

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 1218 By: Bullard of the Senate  
3 and  
4 Steagall of the House  
5

6  
7 [ purchase of firearms - documentation - codification  
8 - effective date ]  
9

10 AUTHOR: Add the following House Coauthors: Maynard, West (Kevin),  
11 Banning, Hardin, Davis, Gann, Boles, Grego, Culver,  
Olsen, Smith, Humphrey, and Conley

12 AUTHOR: Add the following Senate Coauthors: Garvin and Jett

13 AMENDMENT NO. 1. Strike the stricken title, enacting clause, and  
14 entire bill and insert:  
15

16 "An Act relating to firearms; amending 21 O.S. 2021,  
17 Sections 1279 and 1280, which relate to the crime and  
18 related penalties for pointing a weapon; clarifying  
19 exception to certain prohibited act; deleting  
20 revocation and administrative penalty provisions;  
21 amending 21 O.S. 2021, Sections 1289.16 and 1289.25,  
22 which relate to the Oklahoma Firearms Act of 1971;  
23 authorizing the pointing of firearms under certain  
24 circumstances; making certain acts unlawful; deleting  
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; prohibiting denial of  
firearm purchases by certain persons; providing for  
codification; and declaring an emergency.

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

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

4 Section 1279.

5 MISDEMEANOR POINTING A FIREARM

6 ~~Except for an act of self-defense, it~~ It shall be unlawful for  
7 any person to point any ~~pistol~~ firearm or any other deadly weapon  
8 whether loaded or not, at any other person or persons. Any person  
9 violating the provisions of this section shall, upon conviction, be  
10 guilty of a misdemeanor punishable as provided in Section 1280 of  
11 this title.

12 ~~Any person convicted of violating the~~ The provisions of this  
13 section ~~after having been issued a~~ shall not apply to persons acting  
14 in self-defense or to home or business owners in defense of their  
15 private property, whether or not they possess a valid handgun  
16 license pursuant to the provisions of the Oklahoma Self-Defense Act  
17 ~~may be subject to an administrative violation as provided in Section~~  
18 ~~1280 of this title.~~

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

21 Section 1280.

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PENALTY FOR 1279

1 Any person violating the provisions of Section 1279 of this  
2 title shall, upon conviction, be guilty of a misdemeanor punishable  
3 by a fine of not less than One Hundred Dollars (\$100.00) nor more  
4 than One Thousand Dollars (\$1,000.00) and shall be imprisoned in the  
5 county jail for a period of not ~~less than three (3)~~ nor more than  
6 twelve (12) months. ~~Any person convicted of violating the~~  
7 ~~provisions of Section 1279 of this title after having been issued a~~  
8 ~~handgun license pursuant to the provisions of the Oklahoma Self-~~  
9 ~~Defense Act shall have the handgun license revoked and shall be~~  
10 ~~liable for an administrative fine of Fifty Dollars (\$50.00) upon a~~  
11 ~~hearing and determination by the Oklahoma State Bureau of~~  
12 ~~Investigation that the person is in violation of the provisions of~~  
13 ~~this section.~~

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

16 Section 1289.16

17 FELONY POINTING FIREARMS

18 ~~Except for an act of self-defense, it~~ A. It shall be unlawful  
19 ~~for any person to willfully or without lawful cause~~ lawful to point  
20 ~~a shotgun, rifle or pistol, firearm, knife, or any other~~ deadly  
21 ~~weapon, whether loaded or not, at any~~ another person or persons ~~for~~  
22 ~~the purpose of threatening or with the intention of discharging the~~  
23 ~~firearm or with any malice or for any purpose of injuring, either~~  
24 ~~through physical injury or mental or emotional intimidation or for~~

1 ~~purposes of whimsy, humor or prank, or in anger or otherwise, but~~  
2 ~~not to include the pointing of shotguns, rifles or pistols by law:~~

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

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

6 b. in defense of real or private property, whether owned,  
7 leased, or occupied by permission of the property  
8 owner and whether or not the person possesses a valid  
9 handgun license issued pursuant to the Oklahoma Self-  
10 Defense Act;

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

13 3. Law enforcement authorities in the performance of their  
14 duties, ~~armed;~~

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

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

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

23 7. Any federal government law enforcement officer in the  
24 performance of any duty, ~~or in~~

1       8. Any person during the performance of a play on stage, while  
2 participating in a rodeo, or when participating in a television  
3 program or on film, or in defense of any person, one's home or  
4 property project.

5       B. It shall be unlawful for any person to willfully and without  
6 lawful cause point a firearm, knife or any other deadly weapon,  
7 whether loaded or not, at any person or persons for the purpose of  
8 threatening or with the intention of discharging the firearm or with  
9 any malice or for any purpose of injuring, either through physical  
10 injury or mental or emotional intimidation, or for purposes of  
11 whimsy, humor or prank, or in anger or otherwise.

12       C. Any person convicted of a violation of the provisions of  
13 this section shall be punished as provided in Section 1289.17 of  
14 this title.

15       ~~Any person convicted of a violation of the provisions of this~~  
16 ~~section after having been issued a handgun license pursuant to the~~  
17 ~~Oklahoma Self-Defense Act shall have the license revoked and shall~~  
18 ~~be subject to an administrative fine of One Thousand Dollars~~  
19 ~~(\$1,000.00), upon a hearing and determination by the Oklahoma State~~  
20 ~~Bureau of Investigation that the person is in violation of the~~  
21 ~~provisions of this section.~~

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

24       Section 1289.25

1                   PHYSICAL OR DEADLY FORCE ~~AGAINST INTRUDER~~

2           A. The Legislature hereby recognizes that the citizens of the  
3 State of Oklahoma have a right to expect absolute safety within  
4 their own homes, places of business, occupied premises, or places of  
5 worship and have the right to establish policies regarding the  
6 possession of weapons on property pursuant to the provisions of  
7 Section 1290.22 of this title.

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

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

1           b.    The person who uses defensive force knew or had reason  
2                    to believe that an unlawful and forcible entry or  
3                    unlawful and forcible act on the occupied premises was  
4                    occurring or had occurred; or

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

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

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

19           2.    The person or persons sought to be removed are children or  
20 grandchildren, or are otherwise in the lawful custody or under the  
21 lawful guardianship of, the person against whom the defensive force  
22 is used; or

23           3.    The person who uses defensive force is engaged in an  
24 unlawful activity or is using the dwelling, residence, occupied

1 vehicle, place of business or place of worship to further an  
2 unlawful activity.

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

10 E. A person who unlawfully and by force enters or attempts to  
11 enter the dwelling, residence, occupied vehicle of another person,  
12 place of business, occupied premises, or place of worship is  
13 presumed to be doing so with the intent to commit an unlawful act  
14 involving force or violence.

15 F. A person who uses defensive force, as permitted pursuant to  
16 the provisions of subsections A, B, D and E of this section, is  
17 justified in using such defensive force and is immune from and shall  
18 not be subject to criminal prosecution and civil action for the use  
19 of such defensive force. As used in this subsection, the term  
20 "criminal prosecution" includes charging or prosecuting the  
21 defendant.

22 G. A law enforcement agency may use standard procedures for  
23 investigating the use of defensive force, but the law enforcement  
24 agency may not arrest the person for using defensive force unless it

1 determines that there is probable cause that the defensive force  
2 that was used was unlawful.

3 H. The court shall award reasonable attorney fees, court costs,  
4 compensation for loss of income, and all expenses incurred by the  
5 defendant in defense of any civil action brought by a plaintiff if  
6 the court finds that the defendant is immune from and not subject to  
7 criminal prosecution as provided in subsection F of this section.

8 I. The provisions of this section and the provisions of the  
9 Oklahoma Self-Defense Act shall not be construed to require any  
10 person using a weapon pursuant to the provisions of this section to  
11 be licensed in any manner.

12 J. A person pointing a weapon at a perpetrator in self-defense  
13 or in order to thwart, stop or deter a forcible felony or attempted  
14 forcible felony shall not be deemed guilty of committing a criminal  
15 act.

16 K. 1. The defensive display of a firearm or other deadly  
17 weapon by a person is justified when and to the extent a reasonable  
18 person believes that physical force is immediately necessary to  
19 protect himself, herself or another person against the use or  
20 attempted use of unlawful physical or deadly force by a person,  
21 premises owner or controller in self-defense, or in defense of real  
22 or private property, located on any premises, owned, rented, leased  
23 or occupied by permission of the premises owner or controller,  
24 whether or not a person is in possession of a valid handgun license

1 issued pursuant to the provisions of the Oklahoma Self-Defense Act  
2 and shall not be deemed a criminal act.

3 2. The provisions of this subsection shall not apply to a  
4 person who:

5 a. intentionally provokes another person to use or  
6 attempt to use unlawful physical or deadly force, or

7 b. uses a firearm during the commission of an unlawful  
8 act involving force or violence.

9 3. The provisions of this subsection do not require the  
10 defensive display of a firearm or any other deadly weapon before the  
11 use of defensive force or the threat of defensive force by a person  
12 who is justified in the use or threatened use of defensive force.

13 4. For purposes of this subsection, "defensive display of a  
14 firearm" includes, but is not limited to:

15 a. verbally informing another person that the person  
16 possesses or has available a firearm or any other  
17 deadly weapon,

18 b. exposing or displaying a firearm or any other deadly  
19 weapon in a manner that a reasonable person would  
20 understand was meant to protect the person against the  
21 use or attempted use by another of unlawful physical  
22 or deadly force, or

23 c. placing the hand of the person on a firearm or any  
24 other deadly weapon while the firearm is contained in

1           a pocket, purse, holster, sling scabbard, case or  
2           other means of containment or transport.

3       L. As used in this section:

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

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

12           3. "Occupied premises" means any premises occupied by an owner,  
13 tenant, lessee, business, place of worship, liquor store, guest or  
14 authorized user of the premises, including their agents;

15       4. "Place of worship" means:

16           a. any permanent building, structure, facility or office  
17 space owned, leased, rented or borrowed, on a full-  
18 time basis, when used for worship services, activities  
19 and business of the congregation, which may include,  
20 but not be limited to, churches, temples, synagogues  
21 and mosques, and

22           b. any permanent building, structure, facility or office  
23 space owned, leased, rented or borrowed for use on a  
24 temporary basis, when used for worship services,

1 activities and business of the congregation including,  
2 but not limited to, churches, temples, synagogues and  
3 mosques;

4 ~~4.~~ 5. "Residence" means a dwelling in which a person resides  
5 either temporarily or permanently or is visiting as an invited  
6 guest; and

7 ~~5.~~ 6. "Vehicle" means a conveyance of any kind, whether or not  
8 motorized, which is designed to transport people or property.

9 SECTION 5. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1289.28a of Title 21, unless  
11 there is created a duplication in numbering, reads as follows:

12 No person eighteen (18) years of age or older within this state  
13 shall be denied the purchase of a firearm based on his or her age  
14 unless otherwise prohibited by state law.

15 SECTION 6. It being immediately necessary for the preservation  
16 of the public peace, health or safety, an emergency is hereby  
17 declared to exist, by reason whereof this act shall take effect and  
18 be in full force from and after its passage and approval."  
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1 ENGROSSED SENATE  
2 BILL NO. 1218

By: Bullard of the Senate

3 and

4 Steagall of the House

5  
6 [ purchase of firearms - documentation - codification  
7 - effective date ]  
8

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

10 SECTION 7. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 1289.28a of Title 21, unless  
12 there is created a duplication in numbering, reads as follows:

13 No person eighteen (18) years or older within this state shall  
14 be denied the purchase of a firearm based on his or her age unless  
15 otherwise prohibited by state law.

16 SECTION 8. This act shall become effective November 1, 2024.  
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