real  
15 or private property, located on any premises, owned, rented, leased,  
16 or occupied by permission of the premises owner or controller,  
17 whether or not a person is in possession of a valid handgun license  
18 issued pursuant to the provisions of the Oklahoma Self-Defense Act,  
19 and shall not be deemed a criminal act.

20 2. The provisions of this subsection shall not apply to a  
21 person who:

22 a. intentionally provokes another person to use or  
23 attempt to use unlawful physical or deadly force, or  
24

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

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

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

9           a. verbally informing another person that the person  
10           possesses or has available a firearm or any other  
11           deadly weapon,

12           b. exposing or displaying a firearm or any other deadly  
13           weapon in a manner that a reasonable person would  
14           understand was meant to protect the person against the  
15           use or attempted use by another of unlawful physical  
16           or deadly force, or

17           c. placing the hand of the person on a firearm or any  
18           other deadly weapon while the firearm is contained in  
19           a pocket, purse, holster, sling scabbard, case or  
20           other means of containment or transport.

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

10 4. "Place of worship" means:

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

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

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