

ENGROSSED HOUSE
BILL NO. 2273

BY: HAMILTON (Jeff) of the
HOUSE

and

BROWN of the SENATE

AN ACT RELATING TO CRIMES AND PUNISHMENTS; AMENDING
21 O.S. 1991, SECTION 643, WHICH RELATES TO SELF
DEFENSE; MAKING CERTAIN ACTIONS RELATING TO PRIOR
ASSAULTIVE AND ABUSIVE BEHAVIOR OF THE VICTIM SELF
DEFENSE UPON CERTAIN CIRCUMSTANCES; SPECIFYING
CERTAIN CLASS OF PERSONS; PROVIDING FOR TESTIMONY
OF CERTAIN PERSONS; AND PROVIDING AN EFFECTIVE
DATE.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 643, is
amended to read as follows:

Section 643. To use or to attempt to offer to use force or
violence upon or toward the person of another is not unlawful in the
following cases:

1. When necessarily committed by a public officer in the
performance of any legal duty, or by any other person assisting him
or acting by his direction.

2. When necessarily committed by any person in arresting one
who has committed any felony, and delivering him to a public officer
competent to receive him in custody.

3. When committed either by the party about to be injured, or by any other person in his aid or defense, in preventing or attempting to prevent an offense against his person, or any trespass or other unlawful interference with real or personal property in his lawful possession; provided the force or violence used is not more than sufficient to prevent such offense.

4. When committed by a party who is in or was in a familial or intimate relationship with the victim including but not limited to a spouse, ex-spouse, parents, children, persons otherwise related by blood or marriage, persons living in the same household or who formerly lived in the same household, or persons who are the biological parents of the same child, regardless of their marital status if there is evidence of a history of assaultive and abusive behavior against the party by the victim including specific instances of domestic abuse and the party reasonably believed defensive force was necessary to prevent bodily injury to the party. Testimony as to reasonable belief that defensive force was necessary to prevent bodily injury may be presented by an expert in the field of domestic violence.

5. When committed by a parent or the authorized agent of any parent, or by any guardian, master or teacher, in the exercise of a lawful authority to restrain or correct his child, ward, apprentice or scholar, provided restraint or correction has been rendered necessary by the misconduct of such child, ward, apprentice or scholar, or by his refusal to obey the lawful command of such parent or authorized agent or guardian, master or teacher, and the force or violence used is reasonable in manner and moderate in degree.

~~5.~~ 6. When committed by a carrier of passengers, or the authorized agents or servants of such carrier, or by any person assisting them at their request, in expelling from any carriage, railroad car, vessel or other vehicle, any passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct

of passengers, if such vehicle has first been stopped and the force and violence used is not more than is sufficient to expel the offending passenger, with a reasonable regard to his personal safety.

~~6.~~ 7. When committed by any person in preventing an idiot, lunatic, insane person or other person of unsound mind, including persons temporarily or partially deprived of reason, from committing an act dangerous to himself or to another, or enforcing such restraint as is necessary for the protection of his person or for his restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of his person.

SECTION 2. This act shall become effective September 1, 1992.

Passed the House of Representatives the 10th day of March, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate