

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2818

By: Steagall

6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2021,
8 Sections 1279 and 1280, which relate to pointing
firearms at others and related penalties; clarifying
scope of and exception to certain unlawful act;
9 deleting mandatory minimum sentencing option;
deleting handgun license revocation requirement;
10 amending 21 O.S. 2021, Sections 1289.16 and 1289.25,
which relate to the Oklahoma Firearms Act of 1971;
11 authorizing the pointing of firearms under certain
circumstances; making certain acts unlawful; deleting
12 administrative penalty provision; expanding
situations that allow for the use of physical or
13 deadly force; allowing for the defensive display of
firearms under certain circumstances; providing
14 exceptions; defining terms; and declaring an
emergency.

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

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

22 Section 1279.

23 MISDEMEANOR POINTING A FIREARM

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

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

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

16 Section 1280.

17 PENALTY FOR 1279

18 Any person violating the provisions of Section 1279 of this
19 title shall, upon conviction, be guilty of a misdemeanor punishable
20 by a fine of not less than One Hundred Dollars (\$100.00) nor more
21 than One Thousand Dollars (\$1,000.00) and shall be imprisoned in the
22 county jail for a period of not less than three (3) nor more than
23 twelve (12) months. Any person convicted of violating the
24 provisions of Section 1279 of this title after having been issued a

1 handgun license pursuant to the provisions of the Oklahoma Self-
2 Defense Act shall have the handgun license revoked and shall be
3 liable for an administrative fine of Fifty Dollars (\$50.00) upon a
4 hearing and determination by the Oklahoma State Bureau of
5 Investigation that the person is in violation of the provisions of
6 this section.

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

9 Section 1289.16.

10 FELONY POINTING FIREARMS

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

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

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

23 b. in defense of real or private property, whether owned,
24 leased, or occupied by permission of the property

1 owner and whether or not the person possesses a valid
2 handgun license issued pursuant to the Oklahoma Self-
3 Defense Act;

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

6 3. Law enforcement authorities in the performance of their
7 duties, ~~armed~~;

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

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

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

16 7. Any federal government law enforcement officer in the
17 performance of any duty~~r~~; or ~~in~~

18 8. Any person during the performance of a play on stage, ~~while~~
19 participating in a rodeo, ~~or when participating in a television~~
20 program or on film, ~~or in defense of any person, one's home or~~
21 property project.

22 B. It shall be unlawful for any person to willfully and without
23 lawful cause point a firearm, knife, or any other deadly weapon,
24 whether loaded or not, at any person or persons for the purpose of

1 threatening or with the intention of discharging the firearm or with
2 any malice or for any purpose of injuring, either through physical
3 injury or mental or emotional intimidation, or for purposes of
4 whimsy, humor, or prank, or in anger or otherwise.

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

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

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

17 Section 1289.25.

18 PHYSICAL OR DEADLY FORCE ~~AGAINST INTRUDER~~

19 A. The Legislature hereby recognizes that the citizens of the
20 State of Oklahoma have a right to expect absolute safety within
21 their own homes, places of business, occupied premises, or places of
22 worship and have the right to establish policies regarding the
23 possession of weapons on property pursuant to the provisions of
24 Section 1290.22 of this title.

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

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

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

21 2. The person who uses defensive force knew or had a reasonable
22 belief that the person against whom the defensive force was used
23 entered or was attempting to enter into a dwelling, residence,
24 occupied vehicle, place of business, occupied premises, or place of

1 worship for the purpose of committing a forcible felony, as defined
2 in Section 733 of this title, and that the defensive force was
3 necessary to prevent the commission of the forcible felony.

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

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

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

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

19 D. A person who is not engaged in an unlawful activity and who
20 is attacked in any other place where he or she has a right to be has
21 no duty to retreat and has the right to stand his or her ground and
22 meet force with force, including deadly force, if he or she
23 reasonably believes it is necessary to do so to prevent death or

1 great bodily harm to himself or herself or another or to prevent the
2 commission of a forcible felony.

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

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

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

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

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

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

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

20 2. The provisions of this subsection shall not apply to a
21 person who:

22 a. intentionally provokes another person to use or
23 attempt to use unlawful physical or deadly force, or

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

3. The provisions of this subsection do not require the

defensive display of a firearm or any other deadly weapon before the
use of defensive force or the threat of defensive force by a person
who is justified in the use or threatened use of defensive force.

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

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

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

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

L. As used in this section:

1. "Defensive force" includes, but shall not be limited to, pointing a weapon at a perpetrator in self-defense or in order to

1 thwart, stop or deter a forcible felony or attempted forcible
2 felony;

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

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

10 4. "Place of worship" means:

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

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

1 4. 5. "Residence" means a dwelling in which a person resides
2 either temporarily or permanently or is visiting as an invited
3 guest; and

4 5. 6. "Vehicle" means a conveyance of any kind, whether or not
5 motorized, which is designed to transport people or property.

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.

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