

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 925, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Dahm

Dahm-BG-FS-Req#1888
3/4/2021 4:06 PM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 925

By: Dahm, Hamilton, Bergstrom,
Stephens and Allen of the
Senate

6 and

7 Steagall of the House

8
9
10 FLOOR SUBSTITUTE

11 An Act relating to firearms; amending 21 O.S. 2011,
12 Sections 1279, as amended by Section 1, Chapter 171,
13 O.S.L. 2013 and 1280 (21 O.S. Supp. 2020, Section
14 1279), which relate to pointing a firearm and related
15 penalties; expanding scope of certain prohibited act;
16 removing administrative penalty provision; updating
17 language; amending 21 O.S. 2011, Section 1289.16, as
18 last amended by Section 1, Chapter 266, O.S.L. 2017
19 and 1289.25, as last amended by Section 1, Chapter
20 218, O.S.L. 2018 (21 O.S. Supp. 2020, Sections
21 1289.16 and 1289.25), which relate to Oklahoma
22 Firearms Act of 1971; authorizing the pointing of
23 firearms under certain circumstances; removing
24 administrative penalty provision; removing certain
presumption; providing for the defensive display of
firearms under certain circumstances; providing
exceptions; providing examples of certain action; and
declaring an emergency.

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

1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1279, as
2 amended by Section 1, Chapter 171, O.S.L. 2013 (21 O.S. Supp. 2020,
3 Section 1279), is amended to read as follows:

4 Section 1279. MISDEMEANOR POINTING A FIREARM

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

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

18 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280, is
19 amended to read as follows:

20 Section 1280.

21 PENALTY FOR 1279

22 Any person violating the provisions of Section 1279 of this
23 title, upon conviction, shall be guilty of a misdemeanor. ~~The~~
24 ~~person offending shall be punished~~ punishable by a fine of not less

1 than One Hundred Dollars (\$100.00) nor more than One Thousand
2 Dollars (\$1,000.00) and shall be imprisoned in the county jail for a
3 period not ~~less than three (3) nor~~ more than twelve (12) months.
4 ~~Any person convicted of violating the provisions of Section 1279 of~~
5 ~~this title after having been issued a handgun license pursuant to~~
6 ~~the provisions of the Oklahoma Self-Defense Act, Sections 1 through~~
7 ~~25 of this act, shall have the handgun license permanently revoked~~
8 ~~and shall be liable for an administrative fine of Fifty Dollars~~
9 ~~(\$50.00) upon a hearing and determination by the Oklahoma State~~
10 ~~Bureau of Investigation that the person is in violation of the~~
11 ~~provisions of this section.~~

12 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1289.16, as
13 last amended by Section 1, Chapter 266, O.S.L. 2017 (21 O.S. Supp.
14 2020, Section 1289.16), is amended to read as follows:

15 Section 1289.16.

16 FELONY POINTING FIREARMS

17 ~~Except for~~ A. It shall be lawful to point shotguns, rifles or
18 pistols, knives or any other deadly weapon at another person or
19 persons, by a person that can legally own or possess a weapon
20 pursuant to the provisions of Section 1272 of this title during an
21 ~~act of self-defense, it shall be unlawful for any person to~~
22 ~~willfully or without lawful cause point a shotgun, rifle or pistol,~~
23 ~~or any deadly weapon, whether loaded or not, at any person or~~
24 ~~persons for the purpose of threatening or with the intention of~~

1 ~~discharging the firearm or with any malice or for any purpose of~~
2 ~~injuring, either through physical injury or mental or emotional~~
3 ~~intimidation or for purposes of whimsy, humor or prank, or in anger~~
4 ~~or otherwise, but not to include the pointing of shotguns, rifles or~~
5 ~~pistols~~ by a premises owner or controller, in self-defense, or in
6 defense of real or private property located on any premises, or
7 owned, rented, leased or occupied by permission of the premises
8 owner or controller, whether or not a person is in possession of a
9 valid handgun license pursuant to the provisions of the Oklahoma
10 Self-Defense Act, or by law enforcement authorities in the
11 performance of their duties, armed security guards licensed by the
12 Council on Law Enforcement Education and Training pursuant to the
13 Oklahoma Security Guard and Private Investigator Act in the
14 performance of their duties, members of the state military forces in
15 the performance of their duties, a person in possession of a valid
16 handgun license pursuant to the provisions of the Oklahoma Self-
17 Defense Act, members of the federal military reserve and active
18 military components in the performance of their duties, or any
19 federal government law enforcement officer in the performance of any
20 duty, or in the performance of a play on stage, rodeo, television
21 program or on film, or in defense of any person, one's home or
22 property.

23 B. It shall be unlawful for any person to willfully and without
24 lawful cause point a shotgun, rifle or pistol, knife or any other

1 deadly weapon, whether loaded or not, at any person or persons for
2 the purpose of threatening or with the intention of discharging the
3 firearm or with any malice or for any purpose of injuring, either
4 through physical injury or mental or emotional intimidation or for
5 purposes of whimsy, humor or prank, or in anger or otherwise.

6 C. Any person convicted of a violation of the provisions of
7 this section shall be punished as provided in Section 1289.17 of
8 this title.

9 ~~Any person convicted of a violation of the provisions of this~~
10 ~~section after having been issued a handgun license pursuant to the~~
11 ~~Oklahoma Self-Defense Act shall have the license revoked and shall~~
12 ~~be subject to an administrative fine of One Thousand Dollars~~
13 ~~(\$1,000.00), upon a hearing and determination by the Oklahoma State~~
14 ~~Bureau of Investigation that the person is in violation of the~~
15 ~~provisions of this section.~~

16 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.25, as
17 last amended by Section 1, Chapter 218, O.S.L. 2018 (21 O.S. Supp.
18 2020, Section 1289.25), is amended to read as follows:

19 Section 1289.25.

20 PHYSICAL OR DEADLY FORCE AGAINST INTRUDER

21 A. The Legislature hereby recognizes that the citizens of the
22 State of Oklahoma have a right to expect absolute safety within
23 their own homes, places of business, occupied premises or places of
24 worship and have the right to establish policies regarding the

1 possession of weapons on property pursuant to the provisions of
2 Section 1290.22 of this title.

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

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

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

23 2. The person who uses defensive force knew or had a reasonable
24 belief that the person against whom the defensive force was used

1 entered or was attempting to enter into a dwelling, residence,
2 occupied vehicle, place of business, occupied premises or place of
3 worship for the purpose of committing a forcible felony, as defined
4 in Section 733 of this title, and that the defensive force was
5 necessary to prevent the commission of the forcible felony.

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

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

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

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

22 D. A person who is not engaged in an unlawful activity and who
23 is attacked in any other place where he or she has a right to be has
24 no duty to retreat and has the right to stand his or her ground and

1 meet force with force, including deadly force, if he or she
2 reasonably believes it is necessary to do so to prevent death or
3 great bodily harm to himself or herself or another or to prevent the
4 commission of a forcible felony.

5 E. A person who unlawfully and by force enters or attempts to
6 enter the dwelling, residence, occupied vehicle of another person,
7 place of business, occupied premises or place of worship is presumed
8 to be doing so with the intent to commit an unlawful act involving
9 force or violence.

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

17 G. A law enforcement agency may use standard procedures for
18 investigating the use of defensive force, but the law enforcement
19 agency may not arrest the person for using defensive force unless it
20 determines that there is probable cause that the defensive force
21 that was used was unlawful.

22 H. The court shall award reasonable attorney fees, court costs,
23 compensation for loss of income, and all expenses incurred by the
24 defendant in defense of any civil action brought by a plaintiff if

1 the court finds that the defendant is ~~immune from~~ not subject to
2 prosecution as provided in subsection F of this section.

3 I. The provisions of this section and the provisions of the
4 Oklahoma Self-Defense Act shall not be construed to require any
5 person using a weapon pursuant to the provisions of this section to
6 be licensed in any manner.

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

11 K. 1. Defensive display of a firearm or other deadly weapon by
12 a person is justified when and to the extent a reasonable person who
13 believes that physical force is immediately necessary to protect
14 himself, herself or another against the use or attempted use of
15 unlawful physical or deadly force by a person, premises owner or
16 controller in self-defense, or in defense of real or private
17 property, located on any premises, owned, rented, leased or occupied
18 by permission of the premise owner or controller, whether or not a
19 person is in possession of a valid handgun license pursuant to the
20 provisions of the Oklahoma Self-Defense Act and shall not be deemed
21 a criminal act.

22 2. The provisions of this subsection shall not apply to a
23 person who:
24

- 1 a. intentionally provokes another person to use or
2 attempt to use unlawful physical or deadly force, or
3 b. uses a firearm during the commission of an unlawful
4 act involving force or violence.

5 3. The provisions of this subsection do not require the
6 defensive display of a firearm or any other deadly weapon before the
7 use of defensive force or the threat of defensive force by a person
8 who is justified in the use or threatened use of defensive force.

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

- 11 a. verbally informing another person that the person
12 possesses or has available a firearm or any other
13 deadly weapon,
14 b. exposing or displaying a firearm or any other deadly
15 weapon in a manner that a reasonable person would
16 understand was meant to protect the person against the
17 use or attempted use by another of unlawful physical
18 or deadly force, or
19 c. placing the hand of the person on a firearm or any
20 other deadly weapon while the firearm is contained in
21 a pocket, purse, holster, sling scabbard, case or
22 other means of containment or transport.

23 L. 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" or occupied premises means a dwelling or
23 building in which a person ~~resides~~ is occupying either temporarily
24 or permanently or is visiting as an invited guest; ~~and~~

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

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

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

10

11 58-1-1888 BG 3/4/2021 4:06:49 PM

12

13

14

15

16

17

18

19

20

21

22

23

24