

1 ENGROSSED HOUSE  
2 BILL NO. 2323

By: Coody, Ownbey, McDugle,  
Moore, Ritze, Faught,  
Bennett (John), Calvey,  
Gann, Roberts (Sean),  
Jordan, McEachin, Babinec,  
Derby, Hilbert and West  
(Josh) of the House

and

Brecheen and Dahm of the  
Senate

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9  
10 An Act relating to crimes and punishments; amending  
11 21 O.S. 2011, Section 1283, as last amended by  
12 Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.  
13 2016, Section 1283), which relates to possession of  
14 firearms by convicted felons and delinquents;  
15 prohibiting certain persons from possessing firearms;  
16 providing penalty; updating definitions; amending 21  
17 O.S. 2011, Sections 1289.3, 1289.7, as amended by  
18 Section 12, Chapter 259, O.S.L. 2012, 1289.13A, as  
19 amended by Section 19, Chapter 259, O.S.L. 2012,  
20 1289.16, as amended by Section 20, Chapter 259,  
21 O.S.L. 2012, 1289.23, as last amended by Section 5,  
22 Chapter 210, O.S.L. 2016 and 1289.25 (21 O.S. Supp.  
23 2016, Sections 1289.7, 1289.13A, 1289.16 and  
24 1289.23), which relate to the Oklahoma Firearms Act  
of 1971; updating and modifying certain definition;  
modifying manner in which firearms may be carried in  
vehicles; deleting certain definition; authorizing  
certain persons to transport firearms in vehicles;  
providing exception for vehicles that are under  
control of business entities; making certain acts  
unlawful; providing penalty; making issuance of  
certain traffic citations discretionary; prohibiting  
the disarming of firearms by law enforcement;  
modifying firearms confiscation guidelines;  
clarifying and expanding scope of certain exemption;  
deeming specific act lawful under certain  
circumstances; adding definition; modifying weapons  
that can be carried by off-duty peace officers;

1 amending 21 O.S. 2011, Sections 1290.2, as last  
2 amended by Section 2, Chapter 366, O.S.L. 2013 and  
3 1290.26, as last amended by Section 18, Chapter 15,  
4 O.S.L. 2013 (21 O.S. Supp. 2016, Sections 1290.2 and  
5 1290.26), which relate to the Oklahoma Self-Defense  
6 Act; modifying certain definitions; clarifying and  
7 updating terms related to reciprocal agreement  
8 authority; and providing an effective date.

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

9 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1283, as  
10 last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.  
11 2016, Section 1283), is amended to read as follows:

12 Section 1283.

13 CONVICTED FELONS AND DELINQUENTS

14 A. Except as provided in subsection B of this section, it shall  
15 be unlawful for any person convicted of any felony in any court of  
16 this state or of another state or of the United States to have in  
17 his or her possession or under his or her immediate control, or in  
18 any vehicle which the person is operating, or in which the person is  
19 riding as a passenger, or at the residence where the convicted  
20 person resides, any pistol, imitation or homemade pistol, altered  
21 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any  
22 other dangerous or deadly firearm.

23 B. Any person who has previously been convicted of a nonviolent  
24 felony in any court of this state or of another state or of the

1 United States, and who has received a full and complete pardon from  
2 the proper authority and has not been convicted of any other felony  
3 offense which has not been pardoned, shall have restored the right  
4 to possess any firearm or other weapon prohibited by subsection A of  
5 this section, the right to apply for and carry a handgun, concealed  
6 or unconcealed, pursuant to the Oklahoma Self-Defense Act and the  
7 right to perform the duties of a peace officer, gunsmith, or for  
8 firearms repair.

9 C. It shall be unlawful for any person serving a term of  
10 probation for any felony in any court of this state or of another  
11 state or of the United States or under the jurisdiction of any  
12 alternative court program to have in his or her possession or under  
13 his or her immediate control, or at his or her residence, or in any  
14 passenger vehicle which the person is operating or is riding as a  
15 passenger, any pistol, shotgun or rifle, including any imitation or  
16 homemade pistol, altered air or toy pistol, shotgun or rifle, while  
17 such person is subject to supervision, probation, parole or inmate  
18 status.

19 D. It shall be unlawful for any person previously adjudicated  
20 as a delinquent child or a youthful offender for the commission of  
21 an offense, which would have constituted a felony offense if  
22 committed by an adult, to have in the possession of the person or  
23 under the immediate control of the person, or have in any vehicle  
24 which he or she is driving or in which the person is riding as a

1 passenger, or at the residence of the person, any pistol, imitation  
2 or homemade pistol, altered air or toy pistol, machine gun, sawed-  
3 off shotgun or rifle, or any other dangerous or deadly firearm  
4 within ten (10) years after such adjudication; provided, that  
5 nothing in this subsection shall be construed to prohibit the  
6 placement of the person in a home with a full-time duly appointed  
7 peace officer who is certified by the Council on Law Enforcement  
8 Education and Training (CLEET) pursuant to the provisions of Section  
9 3311 of Title 70 of the Oklahoma Statutes.

10 E. It shall be unlawful for any person who is not lawfully  
11 present in the United States to have in the possession of the person  
12 or under the immediate control of the person, or in any vehicle the  
13 person is operating or in which the person is riding as a passenger,  
14 or at the residence where the person resides, any pistol, imitation  
15 or homemade pistol, altered air or toy pistol, shotgun, rifle or any  
16 other dangerous or deadly firearm. Any person who violates the  
17 provisions of this subsection shall, upon conviction, be guilty of a  
18 misdemeanor punishable by a fine of Two Hundred Fifty Dollars  
19 (\$250.00).

20 F. Any person having been issued a handgun license pursuant to  
21 the provisions of the Oklahoma Self-Defense Act and who thereafter  
22 knowingly or intentionally allows a convicted felon or adjudicated  
23 delinquent or a youthful offender as prohibited by the provisions of  
24 subsection A, C, or D of this section to possess or have control of

1 any pistol authorized by the Oklahoma Self-Defense Act shall, upon  
2 conviction, be guilty of a felony punishable by a fine not to exceed  
3 Five Thousand Dollars (\$5,000.00). In addition, the person shall  
4 have the handgun license revoked by the Oklahoma State Bureau of  
5 Investigation after a hearing and determination that the person has  
6 violated the provisions of this section.

7 ~~F.~~ G. Any convicted or adjudicated person violating the  
8 provisions of this section shall, upon conviction, be guilty of a  
9 felony punishable as provided in Section 1284 of this title.

10 ~~G.~~ H. For purposes of this section, ~~"sawed-off shotgun or~~  
11 ~~rifle" shall mean:~~

12 1. "Sawed-off shotgun or rifle" means any shotgun or rifle  
13 which has been shortened to any length.

14 ~~H.~~ ~~For purposes of this section, "altered toy pistol" shall~~  
15 ~~mean;~~

16 2. "Altered toy pistol" means any toy weapon which has been  
17 altered from its original manufactured state to resemble a real  
18 weapon.

19 ~~I.~~ ~~For purposes of this section, "altered air pistol" shall~~  
20 ~~mean;~~

21 3. "Altered air pistol" means any air pistol manufactured to  
22 propel projectiles by air pressure which has been altered from its  
23 original manufactured state.

24

1 J. ~~For purposes of this section, "alternative court program"~~  
2 ~~shall mean; and~~

3 4. "Alternative court program" means any drug court, Anna  
4 McBride or mental health court, DUI court or veterans court.

5 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.3, is  
6 amended to read as follows:

7 Section 1289.3

8 DEFINITIONS FOR FIREARMS ACT

9 "Pistols" or "handguns" as used in the Oklahoma Firearms Act of  
10 1971, ~~Sections 1289.1 through 1289.17 of this title,~~ shall mean any  
11 firearm capable of discharging a projectile single or multiple  
12 projectiles from a single round of ammunition composed of any  
13 material which may reasonably be expected to be able to cause lethal  
14 injury, with a barrel or barrels less than sixteen (16) inches in  
15 length, and using ~~either gunpowder, gas or any means of rocket~~  
16 ~~propulsion~~ a combustible propellant charge, but not to include flare  
17 guns, underwater fishing guns or blank pistols.

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

21 Section 1289.7

22 FIREARMS IN VEHICLES

23 A. Any person, except a convicted felon or person that is  
24 otherwise disqualified from the possession or legal purchase of a

1 firearm under state or federal law and is not involved in a crime,  
2 may transport in a motor vehicle a rifle, or shotgun ~~or pistol, open~~  
3 concealed or unconcealed and unloaded, at any time. ~~For purposes of~~  
4 ~~this section "open" means the firearm is transported in plain view,~~  
5 ~~in a case designed for carrying firearms, which case is wholly or~~  
6 ~~partially visible, in a gun rack mounted in the vehicle, in an~~  
7 ~~exterior locked compartment or a trunk of a vehicle.~~

8 Any person, ~~except a convicted felon, may transport in a motor~~  
9 ~~vehicle a rifle or shotgun concealed behind a seat of the vehicle or~~  
10 ~~within the interior of the vehicle provided the rifle or shotgun is~~  
11 ~~not clip, magazine or chamber loaded. The authority to transport a~~  
12 ~~clip\_ or magazine\_loaded rifle or shotgun shall be pursuant to~~  
13 ~~Section 1289.13 of this title.~~

14 B. Any person twenty-one (21) years of age or older, except a  
15 convicted felon or person that is otherwise disqualified from the  
16 possession or legal purchase of a firearm under state or federal  
17 law, may transport in a motor vehicle a pistol, concealed or  
18 unconcealed, loaded or unloaded, without a valid handgun license  
19 issued pursuant to the Oklahoma Self-Defense Act, provided the  
20 person is not involved in a crime. The provisions of this  
21 subsection shall not prohibit a business entity from controlling the  
22 transporting, possessing or carrying of firearms in or about the  
23 vehicle that is under the control of the business entity.

24

1        C. Any person who is the operator of a vehicle or is a  
2 passenger in any vehicle wherein another person who is licensed  
3 pursuant to the Oklahoma Self-Defense Act to carry a handgun,  
4 concealed or unconcealed, and is carrying a handgun or has the  
5 handgun in such vehicle, shall not be deemed in violation of the  
6 provisions of this section provided the licensee is in or near the  
7 vehicle.

8        D. It shall be unlawful for any person to fail or refuse to  
9 identify the fact that the person is in actual possession of a  
10 firearm pursuant to the authority of the Oklahoma Self-Defense Act  
11 or the Oklahoma Firearms Act of 1971, when the person comes into  
12 contact with any law enforcement officer of this state or its  
13 political subdivisions or a federal law enforcement officer during  
14 the course of any arrest, detainment or routine traffic stop. Said  
15 identification to the law enforcement officer shall be made at the  
16 first opportunity. Any person who violates the provisions of this  
17 subsection shall, upon conviction, be guilty of a misdemeanor  
18 punishable by a fine not exceeding One Hundred Dollars (\$100.00).

19        E. Absent a reasonable and articulable suspicion of other  
20 criminal activity, an individual possessing a concealed or  
21 unconcealed weapon shall not be disarmed or physically restrained by  
22 any law enforcement officer.  
23  
24

1 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.13A, as  
2 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
3 Section 1289.13A), is amended to read as follows:

4 Section 1289.13A

5 IMPROPER TRANSPORTATION OF FIREARMS

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

16 B. When the arresting officer determines that the driver of the  
17 vehicle is twenty-one (21) years of age or older or a valid handgun  
18 license exists, pursuant to the Oklahoma Self-Defense Act or any  
19 provision of law from another state, for any person in the stopped  
20 vehicle, any firearms permitted to be carried pursuant to that  
21 license shall not be confiscated, unless:

22 1. The person is arrested for violating another provision of  
23 law other than a violation of subsection A of this section;  
24 provided, however, if the person is never charged with an offense

1 pursuant to this paragraph or if the charges are dismissed or the  
2 person is acquitted, the weapon shall be returned to the person; or

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

4 a. contraband, or

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

7 C. ~~Nothing~~ Absent a criminal act, nothing in this section shall  
8 be construed to require confiscation of any firearm.

9 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1289.16, as  
10 amended by Section 20, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
11 Section 1289.16), is amended to read as follows:

12 Section 1289.16

13 FELONY POINTING FIREARMS

14 ~~It~~ Except for an act of self-defense, it shall be unlawful for  
15 any person to willfully or without lawful cause point a shotgun,  
16 rifle or pistol, or any deadly weapon, whether loaded or not, at any  
17 person or persons for the purpose of threatening or with the  
18 intention of discharging the firearm or with any malice or for any  
19 purpose of injuring, either through physical injury or mental or  
20 emotional intimidation or for purposes of whimsy, humor or prank, or  
21 in anger or otherwise, but not to include the pointing of shotguns,  
22 rifles or pistols by law enforcement authorities in the performance  
23 of their duties, armed security guards or armed private  
24 investigators licensed by the Council on Law Enforcement Education

1 and Training pursuant to the Oklahoma Security Guard and Private  
2 Investigator Act in the performance of their duties, members of the  
3 state military forces in the performance of their duties, members of  
4 the federal military reserve and active military components in the  
5 performance of their duties, or any federal government law  
6 enforcement officer in the performance of any duty, or in the  
7 performance of a play on stage, rodeo, television or on film, or in  
8 defense of any person, one's home or property. Any person convicted  
9 of a violation of the provisions of this section shall be punished  
10 as provided in Section 1289.17 of this title.

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

18 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.23, as  
19 last amended by Section 5, Chapter 210, O.S.L. 2016 (21 O.S. Supp.  
20 2016, Section 1289.23), is amended to read as follows:

21 Section 1289.23

22 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

23 A. Notwithstanding any provision of law to the contrary, a  
24 full-time duly appointed peace officer who is certified by the

1 Council on Law Enforcement Education and Training (CLEET), pursuant  
2 to the provisions of Section 3311 of Title 70 of the Oklahoma  
3 Statutes, is hereby authorized to carry a service weapon approved  
4 and issued by the employing agency ~~anywhere in,~~ personal rifle or  
5 shotgun throughout the State of Oklahoma, both while on active duty  
6 and during periods when the officer is not on active duty as  
7 provided by the provisions of subsection B of this section.

8 B. When a full-time duly appointed officer carries an approved  
9 service weapon, personal rifle or shotgun, the officer shall be  
10 wearing the law enforcement uniform prescribed by the employing  
11 agency or plainclothes. When not wearing the prescribed law  
12 enforcement uniform, the officer shall be required:

13 1. To have the official peace officers badge, Commission Card  
14 and CLEET Certification Card on his or her person at all times when  
15 carrying a service weapon approved by the employing agency, personal  
16 rifle or shotgun; and

17 2. To keep the approved service weapon, personal rifle or  
18 shotgun concealed or unconcealed at all times, except when the  
19 weapon, rifle or shotgun is used within the guidelines established  
20 by the employing agency.

21 C. Nothing in this section shall be construed to alter or amend  
22 the provisions of Section 1272.1 of this title or expand the duties,  
23 authority or jurisdiction of any peace officer.

24

1 D. A reserve peace officer who has satisfactorily completed a  
2 basic police course of not less than one hundred twenty (120) hours  
3 of accredited instruction for reserve police officers and reserve  
4 deputies from the Council on Law Enforcement Education and Training  
5 or a course of study approved by CLEET may carry an approved service  
6 weapon, personal rifle or shotgun when such officer is off duty as  
7 provided by subsection E of this section, provided:

8 1. The officer has been granted written authorization signed by  
9 the director of the employing agency; and

10 2. The employing agency shall maintain a current list of any  
11 officers authorized to carry an approved service weapon, personal  
12 rifle or shotgun while the officers are off duty, and shall provide  
13 a copy of such list to the Council on Law Enforcement Education and  
14 Training. Any change to the list shall be made in writing and  
15 mailed to the Council on Law Enforcement Education and Training  
16 within five (5) days.

17 E. When an off-duty reserve peace officer carries an approved  
18 service weapon, personal rifle or shotgun, the officer shall be  
19 wearing the law enforcement uniform prescribed by the employing  
20 agency or when not wearing the prescribed law enforcement uniform,  
21 the officer shall be required:

22 1. To have his or her official peace officer's badge,  
23 Commission Card, CLEET Certification Card; and

1           2. To keep the approved service weapon, personal rifle or  
2 shotgun concealed or unconcealed at all times, except when the  
3 weapon, rifle or shotgun is used within the guidelines established  
4 by the employing agency.

5           F. Nothing in subsection D of this section shall be construed  
6 to alter or amend the provisions of Section 1750.2 of Title 59 of  
7 the Oklahoma Statutes or expand the duties, jurisdiction or  
8 authority of any reserve peace officer.

9           G. Nothing in this section shall be construed to limit or  
10 restrict any peace officer or reserve peace officer from carrying a  
11 handgun, concealed or unconcealed, as allowed by the Oklahoma Self-  
12 Defense Act after issuance of a valid license. An off-duty, full-  
13 time peace officer or reserve peace officer shall be deemed to have  
14 elected to carry a handgun under the authority of the Oklahoma Self-  
15 Defense Act when the officer:

16           1. Has been issued a valid handgun license and is carrying a  
17 handgun not authorized by the employing agency; or

18           2. Is carrying a handgun in a manner or in a place not  
19 specifically authorized for off-duty carry by the employing agency.

20           H. Any off-duty peace officer who carries any weapon in  
21 violation of the provisions of this section shall be deemed to be in  
22 violation of Section 1272 of this title and may be prosecuted as  
23 provided by law for a violation of that section.

24

1 I. On or after November 1, 2004, a reserve or full-time  
2 commissioned peace officer may apply to carry a weapon pursuant to  
3 the Oklahoma Self-Defense Act as follows:

4 1. The officer shall apply in writing to the Council on Law  
5 Enforcement Education and Training (CLEET) stating that the officer  
6 desires to have a handgun license pursuant to the Oklahoma Self-  
7 Defense Act and certifying that he or she has no preclusions to  
8 having such handgun license. The officer shall submit with the  
9 application:

10 a. an official letter from his or her employing agency  
11 confirming the officer's employment and status as a  
12 full-time commissioned peace officer or an active  
13 reserve peace officer,

14 b. a fee of Twenty-five Dollars (\$25.00) for the handgun  
15 license, and

16 c. two passport-size photographs of the peace officer  
17 applicant;

18 2. Upon receiving the required information, CLEET shall  
19 determine whether the peace officer is in good standing, has CLEET  
20 certification and training, and is otherwise eligible for a handgun  
21 license. Upon verification of the officer's eligibility, CLEET  
22 shall send the information to the Oklahoma State Bureau of  
23 Investigation (OSBI) and OSBI shall issue a handgun license in the  
24 same or similar form as other handgun licenses. All other

1 requirements in Section 1290.12 of this title concerning application  
2 for a handgun license shall be waived for active duty peace officers  
3 except as provided in this subsection including, but not limited to,  
4 training, fingerprints and criminal history records checks unless  
5 the officer does not have fingerprints on file or a criminal history  
6 records background check conducted prior to employment as a peace  
7 officer. The OSBI shall not be required to conduct any further  
8 investigation into the eligibility of the peace officer applicant  
9 and shall not deny a handgun license except when preclusions are  
10 found to exist;

11 3. The term of the handgun license for an active duty reserve  
12 or full-time commissioned peace officer pursuant to this section  
13 shall be as provided in Section 1290.5 of this title, renewable in  
14 the same manner provided in this subsection for an original  
15 application by a peace officer. The handgun license shall be valid  
16 when the peace officer is in possession of a valid driver license  
17 and law enforcement commission card;

18 4. If the commission card of a law enforcement officer is  
19 terminated, revoked or suspended, the handgun license shall be  
20 immediately returned to CLEET. When a peace officer in possession  
21 of a handgun license pursuant to this subsection changes employment,  
22 the person must notify CLEET within ninety (90) days and send a new  
23 letter verifying employment and status as a full-time commissioned  
24 or reserve peace officer;

1 5. There shall be no refund of any fee for any unexpired term  
2 of any handgun license that is suspended, revoked or voluntarily  
3 returned to CLEET, or that is denied, suspended or revoked by the  
4 OSBI;

5 6. CLEET may promulgate any rules, forms or procedures  
6 necessary to implement the provisions of this section; and

7 7. Nothing in this subsection shall be construed to change or  
8 amend the application process, eligibility, effective date or fees  
9 of any handgun license pending issuance on November 1, 2004, or  
10 previously issued to any peace officer prior to November 1, 2004.

11 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.25, is  
12 amended to read as follows:

13 Section 1289.25

14 PHYSICAL OR DEADLY FORCE AGAINST INTRUDER

15 A. The Legislature hereby recognizes that the citizens of the  
16 State of Oklahoma have a right to expect absolute safety within  
17 their own homes or places of business.

18 B. A person or an owner, manager or employee of a business is  
19 presumed to have held a reasonable fear of imminent peril of death  
20 or great bodily harm to himself or herself or another when using  
21 defensive force that is intended or likely to cause death or great  
22 bodily harm to another if:

23 1. The person against whom the defensive force was used was in  
24 the process of unlawfully and forcefully entering, or had unlawfully

1 and forcibly entered, a dwelling, residence, occupied vehicle, or a  
2 place of business, or if that person had removed or was attempting  
3 to remove another against the will of that person from the dwelling,  
4 residence, occupied vehicle, or place of business; and

5 2. The person who uses defensive force knew or had reason to  
6 believe that an unlawful and forcible entry or unlawful and forcible  
7 act was occurring or had occurred.

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

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

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

19 3. The person who uses defensive force is engaged in an  
20 unlawful activity or is using the dwelling, residence, occupied  
21 vehicle, or place of business 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 or a place of business is presumed to be doing so with the intent to  
8 commit an unlawful act involving force or violence.

9 F. A person who uses defensive force, as permitted pursuant to  
10 the provisions of subsections B and D of this section, is justified  
11 in using such defensive force and is immune from criminal  
12 prosecution and civil action for the use of such defensive force.  
13 As used in this subsection, the term "criminal prosecution" includes  
14 charging or prosecuting the 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 prosecution as  
24 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 ~~pistol~~ weapon pursuant to the provisions of this  
4 section to 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. As used in this section:

10 1. "Defensive force" includes, but shall not be limited to,  
11 pointing a weapon at a perpetrator in self-defense or in order to  
12 thwart, stop or deter a forcible felony or attempted forcible  
13 felony;

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

18 ~~2.~~ 3. "Residence" means a dwelling in which a person resides  
19 either temporarily or permanently or is visiting as an invited  
20 guest; and

21 ~~3.~~ 4. "Vehicle" means a conveyance of any kind, whether or not  
22 motorized, which is designed to transport people or property.

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1 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1290.2, as  
2 last amended by Section 2, Chapter 366, O.S.L. 2013 (21 O.S. Supp.  
3 2016, Section 1290.2), is amended to read as follows:

4 Section 1290.2

5 DEFINITIONS

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

7 1. "Concealed handgun" means a loaded or unloaded pistol, ~~the~~  
8 ~~presence of which is~~ or handgun not openly ~~discernible~~ visible to  
9 the ordinary observation of a reasonable person;

10 2. "Unconcealed handgun" or "open carry" means a loaded or  
11 unloaded pistol or handgun carried upon the person in a ~~belt holster~~  
12 ~~or shoulder holster that is wholly or partially~~ where the firearm is  
13 visible, or carried upon the person ~~in~~ using a scabbard, sling or  
14 case designed for carrying firearms ~~that is wholly or partially~~  
15 visible; and

16 3. "Pistol" or "handgun" means any derringer, revolver or  
17 semiautomatic firearm which:

18 a. has ~~an overall~~ a barrel or barrels which have an  
19 overall length of less than sixteen (16) inches,

20 b. is capable of discharging ~~a projectile~~ single or  
21 multiple projectiles from a single round of ammunition  
22 composed of any material which may reasonably be  
23 expected to be able to cause lethal injury,

24

- 1 c. ~~is designed to~~ can be held and fired by the use of a  
2 ~~single hand~~ one or both hands, and  
3 d. uses ~~either gunpowder, gas or any means of rocket~~  
4 ~~propulsion~~ a combustible propellant charge to  
5 ~~discharge~~ propel the projectile or projectiles.

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

9 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1290.26, as  
10 last amended by Section 18, Chapter 15, O.S.L. 2013 (21 O.S. Supp.  
11 2016, Section 1290.26), is amended to read as follows:

12 Section 1290.26

13 RECIPROCAL AGREEMENT AUTHORITY

14 The State of Oklahoma hereby recognizes any valid concealed or  
15 unconcealed carry weapons permit or license issued by another state,  
16 or if the state is a nonpermitting carry state, this state shall  
17 reciprocate under the permitting law of that state.

18 ~~A.~~ 1. Any person entering this state in possession of a firearm  
19 authorized for concealed or unconcealed carry upon the authority and  
20 license of another state is authorized to continue to carry a  
21 concealed or unconcealed firearm and license in this state; provided  
22 the license from the other state remains valid. The firearm must  
23 either be carried unconcealed or concealed ~~from detection and view~~,  
24 and upon coming in contact with any peace officer of this state, the

1 person must disclose the fact that he or she is in possession of a  
2 concealed or unconcealed firearm pursuant to a valid concealed or  
3 unconcealed carry weapons permit or license issued in another state.

4 ~~B.~~ 2. Any person entering this state in possession of a firearm  
5 authorized for concealed carry upon the authority of a state that is  
6 a nonpermitted carry state and the person is in compliance with the  
7 Oklahoma Self-Defense Act, the person is authorized to carry a  
8 concealed or unconcealed firearm in this state. The firearm must be  
9 carried ~~fully concealed from detection and view~~ or unconcealed, and  
10 upon coming in contact with any peace officer of this state, the  
11 person must disclose the fact that he or she is in possession of a  
12 concealed or unconcealed firearm pursuant to the nonpermitting laws  
13 of the state in which he or she is a legal resident. The person  
14 shall present proper identification by a valid photo ID as proof  
15 that he or she is a legal resident in such a ~~non-permitting~~  
16 nonpermitting state. The Department of Public Safety shall keep a  
17 current list of ~~non-permitting~~ nonpermitting states for law  
18 enforcement officers to confirm that a state is nonpermitting.

19 ~~C.~~ 3. Any person who is twenty-one (21) years of age or older  
20 having a valid firearm license from another state may apply for a  
21 handgun license in this state immediately upon establishing a  
22 residence in this state.

23 SECTION 10. This act shall become effective November 1, 2017.  
24

1 Passed the House of Representatives the 21st day of March, 2017.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2017.

6  
7  
8 \_\_\_\_\_  
9 Presiding Officer of the Senate