

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 2321

By: Coody

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5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,
8 Section 1272, as last amended by Section 1, Chapter
9 217, O.S.L. 2016 (21 O.S. Supp. 2016, Section 1272),
10 which relates to the unlawful carry of firearms;
11 adding exception to certain prohibited act; amending
12 21 O.S. 2011, Section 1277, as last amended by
13 Section 3, Chapter 210, O.S.L. 2016 (21 O.S. Supp.
14 2016, Section 1277), which relates to the unlawful
15 carry of firearms in certain places; modifying scope
16 of prohibited acts; clarifying construing provision;
17 updating statutory citation; amending 21 O.S. 2011,
18 Sections 1289.3, 1289.6, as last amended by Section
19 1, Chapter 268, O.S.L. 2016, 1289.7, as amended by
20 Section 12, Chapter 259, O.S.L. 2012, 1289.13A, as
21 amended by Section 19, Chapter 259, O.S.L. 2012 and
22 1289.24, as last amended by Section 1, Chapter 241,
23 O.S.L. 2015 (21 O.S. Supp. 2016, Sections 1289.6,
24 1289.7, 1289.13A and 1289.24), which relate to the
Oklahoma Firearms Act of 1971; modifying certain
definition; clarifying conditions for firearms carry;
authorizing certain persons to carry unconcealed
pistols or handguns; prohibiting the carrying of
pistols or handguns into certain places; declaring
authority of persons to carry unconcealed firearms;
prohibiting the disarming or physical restraint of
persons carrying firearms; providing an exception;
construing certain provision; stating age limitation
for carrying firearms in vehicles; clarifying manner
in which persons may carry firearms in vehicles;
deleting certain definition; making certain acts
unlawful; providing penalty; modifying firearms
confiscation provision; providing statutory
reference; amending 21 O.S. 2011, Sections 1290.1,
1290.2, as last amended by Section 2, Chapter 366,
O.S.L. 2013, 1290.3, as amended by Section 24,

1 Chapter 259, O.S.L. 2012, 1290.12, as last amended by
2 Section 2, Chapter 256, O.S.L. 2016, 1290.22, as last
3 amended by Section 2, Chapter 18, O.S.L. 2016 and
4 1290.26, as last amended by Section 18, Chapter 15,
5 O.S.L. 2013 (21 O.S. Supp. 2016, Sections 1290.2,
6 1290.3, 1290.12, 1290.22 and 1290.26), which relate
7 to the Oklahoma Self-Defense Act; updating statutory
8 reference; modifying certain definitions; modifying
9 authorization of the Oklahoma State Bureau of
10 Investigation to issue handgun licenses; removing
11 authority of the Oklahoma State Bureau of
12 Investigation to issue unconcealed handgun licenses;
13 recognizing previously issued handgun licenses;
14 modifying certain handgun license application
15 requirement; clarifying provision relating to the
16 carrying of firearms on posted property; clarifying
17 and updating certain terms relating to reciprocal
18 agreement authority; and providing an effective date.

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

20 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
21 last amended by Section 1, Chapter 217, O.S.L. 2016 (21 O.S. Supp.
22 2016, Section 1272), is amended to read as follows:

23 Section 1272.

24 UNLAWFUL CARRY

A. It shall be unlawful for any person to carry upon or about
his or her person, or in a purse or other container belonging to the
person, any pistol, revolver, shotgun or rifle whether loaded or
unloaded or any blackjack, loaded cane, billy, hand chain, metal
knuckles, or any other offensive weapon, whether such weapon be
concealed or unconcealed, except this section shall not prohibit:

- 1 1. The proper use of guns and knives for self-defense, hunting,
2 fishing, educational or recreational purposes;
- 3 2. The carrying or use of weapons in a manner otherwise
4 permitted by statute or authorized by the Oklahoma Self-Defense Act;
- 5 3. The carrying, possession and use of any weapon by a peace
6 officer or other person authorized by law to carry a weapon in the
7 performance of official duties and in compliance with the rules of
8 the employing agency;
- 9 4. The carrying or use of weapons in a courthouse by a district
10 judge, associate district judge or special district judge within
11 this state, who is in possession of a valid handgun license issued
12 pursuant to the provisions of the Oklahoma Self-Defense Act and
13 whose name appears on a list maintained by the Administrative
14 Director of the Courts; ~~or~~
- 15 5. The carrying and use of firearms and other weapons provided
16 in this subsection when used for the purpose of living history
17 reenactment. For purposes of this paragraph, "living history
18 reenactment" means depiction of historical characters, scenes,
19 historical life or events for entertainment, education, or
20 historical documentation through the wearing or use of period,
21 historical, antique or vintage clothing, accessories, firearms,
22 weapons, and other implements of the historical period; or
- 23 6. The unconcealed carrying of firearms pursuant to the
24 definitions provided for in Sections 1289.3, 1289.4, 1289.5 and

1 paragraph 2 of subsection A of Section 1290.2 of this title by a
2 person who is a legal resident, twenty-one (21) years of age or
3 older, is not a convicted felon or who is otherwise not disqualified
4 from the possession or legal purchase of a firearm under state or
5 federal law and is not involved in a crime. Any person who carries
6 a firearm in the manner provided for in this paragraph shall be
7 prohibited from carrying the firearm into any of the places
8 prescribed in subsections A and F of Section 1277 of this title.

9 B. Any person convicted of violating the foregoing provision
10 shall be guilty of a misdemeanor punishable as provided in Section
11 1276 of this title.

12 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
13 last amended by Section 3, Chapter 210, O.S.L. 2016 (21 O.S. Supp.
14 2016, Section 1277), is amended to read as follows:

15 Section 1277.

16 UNLAWFUL CARRY IN CERTAIN PLACES

17 A. It shall be unlawful for any person ~~in possession of a valid~~
18 ~~handgun license issued~~ pursuant to the provisions of the Oklahoma
19 Self-Defense Act to carry ~~any concealed or unconcealed handgun a~~
20 firearm into any of the following places:

21 1. Any structure, building, or office space which is owned or
22 leased by a city, town, county, state or federal governmental
23 authority for the purpose of conducting business with the public;

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1 2. Any prison, jail, detention facility or any facility used to
2 process, hold or house arrested persons, prisoners or persons
3 alleged delinquent or adjudicated delinquent, except as provided in
4 Section 21 of Title 57 of the Oklahoma Statutes;

5 3. Any public or private elementary or public or private
6 secondary school, except as provided in subsections C and D of this
7 section;

8 4. Any sports arena during a professional sporting event;

9 5. Any place where pari-mutuel wagering is authorized by law;
10 and

11 6. Any other place specifically prohibited by law.

12 B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A
13 of this section, the prohibited place does not include and
14 specifically excludes the following property:

15 1. Any property set aside for the use or parking of any
16 vehicle, whether attended or unattended, by a city, town, county,
17 state or federal governmental authority;

18 2. Any property set aside for the use or parking of any
19 vehicle, whether attended or unattended, by any entity offering any
20 professional sporting event which is open to the public for
21 admission, or by any entity engaged in pari-mutuel wagering
22 authorized by law;

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1 3. Any property adjacent to a structure, building or office
2 space in which concealed or unconcealed weapons are prohibited by
3 the provisions of this section;

4 4. Any property designated by a city, town, county or state
5 governmental authority as a park, recreational area, or fairgrounds;
6 provided, nothing in this paragraph shall be construed to authorize
7 any entry by a person in possession of a concealed or unconcealed
8 handgun into any structure, building or office space which is
9 specifically prohibited by the provisions of subsection A of this
10 section; and

11 5. Any property set aside by a public or private elementary or
12 secondary school for the use or parking of any vehicle, whether
13 attended or unattended; provided, however, said handgun shall be
14 stored and hidden from view in a locked motor vehicle when the motor
15 vehicle is left unattended on school property.

16 Nothing contained in any provision of this subsection or
17 subsection C of this section shall be construed to authorize or
18 allow any person in control of any place described in paragraph 1,
19 2, 3, 4 or 5 of subsection A of this section to establish any policy
20 or rule that has the effect of prohibiting any person in lawful
21 possession of a ~~handgun license~~ firearm from possession of a ~~handgun~~
22 ~~allowable under such license~~ firearm in places described in
23 paragraph 1, 2, 3, 4 or 5 of this subsection.

1 C. A concealed or unconcealed weapon may be carried onto
2 private school property or in any school bus or vehicle used by any
3 private school for transportation of students or teachers by a
4 person who is licensed pursuant to the Oklahoma Self-Defense Act,
5 provided a policy has been adopted by the governing entity of the
6 private school that authorizes the carrying and possession of a
7 weapon on private school property or in any school bus or vehicle
8 used by a private school. Except for acts of gross negligence or
9 willful or wanton misconduct, a governing entity of a private school
10 that adopts a policy which authorizes the possession of a weapon on
11 private school property, a school bus or vehicle used by the private
12 school shall be immune from liability for any injuries arising from
13 the adoption of the policy. The provisions of this subsection shall
14 not apply to claims pursuant to the Workers' Compensation Code.

15 D. Notwithstanding paragraph 3 of subsection A of this section,
16 a board of education of a school district may adopt a policy
17 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
18 authorize the carrying of a handgun onto school property by school
19 personnel specifically designated by the board of education,
20 provided such personnel either:

- 21 1. Possess a valid armed security guard license as provided for
22 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or
- 23 2. Hold a valid reserve peace officer certification as provided
24 for in Section 3311 of Title 70 of the Oklahoma Statutes.

1 Nothing in this subsection shall be construed to restrict authority
2 granted elsewhere in law to carry firearms.

3 E. Any person violating the provisions of subsection A of this
4 section shall, upon conviction, be guilty of a misdemeanor
5 punishable by a fine not to exceed Two Hundred Fifty Dollars
6 (\$250.00).

7 F. No person ~~in possession of a valid handgun license issued~~
8 pursuant to the provisions of the Oklahoma Self-Defense Act or
9 Oklahoma Firearms Act of 1971 shall be authorized to carry ~~the~~
10 ~~handgun~~ a firearm into or upon any college, university or technology
11 center school property, except as provided in this subsection. For
12 purposes of this subsection, the following property shall not be
13 construed as prohibited for persons having a valid handgun license:

14 1. Any property set aside for the use or parking of any
15 vehicle, whether attended or unattended, provided the handgun is
16 carried or stored as required by law and the handgun is not removed
17 from the vehicle without the prior consent of the college or
18 university president or technology center school administrator while
19 the vehicle is on any college, university or technology center
20 school property;

21 2. Any property authorized for possession or use of handguns by
22 college, university or technology center school policy; and

23 3. Any property authorized by the written consent of the
24 college or university president or technology center school

1 administrator, provided the written consent is carried with the
2 handgun and the valid handgun license while on college, university
3 or technology center school property.

4 The college, university or technology center school may notify
5 the Oklahoma State Bureau of Investigation within ten (10) days of a
6 violation of any provision of this subsection by a licensee. Upon
7 receipt of a written notification of violation, the Bureau shall
8 give a reasonable notice to the licensee and hold a hearing. At the
9 hearing, upon a determination that the licensee has violated any
10 provision of this subsection, the licensee may be subject to an
11 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
12 have the handgun license suspended for three (3) months.

13 Nothing contained in any provision of this subsection shall be
14 construed to authorize or allow any college, university or
15 technology center school to establish any policy or rule that has
16 the effect of prohibiting any person in lawful possession of a
17 handgun license from possession of a handgun allowable under such
18 license in places described in paragraphs 1, 2 and 3 of this
19 subsection. Nothing contained in any provision of this subsection
20 shall be construed to limit the authority of any college, university
21 or technology center school in this state from taking administrative
22 action against any student for any violation of any provision of
23 this subsection.

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1 G. The provisions of this section shall not apply to any peace
2 officer or to any person authorized by law to carry a pistol in the
3 course of employment. District judges, associate district judges
4 and special district judges, who are in possession of a valid
5 handgun license issued pursuant to the provisions of the Oklahoma
6 Self-Defense Act and whose names appear on a list maintained by the
7 Administrative Director of the Courts, shall be exempt from this
8 section when acting in the course and scope of employment within the
9 courthouses of this state. Private investigators with a firearms
10 authorization shall be exempt from this section when acting in the
11 course and scope of employment.

12 H. For the purposes of this section, "motor vehicle" means any
13 automobile, truck, minivan or sports utility vehicle.

14 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1289.3, is
15 amended to read as follows:

16 Section 1289.3

17 DEFINITIONS FOR FIREARMS ACT

18 "Pistols" or "handguns" as used in the Oklahoma Firearms Act of
19 ~~1971, Sections 1289.1 through 1289.17 of this title,~~ shall mean any
20 firearm capable of discharging a ~~projectile~~ single or multiple
21 projectiles from a single round of ammunition composed of any
22 material which may reasonably be expected to be able to cause lethal
23 injury, with a barrel or barrels less than sixteen (16) inches in
24 length, and using either ~~gunpowder, gas or any means of rocket~~

1 ~~propulsion~~ a combustible propellant charge, but not to include flare
2 guns, underwater fishing guns or blank pistols.

3 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.6, as
4 last amended by Section 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp.
5 2016, Section 1289.6), is amended to read as follows:

6 Section 1289.6

7 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

8 A. A person shall be permitted to carry loaded and unloaded
9 shotguns, rifles and pistols, ~~open and not concealed~~ and without a
10 handgun license as authorized by the Oklahoma Self-Defense Act
11 pursuant to the following conditions:

12 1. When hunting animals or fowl;

13 2. During competition in or practicing in a safety or hunter
14 safety class, target shooting, skeet, trap or other recognized
15 sporting events;

16 3. During participation in or in preparation for a military
17 function of the state military forces to be defined as the Oklahoma
18 Army or Air National Guard, Federal Military Reserve and active
19 military forces. It is further provided that Oklahoma Army or Air
20 National Guard personnel with proper authorization and performing a
21 military function may carry loaded or unloaded and concealed weapons
22 on Oklahoma Military Department facilities in accordance with rules
23 promulgated by the Adjutant General;

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1 4. During participation in or in preparation for a recognized
2 police function of either a municipal, county or state government as
3 functioning police officials;

4 5. During a practice for or a performance for entertainment
5 purposes;

6 6. For lawful self-defense and self-protection or any other
7 legitimate purpose ~~in or on property that is owned, leased, rented,~~
8 ~~or otherwise legally controlled by the person; or~~

9 7. When carried unconcealed pursuant to the definitions
10 provided for in Sections 1289.3, 1289.4, 1289.5 and paragraph 2 of
11 subsection A of Section 1290.2 of this title by a person who is:

12 a. a legal resident,

13 b. twenty-one (21) years of age or older,

14 c. not a convicted felon or who is otherwise not
15 disqualified from the possession or legal purchase of
16 a firearm under state or federal law, and

17 d. not involved in a crime.

18 Any person who carries a firearm in the manner provided for in this
19 paragraph shall be prohibited from carrying the firearm into any of
20 the places prescribed in subsections A and F of Section 1277 of this
21 title; or

22 8. For any legitimate purpose not in violation of the Oklahoma
23 Firearms Act of 1971 or any legislative enactment regarding the use,
24 ownership and control of firearms.

1 B. A person shall be permitted to carry unloaded shotguns,
2 rifles and pistols, ~~open and not concealed~~ and without a handgun
3 license as authorized by the Oklahoma Self-Defense Act pursuant to
4 the following conditions:

5 1. When going to or from the person's private residence or
6 vehicle or a vehicle in which the person is riding as a passenger to
7 a place designated or authorized for firearms repairs or
8 reconditioning, or for firearms trade, sale, or barter, or gunsmith,
9 or hunting animals or fowl, or hunter safety course, or target
10 shooting, or skeet or trap shooting or any recognized firearms
11 activity or event and while in such places; or

12 2. For any legitimate purpose not in violation of the Oklahoma
13 Firearms Act of 1971.

14 C. The provisions of this section shall not be construed to
15 prohibit educational or recreational activities, exhibitions,
16 displays or shows involving the use or display of rifles, shotguns
17 or pistols or other weapons if the activity is approved by the
18 property owner and sponsor of the activity.

19 D. Except as otherwise prohibited by law, a person shall have
20 authority to carry an unconcealed firearm in this state. In the
21 absence of reasonable and articulable suspicion of other criminal
22 activity, a person carrying a firearm shall not be disarmed or
23 physically restrained. Nothing in this section shall be construed
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1 to authorize a law enforcement officer to inspect any unconcealed
2 firearm without probable cause that a crime has been committed.

3 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1289.7, as
4 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,
5 Section 1289.7), is amended to read as follows:

6 Section 1289.7

7 FIREARMS IN VEHICLES

8 A. Any person twenty-one (21) years of age or older, except a
9 convicted felon, may transport in a motor vehicle a ~~rifle, shotgun~~
10 ~~or pistol~~ or handgun, ~~open and loaded or unloaded, at any time.~~ For
11 ~~purposes of this section "open" means the firearm is transported in~~
12 ~~plain view, in a case designed for carrying firearms, which case is~~
13 ~~wholly or partially visible, in a gun rack mounted in the vehicle,~~
14 ~~in an exterior locked compartment or a trunk of a vehicle~~ for the
15 purpose of self-defense, provided the person is not involved in a
16 crime.

17 B. Any person, except a convicted felon, may transport in a
18 motor vehicle a rifle ~~or~~, shotgun concealed, pistol or handgun
19 behind a seat of the vehicle or within the interior of the vehicle
20 provided the rifle or shotgun is not clip_, magazine_ or ~~chamber~~
21 ~~loaded~~ chamber-loaded. The authority to transport a clip_ or
22 ~~magazine loaded~~ magazine-loaded rifle or shotgun shall be pursuant
23 to Section 1289.13 of this title.

1 A. Notwithstanding the provisions of Section 1272 or 1289.13 of
2 this title, any person stopped pursuant to a moving traffic
3 violation who is transporting a loaded pistol in the motor vehicle
4 without a valid handgun license authorized by the Oklahoma Self-
5 Defense Act ~~or~~, a valid license from another state or as otherwise
6 permitted by law, whether the loaded firearm is concealed or
7 unconcealed in the vehicle, shall be issued a traffic citation in
8 the amount of Seventy Dollars (\$70.00), plus court costs for
9 transporting a firearm improperly. In addition to the traffic
10 citation provided in this section, the person may also be arrested
11 for any other violation of law.

12 B. ~~When the arresting officer determines that a valid handgun~~
13 ~~license exists, pursuant to the Oklahoma Self-Defense Act or any~~
14 ~~provision of law from another state, for any person in the stopped~~
15 ~~vehicle, any firearms permitted to be carried pursuant to that~~
16 ~~license shall not be confiscated~~ Any firearms lawfully carried or
17 transported as permitted pursuant to state law, a valid license or
18 any provision of law from another state shall not be confiscated,
19 unless:

20 1. The person is arrested for violating another provision of
21 law other than a violation of subsection A of this section;
22 provided, however, if the person is never charged with an offense
23 pursuant to this paragraph or if the charges are dismissed or the
24 person is acquitted, the weapon shall be returned to the person; or

1 2. The officer has probable cause to believe the weapon is:

2 a. contraband, or

3 b. a firearm used in the commission of a crime other than
4 a violation of subsection A of this section.

5 C. Nothing in this section shall be construed to require
6 confiscation of any firearm.

7 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.24, as
8 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.
9 2016, Section 1289.24), is amended to read as follows:

10 Section 1289.24

11 FIREARM REGULATION - STATE PREEMPTION

12 A. 1. The State Legislature hereby occupies and preempts the
13 entire field of legislation in this state touching in any way
14 firearms, knives, components, ammunition, and supplies to the
15 complete exclusion of any order, ordinance, or regulation by any
16 municipality or other political subdivision of this state. Any
17 existing or future orders, ordinances, or regulations in this field,
18 except as provided for in paragraph 2 of this subsection and
19 subsection C of this section, are null and void.

20 2. A municipality may adopt any ordinance:

21 a. relating to the discharge of firearms within the
22 jurisdiction of the municipality, and

23 b. allowing the municipality to issue a traffic citation
24 for transporting a firearm improperly as provided for

1 in Section 1289.13A of this title, provided however,
2 that penalties contained for violation of any
3 ordinance enacted pursuant to the provisions of this
4 subparagraph shall not exceed the penalties
5 established in the Oklahoma Self-Defense Act.

6 3. As provided in the preemption provisions of this section,
7 the otherwise lawful ~~open~~ carrying of a ~~handgun~~ firearm under the
8 provisions of the Oklahoma Self-Defense Act or the Oklahoma Firearms
9 Act of 1971 shall not be punishable by any municipality or other
10 political subdivision of this state as disorderly conduct,
11 disturbing the peace or similar offense against public order.

12 4. A public or private school may create a policy regulating
13 the possession of knives by students on school property or in any
14 school bus or vehicle used by the school for purposes of
15 transportation.

16 B. No municipality or other political subdivision of this state
17 shall adopt any order, ordinance, or regulation concerning in any
18 way the sale, purchase, purchase delay, transfer, ownership, use,
19 keeping, possession, carrying, bearing, transportation, licensing,
20 permit, registration, taxation other than sales and compensating use
21 taxes, or other controls on firearms, knives, components,
22 ammunition, and supplies.

23 C. Except as hereinafter provided, this section shall not
24 prohibit any order, ordinance, or regulation by any municipality

1 concerning the confiscation of property used in violation of the
2 ordinances of the municipality as provided for in Section 28-121 of
3 Title 11 of the Oklahoma Statutes. Provided, however, no municipal
4 ordinance relating to transporting a firearm or knife improperly may
5 include a provision for confiscation of property.

6 D. When a person's rights pursuant to the protection of the
7 preemption provisions of this section have been violated, the person
8 shall have the right to bring a civil action against the persons,
9 municipality, and political subdivision jointly and severally for
10 injunctive relief or monetary damages or both.

11 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1290.1, is
12 amended to read as follows:

13 Section 1290.1

14 SHORT TITLE

15 Sections ~~4~~ 1290.1 through ~~25~~ 1290.27 of this ~~act~~ title shall be
16 known and may be cited as the "Oklahoma Self-Defense Act".

17 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1290.2, as
18 last amended by Section 2, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
19 2016, Section 1290.2), is amended to read as follows:

20 Section 1290.2

21 DEFINITIONS

22 A. As used in the Oklahoma Self-Defense Act:

23 1. "Concealed handgun firearm carry" means a loaded or unloaded
24 firearm, rifle, shotgun or pistol, ~~the presence of which is not~~

1 openly ~~discernible~~ visible to the ordinary observation of a
2 reasonable person;

3 2. "Unconcealed ~~handgun~~ firearm or open carry" means a loaded
4 or unloaded firearm, rifle, shotgun or pistol carried upon the
5 person in a ~~belt holster or shoulder~~ holster ~~that is wholly or~~
6 ~~partially~~ where the firearm is visible, or carried upon the person
7 ~~in~~ using a scabbard, sling or case designed for carrying firearms
8 ~~that is wholly or partially visible~~; and

9 3. "Pistol" or "handgun" means any derringer, revolver or
10 semiautomatic firearm which:

- 11 a. has an overall barrel or barrels length of less than
12 sixteen (16) inches,
- 13 b. is capable of discharging a ~~projectile~~ single or
14 multiple projectiles from a single round of ammunition
15 composed of any material which may reasonably be
16 expected to be able to cause lethal injury,
- 17 c. ~~is designed to~~ can be held and fired by the use of a
18 ~~single hand~~ one or both hands, and
- 19 d. uses ~~either gunpowder, gas or any means of rocket~~
20 ~~propulsion~~ a combustible propellant charge to
21 ~~discharge~~ propel the projectile or projectiles.

22 B. The definition of pistol or handgun for purposes of the
23 Oklahoma Self-Defense Act shall not apply to ~~homemade or~~ imitation
24 pistols, flare guns, underwater fishing guns or blank pistols.

1 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.3, as
2 amended by Section 24, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,
3 Section 1290.3), is amended to read as follows:

4 Section 1290.3

5 AUTHORITY TO ISSUE LICENSE

6 ~~The~~ On or after November 1, 2017, the Oklahoma State Bureau of
7 Investigation is hereby authorized to license an eligible person to
8 carry a concealed ~~or unconcealed~~ handgun as provided by the
9 provisions of the Oklahoma Self-Defense Act. The authority of the
10 Bureau shall be limited to the provisions specifically provided in
11 the Oklahoma Self-Defense Act. The Bureau shall promulgate rules,
12 forms and procedures necessary to implement the provisions of the
13 Oklahoma Self-Defense Act. Any license issued prior to November 1,
14 2017, shall remain in full force and effect until such time as the
15 license is subject to renewal, suspension or revocation pursuant to
16 the provisions of Section 1290.17 of this title.

17 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1290.12, as
18 last amended by Section 2, Chapter 256, O.S.L. 2016 (21 O.S. Supp.
19 2016, Section 1290.12), is amended to read as follows:

20 Section 1290.12

21 PROCEDURE FOR APPLICATION

22 A. Except as provided in paragraph 11 of this subsection, the
23 procedure for applying for a handgun license and processing the
24 application shall be as follows:

1 1. An eligible person may request an application packet for a
2 handgun license from the Oklahoma State Bureau of Investigation or
3 the county sheriff's office either in person or by mail. The Bureau
4 may provide application packets to each sheriff not exceeding two
5 hundred packets per request. The Bureau shall provide the following
6 information in the application packet:

- 7 a. an application form,
- 8 b. procedures to follow to process the application form,
- 9 and
- 10 c. a copy of the Oklahoma Self-Defense Act with any
11 modifications thereto;

12 2. The person shall be required to successfully complete a
13 firearms safety and training course from a firearms instructor who
14 is approved and registered in this state as provided in Section
15 1290.14 of this title or from an interactive online firearms safety
16 and training course available electronically via the Internet which
17 has been approved as to curriculum by the Council on Law Enforcement
18 Education and Training, and the person shall be required to
19 demonstrate competency and qualification with a pistol authorized
20 for concealed or unconcealed carry by the Oklahoma Self-Defense Act.
21 The original certificate of successful completion of a firearms
22 safety and training course and an original certificate of successful
23 demonstration of competency and qualification to carry and handle a
24 pistol shall be submitted with the application for a handgun

1 license. No duplicate, copy, facsimile or other reproduction of the
2 certificate of training, certificate of competency and qualification
3 or exemption from training shall be acceptable as proof of training
4 as required by the provisions of the Oklahoma Self-Defense Act. A
5 person exempt from the training requirements as provided in Section
6 1290.15 of this title must show the required proof of such exemption
7 to the firearms instructor to receive an exemption certificate. The
8 original exemption certificate must be submitted with the
9 application for a handgun license when the person claims an
10 exemption from training and qualification;

11 3. The application form shall be completed and delivered by the
12 applicant, in person, to the sheriff of ~~the~~ any county ~~wherein the~~
13 ~~applicant resides~~ within the State of Oklahoma;

14 4. The person shall deliver to the sheriff at the time of
15 delivery of the completed application form a fee of One Hundred
16 Dollars (\$100.00) for processing the application through the
17 Oklahoma State Bureau of Investigation and processing the required
18 fingerprints through the Federal Bureau of Investigation. The
19 processing fee shall be in the form of:

- 20 a. a money order or a cashier's check made payable to the
21 Oklahoma State Bureau of Investigation,
22 b. a nationally recognized credit card issued to the
23 applicant. For purposes of this paragraph,
24 "nationally recognized credit card" means any

1 instrument or device, whether known as a credit card,
2 credit plate, charge plate, or by any other name,
3 issued with or without fee by the issuer for the use
4 of the cardholder in obtaining goods, services, or
5 anything else of value on credit which is accepted by
6 over one thousand merchants in the state. The
7 Oklahoma State Bureau of Investigation shall determine
8 which nationally recognized credit cards will be
9 accepted by the Bureau, or

10 c. electronic funds transfer.

11 Any person paying application fees to the Oklahoma State Bureau of
12 Investigation by means of a nationally recognized credit card or by
13 means of an electronic funds transfer shall be required to complete
14 and submit his or her application through the online application
15 process of the Bureau.

16 The processing fee shall not be refundable in the event of a
17 denial of a handgun license or any suspension or revocation
18 subsequent to the issuance of a license. Persons making application
19 for a firearms instructor shall not be required to pay the
20 application fee as provided in this section, but shall be required
21 to pay the costs provided in paragraphs 6 and 8 of this subsection;

22 5. The completed application form shall be signed by the
23 applicant in person before the sheriff. The signature shall be
24 given voluntarily upon a sworn oath that the person knows the

1 contents of the application and that the information contained in
2 the application is true and correct. Any person making any false or
3 misleading statement on an application for a handgun license shall,
4 upon conviction, be guilty of perjury as defined by Section 491 of
5 this title. Any conviction shall be punished as provided in Section
6 500 of this title. In addition to a criminal conviction, the person
7 shall be denied the right to have a handgun license pursuant to the
8 provisions of Section 1290.10 of this title and the Oklahoma State
9 Bureau of Investigation shall revoke the handgun license, if issued;

10 6. Two passport-size photographs of the applicant shall be
11 submitted with the completed application. The cost of the
12 photographs shall be the responsibility of the applicant. The
13 sheriff is authorized to take the photograph of the applicant for
14 purposes of the Oklahoma Self-Defense Act and, if such photographs
15 are taken by the sheriff, the cost of the photographs shall not
16 exceed Ten Dollars (\$10.00) for the two photos. All money received
17 by the sheriff from photographing applicants pursuant to the
18 provisions of this paragraph shall be retained by the sheriff and
19 deposited into the Sheriff's Service Fee Account;

20 7. The sheriff shall witness the signature of the applicant and
21 review or take the photographs of the applicant and shall verify
22 that the person making application for a handgun license is the same
23 person in the photographs submitted and the same person who signed
24 the application form. Proof of a valid Oklahoma driver license with

1 a photograph of the applicant or an Oklahoma state photo
2 identification for the applicant shall be required to be presented
3 by the applicant to the sheriff for verification of the person's
4 identity;

5 8. Upon verification of the identity of the applicant, the
6 sheriff shall take two complete sets of fingerprints of the
7 applicant. Both sets of fingerprints shall be submitted by the
8 sheriff with the completed application, certificate of training or
9 an exemption certificate, photographs and processing fee to the
10 Oklahoma State Bureau of Investigation within fourteen (14) days of
11 taking the fingerprints. The cost of the fingerprints shall be paid
12 by the applicant and shall not exceed Twenty-five Dollars (\$25.00)
13 for the two sets. All fees collected by the sheriff from taking
14 fingerprints pursuant to the provisions of this paragraph shall be
15 retained by the sheriff and deposited into the Sheriff's Service Fee
16 Account;

17 9. The sheriff shall submit to the Oklahoma State Bureau of
18 Investigation within the fourteen-day period, together with the
19 completed application, including the certificate of training,
20 certificate of competency and qualification or exemption
21 certificate, photographs, processing fee and legible fingerprints
22 meeting the Oklahoma State Bureau of Investigation's Automated
23 Fingerprint Identification System (AFIS) submission standards, and a
24 report of information deemed pertinent to an investigation of the

1 applicant for a handgun license. The sheriff shall make a
2 preliminary investigation of pertinent information about the
3 applicant and the court clerk shall assist the sheriff in locating
4 pertinent information in court records for this purpose. If no
5 pertinent information is found to exist either for or against the
6 applicant, the sheriff shall so indicate in the report;

7 10. The Oklahoma State Bureau of Investigation, upon receipt of
8 the application and required information from the sheriff, shall
9 forward one full set of fingerprints of the applicant to the Federal
10 Bureau of Investigation for a national criminal history records
11 search. The cost of processing the fingerprints nationally shall be
12 paid from the processing fee collected by the Oklahoma State Bureau
13 of Investigation;

14 11. Notwithstanding the provisions of the Oklahoma Self-Defense
15 Act, or any other provisions of law, any person who has been granted
16 a permanent victim protective order by the court, as provided for in
17 the Protection from Domestic Abuse Act, may be issued a temporary
18 handgun license for a period not to exceed six (6) months. A
19 temporary handgun license may be issued if the person has
20 successfully passed the required weapons course, completed the
21 application process for the handgun license, passed the preliminary
22 investigation of the person by the sheriff and court clerk, and
23 provided the sheriff proof of a certified permanent victim
24 protective order and a valid Oklahoma state photo identification

1 card or driver license. The sheriff shall issue a temporary handgun
2 license on a form approved by the Oklahoma State Bureau of
3 Investigation, at no cost. Any person who has been issued a
4 temporary license shall carry the temporary handgun license and a
5 valid Oklahoma state photo identification on his or her person at
6 all times, and shall be subject to all the requirements of the
7 Oklahoma Self-Defense Act when carrying a handgun. The person may
8 proceed with the handgun licensing process. In the event the victim
9 protective order is no longer enforceable, the temporary handgun
10 license shall cease to be valid;

11 12. The Oklahoma State Bureau of Investigation shall make a
12 reasonable effort to investigate the information submitted by the
13 applicant and the sheriff, to ascertain whether or not the issuance
14 of a handgun license would be in violation of the provisions of the
15 Oklahoma Self-Defense Act. The investigation by the Bureau of an
16 applicant shall include, but shall not be limited to: a statewide
17 criminal history records search, a national criminal history records
18 search, a Federal Bureau of Investigation fingerprint search, and if
19 applicable, an investigation of medical records or other records or
20 information deemed by the Bureau to be relevant to the application.

21 a. In the course of the investigation by the Bureau, it
22 shall present the name of the applicant along with any
23 known aliases, the address of the applicant and the
24 social security number of the applicant to the

1 Department of Mental Health and Substance Abuse
2 Services. The Department of Mental Health and
3 Substance Abuse Services shall respond within ten (10)
4 days of receiving such information to the Bureau as
5 follows:

- 6 (1) with a "Yes" answer, if the records of the
7 Department indicate that the person was
8 involuntarily committed to a mental institution
9 in Oklahoma,
- 10 (2) with a "No" answer, if there are no records
11 indicating the name of the person as a person
12 involuntarily committed to a mental institution
13 in Oklahoma, or
- 14 (3) with an "Inconclusive" answer if the records of
15 the Department suggest the applicant may be a
16 formerly committed person. In the case of an
17 inconclusive answer, the Bureau shall ask the
18 applicant whether he or she was involuntarily
19 committed. If the applicant states under penalty
20 of perjury that he or she has not been
21 involuntarily committed, the Bureau shall
22 continue processing the application for a
23 license.

1 b. In the course of the investigation by the Bureau, it
2 shall check the name of any applicant who is twenty-
3 eight (28) years of age or younger along with any
4 known aliases, the address of the applicant and the
5 social security number of the applicant against the
6 records in the Juvenile Online Tracking System (JOLTS)
7 of the Office of Juvenile Affairs. The Office of
8 Juvenile Affairs shall provide the Bureau direct
9 access to check the applicant against the records
10 available on JOLTS:

11 (1) if the Bureau finds a record on the JOLTS that
12 indicates the person was adjudicated a delinquent
13 for an offense that would constitute a felony
14 offense if committed by an adult within the last
15 ten (10) years the Bureau shall deny the license,

16 (2) if the Bureau finds no record on the JOLTS
17 indicating the named person was adjudicated
18 delinquent for an offense that would constitute a
19 felony offense if committed by an adult within
20 the last ten (10) years, or

21 (3) if the records suggest the applicant may have
22 been adjudicated delinquent for an offense that
23 would constitute a felony offense if committed by
24 an adult but such record is inconclusive, the

1 Bureau shall ask the applicant whether he or she
2 was adjudicated a delinquent for an offense that
3 would constitute a felony offense if committed by
4 an adult within the last ten (10) years. If the
5 applicant states under penalty of perjury that he
6 or she was not adjudicated a delinquent within
7 ten (10) years, the Bureau shall continue
8 processing the application for a license; and

9 13. If the background check set forth in paragraph 12 of this
10 subsection reveals no records pertaining to the applicant, the
11 Oklahoma State Bureau of Investigation shall either issue a handgun
12 license or deny the application within sixty (60) days of the date
13 of receipt of the applicant's completed application and the required
14 information from the sheriff. In all other cases, the Oklahoma
15 State Bureau of Investigation shall either issue a handgun license
16 or deny the application within ninety (90) days of the date of the
17 receipt of the applicant's completed application and the required
18 information from the sheriff. The Bureau shall approve an applicant
19 who appears to be in full compliance with the provisions of the
20 Oklahoma Self-Defense Act, if completion of the federal fingerprint
21 search is the only reason for delay of the issuance of the handgun
22 license to that applicant. Upon receipt of the federal fingerprint
23 search information, if the Bureau receives information which
24 precludes the person from having a handgun license, the Bureau shall

1 revoke the handgun license previously issued to the applicant. The
2 Bureau shall deny a license when the applicant fails to properly
3 complete the application form or application process or is
4 determined not to be eligible as specified by the provisions of
5 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall
6 approve an application in all other cases. If an application is
7 denied, the Bureau shall notify the applicant in writing of its
8 decision. The notification shall state the grounds for the denial
9 and inform the applicant of the right to an appeal as may be
10 provided by the provisions of the Administrative Procedures Act.
11 All notices of denial shall be mailed by first-class mail to the
12 address of the applicant listed in the application. Within sixty
13 (60) calendar days from the date of mailing a denial of application
14 to an applicant, the applicant shall notify the Bureau in writing of
15 the intent to appeal the decision of denial or the right of the
16 applicant to appeal shall be deemed waived. Any administrative
17 hearing on a denial which may be provided shall be conducted by a
18 hearing examiner appointed by the Bureau. The decision of the
19 hearing examiner shall be a final decision appealable to a district
20 court in accordance with the Administrative Procedures Act. When an
21 application is approved, the Bureau shall issue the license and
22 shall mail the license by first-class mail to the address of the
23 applicant listed in the application.

24

1 B. Nothing contained in any provision of the Oklahoma Self-
2 Defense Act shall be construed to require or authorize the
3 registration, documentation or providing of serial numbers with
4 regard to any firearm. For purposes of the Oklahoma Self-Defense
5 Act, the sheriff may designate a person to receive, fingerprint,
6 photograph or otherwise process applications for handgun licenses.

7 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1290.22, as
8 last amended by Section 2, Chapter 18, O.S.L. 2016 (21 O.S. Supp.
9 2016, Section 1290.22), is amended to read as follows:

10 Section 1290.22

11 BUSINESS OWNER'S RIGHTS

12 A. Except as provided in subsections B, C and D of this
13 section, nothing contained in any provision of the Oklahoma Self-
14 Defense Act shall be construed to limit, restrict or prohibit in any
15 manner the existing rights of any person, property owner, tenant,
16 employer, place of worship or business entity to control the
17 possession of weapons on any property owned or controlled by the
18 person or business entity.

19 B. No person, property owner, tenant, employer, holder of an
20 event permit, place of worship or business entity shall be permitted
21 to establish any policy or rule that has the effect of prohibiting
22 any person, except a convicted felon, from transporting and storing
23 firearms in a locked vehicle on any property set aside for any
24 vehicle.

1 C. A property owner, tenant, employer, place of worship or
2 business entity may prohibit any person from carrying a concealed or
3 unconcealed firearm on the property. If the building or property is
4 open to the public, the property owner, tenant, employer, place of
5 worship or business entity shall post signs on or about the property
6 stating such prohibition.

7 D. No person, property owner, tenant, employer, holder of an
8 event permit, place of worship or business entity shall be permitted
9 to establish any policy or rule that has the effect of prohibiting
10 any person from carrying a concealed or unconcealed firearm on
11 property within the specific exclusion provided for in paragraph 4
12 of subsection B of Section 1277 of this title; provided that
13 carrying a concealed or unconcealed firearm may be prohibited in the
14 following places:

15 1. The portion of a public property structure or building
16 during an event authorized by the city, town, county, state or
17 federal governmental authority owning or controlling such building
18 or structure;

19 2. Any public property sports field, including any adjacent
20 seating or adjacent area set aside for viewing a sporting event,
21 where an elementary or secondary school, collegiate, or professional
22 sporting event or an International Olympic Committee or organization
23 or any committee subordinate to the International Olympic Committee
24 event is being held;

1 3. The fairgrounds during the Oklahoma State Fair or the Tulsa
2 State Fair; and

3 4. The portion of a public property structure or building that
4 is leased or under contract to a business or not-for-profit entity
5 or group for offices.

6 E. The carrying of a concealed or unconcealed firearm ~~by a~~
7 ~~person who has been issued a handgun license~~ on property that has
8 signs prohibiting the carrying of firearms shall not be deemed a
9 criminal act but may subject the person to being denied entrance
10 onto the property or removed from the property. If the person
11 refuses to leave the property and a peace officer is summoned, the
12 person may be issued a citation for an amount not to exceed Two
13 Hundred Fifty Dollars (\$250.00).

14 F. A person, property owner, tenant, employer, holder of an
15 event permit, place of worship or business entity that does or does
16 not prohibit any individual except a convicted felon from carrying a
17 loaded or unloaded, concealed or unconcealed weapon on property that
18 the person, property owner, tenant, employer, holder of an event
19 permit, place of worship or business entity owns, or has legal
20 control of, is immune from any liability arising from that decision.
21 Except for acts of gross negligence or willful or wanton misconduct,
22 an employer who does or does not prohibit their employees from
23 carrying a concealed or unconcealed weapon is immune from any
24 liability arising from that decision. A person, property owner,

1 tenant, employer, holder of an event permit, place of worship or
2 business entity that does not prohibit persons from carrying a
3 concealed or unconcealed weapon pursuant to subsection D of this
4 section shall be immune from any liability arising from the carrying
5 of a concealed or unconcealed weapon on the property. The
6 provisions of this subsection shall not apply to claims pursuant to
7 the Administrative Workers' Compensation Act.

8 G. It shall not be considered part of an employee's job
9 description or within the employee's scope of employment if an
10 employee is allowed to carry or discharge a weapon pursuant to this
11 section.

12 H. Nothing in subsections F and G shall prevent an employer,
13 employee or person who has suffered loss resulting from the
14 discharge of a weapon to seek redress or damages of the person who
15 discharged the weapon or used the weapon outside the provisions of
16 the Oklahoma Self-Defense Act.

17 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1290.26, as
18 last amended by Section 18, Chapter 15, O.S.L. 2013 (21 O.S. Supp.
19 2016, Section 1290.26), is amended to read as follows:

20 Section 1290.26

21 RECIPROCAL AGREEMENT AUTHORITY

22 The State of Oklahoma hereby recognizes any valid concealed or
23 unconcealed carry weapons permit or license issued by another state,
24

1 or if the state is a nonpermitting carry state, this state shall
2 reciprocate under the permitting law of that state.

3 A. Any person entering this state in possession of a firearm
4 authorized for concealed or unconcealed carry upon the authority and
5 license of another state is authorized to continue to carry a
6 concealed or unconcealed firearm and license in this state; provided
7 the license from the other state remains valid. The firearm must
8 either be carried unconcealed or concealed ~~from detection and view,~~
9 and upon coming in contact with any peace officer of this state, the
10 person must disclose the fact that he or she is in possession of a
11 concealed or unconcealed firearm pursuant to a valid concealed or
12 unconcealed carry weapons permit or license issued in another state.

13 B. Any person entering this state in possession of a firearm
14 authorized for concealed carry upon the authority of a state that is
15 a ~~nonpermitted~~ non-permitted carry state and the person is in
16 compliance with the Oklahoma Self-Defense Act, the person is
17 authorized to carry a concealed or unconcealed firearm in this
18 state. The firearm must be carried fully concealed ~~from detection~~
19 ~~and view,~~ or unconcealed and upon coming in contact with any peace
20 officer of this state, the person must disclose the fact that he or
21 she is in possession of a concealed or unconcealed firearm pursuant
22 to the ~~nonpermitting~~ non-permitting laws of the state in which he or
23 she is a legal resident. The person shall present proper
24 identification by a valid photo ID as proof that he or she is a

1 legal resident in such a non-permitting state. The Department of
2 Public Safety shall keep a current list of non-permitting states for
3 law enforcement officers to confirm that a state is ~~nonpermitting~~
4 non-permitting.

5 C. Any person who is twenty-one (21) years of age or older
6 having a valid firearm license from another state may apply for a
7 handgun license in this state immediately upon establishing a
8 residence in this state.

9 SECTION 14. This act shall become effective November 1, 2017.

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