

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2390

By: Paulk

AS INTRODUCED

An Act relating to crimes and punishments; amending  
21 O.S. 1991, Section 643, which relates to defense  
of self and property; clarifying language; 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~~  
the public officer or acting by ~~his~~ direction of the public officer.

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

3. When committed either by the party about to be injured, or  
by any other person in ~~his~~ aid or defense of that person, in  
preventing or attempting to prevent an offense against ~~his~~ that  
person, or any trespass or other unlawful interference with real or

personal property in ~~his~~ the lawful possession of that person;  
provided the force or violence used is not more than sufficient to  
prevent such offense.

4. 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~~ their 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. 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~~ the personal safety of  
the offending passenger.

6. 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~~ that person or to another, or enforcing  
such restraint as is necessary for the protection of ~~his~~ that person  
or for ~~his~~ restoration of that person to health, during such period  
only as shall be necessary to obtain legal authority for the  
restraint or custody of ~~his~~ that person.

SECTION 2. This act shall become effective November 1, 1998.

