

SHORT TITLE: Firearms; deadly force against intruder; protecting business. Effective date. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1127

By: Ford

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 1991, Section 1289.25, as amended by Section 57, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1997, Section 1289.25), which relates to deadly force against intruder; providing for use of force to protect place of business; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1289.25, as amended by Section 57, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1997, Section 1289.25), is amended to read as follows:

Section 1289.25

PHYSICAL OR DEADLY FORCE AGAINST INTRUDER

A. The Legislature hereby recognizes that the citizens of the State of Oklahoma have a right to expect absolute safety within their own homes and places of business.

B. Any occupant of a dwelling is justified in using any degree of physical force, including but not limited to deadly force, against another person who has made an unlawful entry into that dwelling, and when the occupant has a reasonable belief that such other person might use any physical force, no matter how slight, against any occupant of the dwelling.

C. Any owner or employee of a place of business is justified in using any degree of physical force, including but not limited to deadly force, against another person who has made an entry into that place of business when the owner or employee has a reasonable belief that such other person might use any physical force, no matter how slight, against the owner, employee, or any other person in that business.

D. Any occupant of a dwelling or place of business using physical force, including but not limited to deadly force, pursuant to the provisions of subsection B of 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.

~~D.~~ E. The provisions of this section and the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through 25 of this act,~~ shall not be construed to require any person using a pistol pursuant to the provisions of this section to be licensed in any manner.

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

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-2-2149

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