

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 853

By: Weaver

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2021, Sections 1279 and 1280, which relate to pointing firearms; clarifying exception to certain prohibited act; modifying penalty provisions; removing revocation and administrative penalty provisions; amending 21 O.S. 2021, Sections 1289.16 and 1289.25, which relate to the Oklahoma Firearms Act of 1971; authorizing the pointing of firearms under certain circumstances; removing administrative penalty provision; expanding situations that allow for the use of physical or deadly force; allowing for the defensive display of firearms under certain circumstances; providing exceptions; defining terms; updating statutory language; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1279, is amended to read as follows:

Section 1279.

MISDEMEANOR POINTING A FIREARM

~~Except for an act of self-defense, it~~ It shall be unlawful for any person to point ~~any pistol~~ a firearm or ~~any~~ other deadly weapon, whether loaded or not, at ~~any other~~ another person or persons. Any

1 person ~~violating~~ convicted of a violation of the provisions of this
2 section shall, ~~upon conviction, be guilty of a misdemeanor~~
3 ~~punishable~~ be punished as provided in Section 1280 of this title.

4 ~~Any person convicted of violating the~~ The provisions of this
5 section ~~after having been issued a handgun license pursuant to the~~
6 ~~provisions of the Oklahoma Self-Defense Act may be subject to an~~
7 ~~administrative violation as provided in Section 1280 of this title~~
8 shall not apply to a person acting in self-defense or to a home or
9 business owner in defense of the owner's private property.

10 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1280, is
11 amended to read as follows:

12 Section 1280.

13 PENALTY FOR 1279

14 Any person violating the provisions of Section 1279 of this
15 title shall, upon conviction, be guilty of a misdemeanor punishable
16 by a fine ~~of~~ not less than One Hundred Dollars (\$100.00) nor more
17 than One Thousand Dollars (\$1,000.00) ~~and shall be imprisoned,~~
18 imprisonment in the county jail for a period not ~~less than three (3)~~
19 ~~nor more than~~ to exceed twelve (12) months. ~~Any person convicted of~~
20 ~~violating the provisions of Section 1279 of this title after having~~
21 ~~been issued a handgun license pursuant to the provisions of the~~
22 ~~Oklahoma Self-Defense Act shall have the handgun license revoked and~~
23 ~~shall be liable for an administrative fine of Fifty Dollars (\$50.00)~~
24 ~~upon a hearing and determination by the Oklahoma State Bureau of~~

1 ~~Investigation that the person is in violation of the provisions of~~
2 ~~this section, or by both such fine and imprisonment.~~

3 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1289.16, is
4 amended to read as follows:

5 Section 1289.16

6 FELONY POINTING FIREARMS

7 ~~Except for an act of self-defense, it~~

8 A. It shall be unlawful for any person to willfully or without
9 lawful cause point a ~~shotgun, rifle or pistol,~~ firearm or any other
10 deadly weapon, whether loaded or not, at any another person or
11 persons ~~for the purpose of threatening or with the intention of~~
12 ~~discharging the firearm or with any malice or for any purpose of~~
13 ~~injuring, either through physical injury or mental or emotional~~
14 ~~intimidation or for purposes of whimsy, humor or prank, or in anger~~
15 ~~or otherwise, but not to include the pointing of shotguns, rifles or~~
16 pistols except by law:

17 1. A person who can legally own or possess a weapon pursuant to
18 the provisions of Section 1272 of this title:

19 a. during an act of self-defense, or

20 b. in defense of private property, located on any
21 premises, owned, rented, leased, or occupied by
22 permission of the property owner;

23 2. A person in the defensive display of a firearm or other
24 deadly weapon, as provided for in Section 1289.25 of this title;

1 3. Law enforcement authorities in the performance of their
2 duties, ~~armed;~~

3 4. Armed security guards licensed by the Council on Law
4 Enforcement Education and Training pursuant to the Oklahoma Security
5 Guard and Private Investigator Act in the performance of their
6 duties, ~~members;~~

7 5. Members of the state military forces in the performance of
8 their duties, ~~members;~~

9 6. Members of the federal military reserve and active military
10 components in the performance of their duties, ~~or any federal;~~

11 7. Federal government law enforcement ~~officer~~ officers in the
12 performance of ~~any duty,~~ their duties; or ~~in~~

13 8. Any person during the performance of a play on stage, while
14 participating in a rodeo, or when participating in a television
15 program or on film, ~~or in defense of any person, one's home or~~
16 ~~property~~ project.

17 B. Any person convicted of a violation of the provisions of
18 this section shall be punished as provided in Section 1289.17 of
19 this title.

20 ~~Any person convicted of a violation of the provisions of this~~
21 ~~section after having been issued a handgun license pursuant to the~~
22 ~~Oklahoma Self-Defense Act shall have the license revoked and shall~~
23 ~~be subject to an administrative fine of One Thousand Dollars~~
24 ~~(\$1,000.00), upon a hearing and determination by the Oklahoma State~~

1 ~~Bureau of Investigation that the person is in violation of the~~
2 ~~provisions of this section.~~

3 SECTION 4. AMENDATORY 21 O.S. 2021, Section 1289.25, is
4 amended to read as follows:

5 Section 1289.25

6 PHYSICAL OR DEADLY FORCE ~~AGAINST INTRUDER~~

7 A. The Legislature hereby recognizes that the citizens of ~~the~~
8 ~~State of Oklahoma~~ this state have a right to expect absolute safety
9 within their own homes, places of business ~~or~~, places of worship, or
10 occupied premises and have the right to establish policies regarding
11 the possession of weapons on property pursuant to the provisions of
12 Section 1290.22 of this title.

13 B. A person, regardless of official capacity or lack of
14 official capacity, within a place of worship or a person, an owner,
15 manager, or employee of a business is presumed to have held a
16 reasonable fear of imminent peril of death or great bodily harm to
17 himself or herself or another when using defensive force that is
18 intended or likely to cause death or great bodily harm to another
19 if:

- 20 1. a. ~~The~~ the person against whom the defensive force was
21 used was in the process of unlawfully and forcefully
22 entering, or had unlawfully and forcibly entered, a
23 dwelling, residence, occupied vehicle, place of
24 business ~~or~~, place of worship, or any other occupied

1 premises or if that person had removed or was
2 attempting to remove another against the will of that
3 person from the dwelling, residence, occupied vehicle,
4 place of business ~~or~~, place of worship, or any other
5 occupied premises, and

6 b. ~~The~~ the person who uses defensive force knew or had
7 reason to believe that an unlawful and forcible entry
8 or unlawful and forcible act on the occupied premises
9 was occurring or had occurred; or

10 2. The person who uses defensive force knew or had a reasonable
11 belief that the person against whom the defensive force was used
12 entered or was attempting to enter into a dwelling, residence,
13 occupied vehicle, place of business ~~or~~, place of worship, or any
14 other occupied premises for the purpose of committing a forcible
15 felony, as defined in Section 733 of this title, and that the
16 defensive force was necessary to prevent the commission of the
17 forcible felony.

18 C. The presumption set forth in subsection B of this section
19 does not apply if:

20 1. The person against whom the defensive force is used has the
21 right to be in or is a lawful resident of the dwelling, residence,
22 ~~or~~ vehicle, or any other occupied premises such as an owner, lessee,
23 or titleholder, and there is not a protective order from domestic
24

1 violence in effect or a written pretrial supervision order of no
2 contact against that person;

3 2. The person or persons sought to be removed are children or
4 grandchildren, or are otherwise in the lawful custody or under the
5 lawful guardianship, of ~~7~~ the person against whom the defensive force
6 is used; or

7 3. The person who uses defensive force is engaged in an
8 unlawful activity or is using the dwelling, residence, occupied
9 vehicle, place of business ~~or~~, place of worship, or any other
10 occupied premises to further an unlawful activity.

11 D. A person who is not engaged in an unlawful activity and who
12 is attacked in any other place where he or she has a right to be has
13 no duty to retreat and has the right to stand his or her ground and
14 meet force with force, including deadly force, if he or she
15 reasonably believes it is necessary to do so to prevent death or
16 great bodily harm to himself or herself or another or to prevent the
17 commission of a forcible felony.

18 E. A person who unlawfully and by force enters or attempts to
19 enter the dwelling, residence, occupied vehicle of another person,
20 place of business ~~or~~, place of worship, or any other occupied
21 premises is presumed to be doing so with the intent to commit an
22 unlawful act involving force or violence.

23 F. A person who uses defensive force, as permitted pursuant to
24 the provisions of subsections A, B, D and E of this section, is

1 justified in using such defensive force and is immune from criminal
2 prosecution and civil action for the use of such defensive force.
3 As used in this subsection, the term "criminal prosecution" includes
4 charging or prosecuting the defendant.

5 G. A law enforcement agency may use standard procedures for
6 investigating the use of defensive force, but the law enforcement
7 agency may not arrest the person for using defensive force unless it
8 determines that there is probable cause that the defensive force
9 that was used was unlawful.

10 H. The court shall award reasonable attorney fees, court costs,
11 compensation for loss of income, and all expenses incurred by the
12 defendant in defense of any civil action brought by a plaintiff if
13 the court finds that the defendant is immune from prosecution as
14 provided in subsection F of this section.

15 I. The provisions of this section and the provisions of the
16 Oklahoma Self-Defense Act shall not be construed to require any
17 person using a weapon pursuant to the provisions of this section to
18 be licensed in any manner.

19 J. A person pointing a weapon at a perpetrator in self-defense
20 or in order to thwart, stop, or deter a forcible felony or attempted
21 forcible felony shall not be ~~deemed~~ found guilty of committing a
22 criminal act.

23 K. 1. The defensive display of a firearm or other deadly
24 weapon by a person shall not be a criminal act if a reasonable

1 person would believe that physical force is immediately necessary to
2 protect himself, herself, or another person against the use or
3 attempted use of unlawful physical or deadly force by another or in
4 defense of private property, located on any premises, owned, rented,
5 leased, or occupied by permission of the property owner.

6 2. The provisions of this subsection shall not apply to a
7 person who:

- 8 a. intentionally provokes another person to use or
9 attempt to use unlawful physical or deadly force, or
10 b. uses a firearm during the commission of an unlawful
11 act involving force or violence.

12 3. The provisions of this subsection shall not be construed to
13 require the defensive display of a firearm or any other deadly
14 weapon before the use of defensive force or the threat of defensive
15 force by a person who is justified in the use or threatened use of
16 defensive force.

17 L. As used in this section:

18 1. "Defensive display of a firearm" includes but is not limited
19 to:

- 20 a. verbally informing another person that the person
21 possesses or has available a firearm or other deadly
22 weapon,
23 b. exposing or displaying a firearm or any other deadly
24 weapon in a manner that a reasonable person would

1 understand was meant to protect the person against the
2 use or attempted use by another of unlawful physical
3 or deadly force, or

4 c. placing the hand of the person on a firearm or other
5 deadly weapon while the firearm is contained in a
6 pocket, purse, holster, sling scabbard, case, or other
7 means of containment or transport;

8 2. "Defensive force" includes, but ~~shall~~ is not ~~be~~ limited to,
9 pointing a weapon at a perpetrator in self-defense or in order to
10 thwart, stop, or deter a forcible felony or attempted forcible
11 felony;

12 ~~2.~~ 3. "Dwelling" means a building or conveyance of any kind,
13 including any attached porch, whether the building or conveyance is
14 temporary or permanent, mobile or immobile, which has a roof over
15 it, including a tent, and is designed to be occupied by people;

16 4. "Occupied premises" means any premises occupied by an owner,
17 tenant, lessee, guest, or authorized user of the premises, including
18 their agents;

19 ~~3.~~ 5. "Place of worship" means:

20 a. any permanent building, structure, facility, or office
21 space owned, leased, rented, or borrowed, on a full-
22 time basis, when used for worship services,
23 activities, and business of the congregation, which

1 may include~~7~~ but not be limited to~~7~~ churches, temples,
2 synagogues, and mosques, and

- 3 b. any permanent building, structure, facility, or office
4 space owned, leased, rented, or borrowed for use on a
5 temporary basis, when used for worship services,
6 activities, and business of the congregation
7 including~~7~~ but not limited to~~7~~ churches, temples,
8 synagogues, and mosques;

9 ~~4.~~ 6. "Residence" means a dwelling in which a person resides
10 either temporarily or permanently or is visiting as an invited
11 guest; and

12 ~~5.~~ 7. "Vehicle" means a conveyance of any kind, whether or not
13 motorized, which is designed to transport people or property.

14 SECTION 5. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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19 60-1-944

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