

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL 1120

By: Dahm and Merrick of the
Senate

and

Olsen and Roberts (Sean) of
the House

COMMITTEE SUBSTITUTE

An Act relating to justifiable homicide; amending 21 O.S. 2021, Section 733, which relates to justifiable homicide by other persons; authorizing court to order reimbursement of costs to defendant upon certain finding; establishing burden of proof for certain showing; authorizing certain appeal to Court of Criminal Appeals; authorizing denial or reduction in award of costs upon certain finding; providing for applicability of provisions to certain prosecutions; updating statutory language; making language gender neutral; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 733, is amended to read as follows:

Section 733. A. Homicide ~~is also~~ shall be deemed justifiable when committed by ~~any~~ a person ~~in any of the following cases:~~

1 1. When resisting any attempt to murder ~~such~~ the person, or to
2 commit any felony upon ~~him~~ the person, or upon or in any dwelling
3 house in which ~~such~~ the person is;

4 2. When committed in the lawful defense of ~~such~~ the person or
5 of another, when the person using force reasonably believes such
6 force is necessary to prevent death or great bodily harm to himself
7 or herself or another or to terminate or prevent the commission of a
8 forcible felony; or

9 3. When necessarily committed in attempting, ~~by~~ in a lawful
10 ~~ways and means,~~ manner to apprehend ~~any~~ a person for any felony
11 committed; or in lawfully suppressing ~~any~~ a riot; or in lawfully
12 keeping and preserving the peace.

13 B. When a defendant is found not guilty of murder due to
14 justifiable homicide, the court may order the state to reimburse the
15 defendant for reasonable costs including but not limited to loss of
16 wages, court costs and attorney fees, and other expenses involved in
17 his or her defense. Reimbursement of costs shall not constitute an
18 independent cause of action. To order reimbursement of reasonable
19 costs, the court shall find that the defendant showed by a
20 preponderance of the evidence that the homicide was justified and
21 determine the amount of the award. If the court finds that the
22 defendant did not meet the burden of proof, the defendant may appeal
23 such finding to the Court of Criminal Appeals.
24

1 C. Notwithstanding a finding of justifiable homicide pursuant
2 to subsection B of this section, the court may deny or reduce the
3 amount of an award for reasonable costs if the court determines that
4 the defendant was engaged in criminal conduct substantially related
5 to the events resulting in the charges filed against the defendant.
6 The court shall consider the seriousness of the initial criminal
7 conduct in making a determination for a denial or reduction of an
8 award for reasonable costs.

9 D. The provisions of this section shall apply to any pending
10 prosecution for an offense occurring prior to the effective date of
11 this act.

12 E. As used in this section, "forcible felony" means any felony
13 which involves the use or threat of physical force or violence
14 against any person.

15 SECTION 2. This act shall become effective November 1, 2022.

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