

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1124

By: Roberts

AS INTRODUCED

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 the person reasonably 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 person reasonably 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 person reasonably 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 the person reasonably 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. The person reasonably 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.

45-1-5328

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