

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 2088

By: Terrill

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6 AS INTRODUCED

7 An Act relating to crimes and punishments; creating
8 the Jerome Ersland Act; providing presumption of
9 self-defense under certain circumstances; making
10 presumption rebuttable with certain evidence;
11 providing for noncodification; providing for
12 codification; and providing an effective date.

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

14 SECTION 1. NEW LAW A new section of law not to be
15 codified in the Oklahoma Statutes reads as follows:

16 This act shall be known and may be cited as the "Jerome Ersland
17 Act".

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 734 of Title 21, unless there is
20 created a duplication in numbering, reads as follows:

21 There shall be a presumption that a homicide occurred in self-
22 defense or in defense of others if:

23 1. The deceased was engaged in an armed robbery at or shortly
24 before the death of the person;

1 2. The homicide was in close temporal proximity to the armed
2 robbery; and

3 3. The homicide occurred on the property where the armed
4 robbery had taken place.

5 This presumption is rebuttable by clear and convincing evidence
6 that the homicide was not in self-defense or in the defense of
7 others.

8 SECTION 3. This act shall become effective November 1, 2011.

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10 53-1-6372 GRS 01/10/11

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