

1 ENGROSSED HOUSE
2 BILL NO. 2049

By: Hardin, Grego, Smith,
Sneed, Randleman, Humphrey,
Dobrinski, West (Josh),
Patzkowsky, Cantrell,
Townley, West (Kevin), Ford
of the House

5 and

6 Woods of the Senate

7
8
9 An Act relating to crimes and punishments; amending
10 21 O.S. 2021, Section 1289.25, which relates to the
11 use of physical or deadly force; expanding scope of
12 certain definition; and declaring an emergency.

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

14 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1289.25, is
15 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 business or places of worship and have
21 the right to establish policies regarding the possession of weapons
22 on property pursuant to the provisions of Section 1290.22 of this
23 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 or place of worship, or if that person had
13 removed or was attempting to remove another against
14 the will of that person from the dwelling, residence,
15 occupied vehicle, place of business or place of
16 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 was occurring or had
20 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 or place of worship for the

1 purpose of committing a forcible felony, as defined in Section 733
2 of this title, and that the defensive force was necessary to prevent
3 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 or place of worship is presumed to be doing so
6 with the intent to commit an unlawful act involving force or
7 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 criminal
11 prosecution and civil action for the use of such defensive force.
12 As used in this subsection, the term "criminal prosecution" includes
13 charging or prosecuting the defendant.

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

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

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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. As used in this section:

10 1. "Defensive force" includes, but shall not be limited to,
11 pointing a weapon at a perpetrator in self-defense or in order to
12 thwart, stop or deter a forcible felony or attempted forcible
13 felony;

14 2. "Dwelling" means ~~a building or conveyance of any kind,~~
15 ~~including any attached porch, whether the building or conveyance is~~
16 ~~temporary or permanent, mobile or immobile, which has a roof over~~
17 ~~it, including a tent, and is designed to be occupied by people the~~
18 parcel of land to the property lines and any building or structure
19 erected thereon, of whatever form, regardless of whether movable or
20 temporary, which is for the time being the residence or place of
21 lodging of the person;

22 3. "Place of worship" means:

23 a. any permanent building, structure, facility or office
24 space owned, leased, rented or borrowed, on a full-

1 time basis, when used for worship services, activities
2 and business of the congregation, which may include,
3 but not be limited to, churches, temples, synagogues
4 and mosques, and

5 b. any permanent building, structure, facility or office
6 space owned, leased, rented or borrowed for use on a
7 temporary basis, when used for worship services,
8 activities and business of the congregation including,
9 but not limited to, churches, temples, synagogues and
10 mosques;

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

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

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

1 Passed the House of Representatives the 9th day of March, 2023.

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3 _____
4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ____ day of _____, 2023.

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8 _____
9 Presiding Officer of the Senate