

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 4158

By: Goodwin

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2021, Section 643, which relates to the use of force; prohibiting the use of chokeholds by certain persons; defining terms; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 643, is amended to read as follows:

Section 643. A. 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 such officer or acting by such officer's direction;

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

1        3. When committed either by the person about to be injured, or  
2 by any other person in such person's aid or defense, in preventing  
3 or attempting to prevent an offense against such person, or any  
4 trespass or other unlawful interference with real or personal  
5 property in such person's lawful possession; provided the force or  
6 violence used is not more than sufficient to prevent such offense;

7        4. When committed by a parent or the authorized agent of any  
8 parent, or by any guardian, master or teacher, in the exercise of a  
9 lawful authority to restrain or correct such person's child, ward,  
10 apprentice or scholar, provided restraint or correction has been  
11 rendered necessary by the misconduct of such child, ward, apprentice  
12 or scholar, or by the child's refusal to obey the lawful command of  
13 such parent or authorized agent or guardian, master or teacher, and  
14 the force or violence used is reasonable in manner and moderate in  
15 degree;

16        5. When committed by a carrier of passengers, or the authorized  
17 agents or servants of such carrier, or by any person assisting them  
18 at their request, in expelling from any carriage, railroad car,  
19 vessel or other vehicle, any passenger who refuses to obey a lawful  
20 and reasonable regulation prescribed for the conduct of passengers,  
21 if such vehicle has first been stopped and the force and violence  
22 used is not more than is sufficient to expel the offending  
23 passenger, with a reasonable regard to such passenger's personal  
24 safety; and

1       6. When committed by any person in preventing a person who is  
2 impaired by reason of intellectual or developmental disability as  
3 defined by Section 1430.2 of Title 10 of the Oklahoma Statutes, a  
4 mentally ill person, insane person or other person of unsound mind,  
5 including persons temporarily or partially deprived of reason, from  
6 committing an act dangerous to such person's self or to another, or  
7 enforcing such restraint as is necessary for the protection of the  
8 person or for restoration to health, during such period only as  
9 shall be necessary to obtain legal authority for the restraint or  
10 custody of the person.

11       B. Under no circumstances shall a peace officer, public  
12 officer, correctional officer, or any person acting on command by a  
13 peace officer, public officer, or correctional officer for aid and  
14 assistance, be authorized to use a chokehold upon another person.  
15 For purposes of this section, "chokehold", which may also be known  
16 as an "air choke", means a method by which a person applies  
17 sufficient pressure to a person which makes breathing difficult or  
18 impossible and includes, but is not limited to, any pressure to the  
19 neck, throat, or windpipe that may prevent or hinder breathing or  
20 reduce intake of air. The term also includes "blood choke" or  
21 "carotid restraint", which means applying pressure to the neck of a  
22 person on either side of the windpipe, but not to the windpipe  
23 itself, which stops the flow of blood to the brain via the carotid  
24 arteries.

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

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