

Bill Summary
1st Session of the 59th Legislature

Bill No.:	SB 1109
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Request No.:	937
Author:	Sen. Dahm
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Bill Analysis

SB 1109 authorizes defendants charged with the unlawful use of defensive force to file a motion to dismiss the charges based on a claim that the defendant is not subject to criminal charges as outlined in the Oklahoma Firearms Act of 1971. Such a motion must be filed 10 days prior to the preliminary hearing. If the court denies the motion, the defendant may file an interlocutory appeal on the ruling made by the court to the district or associate district court. The measure provides that the appeal hearing shall address whether the defensive force used by the defendant was unlawful or justified. If the court determines such force was authorized, the court is directed to enter a written order finding that the defendant is not subject to criminal prosecution and that criminal charges and proceedings shall be dismissed. Should the court find that defensive force was not authorized, it shall enter a written order binding the defendant over for trial.

Prepared by: Kalen Taylor