

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1578 _____
 _____ Of the printed Bill
 Page _____ Section _____ Lines _____
 _____ Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Rick West

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1578

By: Gann

7
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to crimes and punishments; amending
10 21 O.S. 2011, Section 1289.25, as last amended by
11 Section 1, Chapter 218, O.S.L. 2018 (21 O.S. Supp.
12 2020, Section 1289.25), which relates to the use of
13 physical or deadly force; prohibiting motor vehicle
14 operators from being subject to criminal prosecution
15 or civil action under certain circumstances;
16 clarifying immunity provisions; and declaring an
17 emergency.

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

19 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.25, as
20 last amended by Section 1, Chapter 218, O.S.L. 2018 (21 O.S. Supp.
21 2020, Section 1289.25), is amended to read as follows:

22 Section 1289.25.

23 PHYSICAL OR DEADLY FORCE ~~AGAINST INTRUDER~~

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

1 the right to establish policies regarding the possession of weapons
2 on property pursuant to the provisions of Section 1290.22 of this
3 title.

4 B. A person, regardless of official capacity or lack of
5 official capacity, within a place of worship or a person, an owner,
6 manager or employee of a business is presumed to have held a
7 reasonable fear of imminent peril of death or great bodily harm to
8 himself or herself or another when using defensive force that is
9 intended or likely to cause death or great bodily harm to another
10 if:

11 1. a. The person against whom the defensive force was used
12 was in the process of unlawfully and forcefully
13 entering, or had unlawfully and forcibly entered, a
14 dwelling, residence, occupied vehicle, place of
15 business or place of worship, or if that person had
16 removed or was attempting to remove another against
17 the will of that person from the dwelling, residence,
18 occupied vehicle, place of business or place of
19 worship.

20 b. The person who uses defensive force knew or had reason
21 to believe that an unlawful and forcible entry or
22 unlawful and forcible act was occurring or had
23 occurred; or
24

1 2. The person who uses defensive force knew or had a reasonable
2 belief that the person against whom the defensive force was used
3 entered or was attempting to enter into a dwelling, residence,
4 occupied vehicle, place of business or place of worship for the
5 purpose of committing a forcible felony, as defined in Section 733
6 of this title, and that the defensive force was necessary to prevent
7 the commission of the forcible felony.

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

10 1. The person against whom the defensive force is used has the
11 right to be in or is a lawful resident of the dwelling, residence,
12 or vehicle, such as an owner, lessee, or titleholder, and there is
13 not a protective order from domestic violence in effect or a written
14 pretrial supervision order of no contact against that person;

15 2. The person or persons sought to be removed are children or
16 grandchildren, or are otherwise in the lawful custody or under the
17 lawful guardianship of, the person against whom the defensive force
18 is used; or

19 3. The person who uses defensive force is engaged in an
20 unlawful activity or is using the dwelling, residence, occupied
21 vehicle, place of business or place of worship to further an
22 unlawful activity.

23 D. 1. A person who is not engaged in an unlawful activity and
24 who is attacked in any other place where he or she has a right to be

1 has no duty to retreat and has the right to stand his or her ground
2 and meet force with force, including deadly force, if he or she
3 reasonably believes it is necessary to do so to prevent death or
4 great bodily harm to himself or herself or another or to prevent the
5 commission of a forcible felony.

6 2. Any person operating a motor vehicle who is not engaged in
7 an unlawful activity and is approached or surrounded by perpetrators
8 of or participants in an unlawful assembly or riot, who are
9 unlawfully blocking a private road, public street or highway and
10 threatening to cause physical damage to the motor vehicle or bodily
11 harm to the occupants of the motor vehicle, shall not be subject to
12 criminal prosecution or civil action for any reasonable attempt at
13 escape regardless of whether or not there is damage to the motor
14 vehicle or any injury or death to a perpetrator or participant in
15 the unlawful assembly or riot as a result of the attempted or
16 successful escape.

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

22 F. A person who uses defensive force, as permitted pursuant to
23 the provisions of subsections A, B, D and E of this section, is
24 justified in using such defensive force and ~~is immune from~~ shall not

1 be subject to criminal prosecution and civil action for the use of
2 such defensive force. As used in this subsection, the term
3 "criminal prosecution" includes charging or prosecuting the
4 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~~ not subject to
14 prosecution as 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 guilty of committing a criminal
22 act.

23 K. As used in this section:
24

1 1. "Defensive force" includes, but shall not be limited to,
2 pointing a weapon at a perpetrator in self-defense or in order to
3 thwart, stop or deter a forcible felony or attempted forcible
4 felony;

5 2. "Dwelling" means a building or conveyance of any kind,
6 including any attached porch, whether the building or conveyance is
7 temporary or permanent, mobile or immobile, which has a roof over
8 it, including a tent, and is designed to be occupied by people;

9 3. "Place of worship" means:

10 a. any permanent building, structure, facility or office
11 space owned, leased, rented or borrowed, on a full-
12 time basis, when used for worship services, activities
13 and business of the congregation, which may include,
14 but not be limited to, churches, temples, synagogues
15 and mosques, and

16 b. any permanent building, structure, facility or office
17 space owned, leased, rented or borrowed for use on a
18 temporary basis, when used for worship services,
19 activities and business of the congregation including,
20 but not limited to, churches, temples, synagogues and
21 mosques;

22 4. "Residence" means a dwelling in which a person resides
23 either temporarily or permanently or is visiting as an invited
24 guest; and

1 5. "Vehicle" means a conveyance of any kind, whether or not
2 motorized, which is designed to transport people or property.

3 SECTION 2. It being immediately necessary for the preservation
4 of the public peace, health or safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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8 58-1-7319 GRS 02/02/21

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