

ENGROSSED HOUSE  
BILL NO. 1124

By: Roberts, Adair, Glover,  
Adkins, Breckinridge,  
Coleman, Greenwood,  
Hastings, Hiett, Key,  
Maddux, Pope (Tim),  
Rice, Satterfield,  
Sullivan (Leonard),  
Thornbrugh, Tyler,  
Vaughn, Weese, Widener  
and Worthen of the House

and

Ford of the Senate

An Act relating to crimes and punishments;

authorizing the use of force to protect real and  
personal property; establishing immunity from civil  
liability for the use of that force; providing for  
codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 1289.27 of Title 21, unless  
there is created a duplication in numbering, reads as follows:

A. A person in lawful possession of real or personal property  
is justified in using force against another individual when and to  
the degree a reasonable person believes the force is immediately  
necessary to prevent or terminate trespass by the other individual  
on real property or unlawful interference with personal property.

B. A person unlawfully dispossessed of real or personal  
property by another individual is justified in using force against

the other individual when and to the degree the dispossessed reasonable person believes the force is immediately necessary to reenter or recover the property if the dispossessed person used the force immediately or in fresh pursuit after the dispossession; and

1. The dispossessed reasonable person believes the other individual had no claim of right to the property; or

2. The other individual accomplished the dispossession by using force, threat, or fraud against the dispossessed person.

C. A person is justified in using deadly force against another individual to protect real or personal property:

1. If the person would be justified in using deadly force against the other individual pursuant to subsections A or B of this section; and

2. When and to the degree a reasonable person believes the deadly force is immediately necessary:

a. to prevent imminent commission of arson, burglary, robbery, grand larceny in the nighttime from a person, or malicious mischief causing a loss of Two Thousand Five Hundred Dollars (\$2,500.00) or more, or

b. to prevent the other individual from fleeing immediately after committing burglary, robbery, or grand larceny in the nighttime from a person and escaping with property; and

3. A reasonable person believes that:

a. the real or personal property cannot be protected or recovered by any other means, or

b. the use of force other than deadly force to protect or recover the real or personal property would expose the person or another person to a substantial risk of death or serious bodily injury.

D. Any person using force pursuant to this section shall have an affirmative defense in any criminal prosecution for an offense

arising from the reasonable use of such force and shall be immune from any civil liability for injuries or death resulting from the reasonable use of such force.

SECTION 2. This act shall become effective November 1, 1995.

Passed the House of Representatives the 1st day of March, 1995.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1995.

President of the Senate