

1 STATE OF OKLAHOMA

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

3 SENATE BILL 381

By: Dahm

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5  
6 AS INTRODUCED

7 An Act relating to firearms licenses; amending 21  
8 O.S. 2011, Sections 1272, as last amended by Section  
9 1, Chapter 217, O.S.L. 2016, 1272.1, as amended by  
10 Section 2, Chapter 259, O.S.L. 2012, 1272.2, as  
11 amended by Section 3, Chapter 259, O.S.L. 2012, 1273,  
12 as last amended by Section 1, Chapter 193, O.S.L.  
13 2014, 1276, as amended by Section 5, Chapter 259,  
14 O.S.L. 2012, 1277, as last amended by Section 1,  
15 Chapter 18, O.S.L. 2016, 1278, as amended by Section  
16 7, Chapter 259, O.S.L. 2012, 1279, as amended by  
17 Section 1, Chapter 171, O.S.L. 2013, 1280, 1283, as  
18 last amended by Section 1, Chapter 179, O.S.L. 2014,  
19 1287, as amended by Section 10, Chapter 259, O.S.L.  
20 2012, 1289.6, as last amended by Section 1, Chapter  
21 268, O.S.L. 2016, 1289.7, as amended by Section 12,  
22 Chapter 259, O.S.L. 2012, 1289.9, as amended by  
23 Section 14, Chapter 259, O.S.L. 2012, 1289.10, as  
24 amended by Section 15, Chapter 259, O.S.L. 2012,  
1289.11, as amended by Section 16, Chapter 259,  
O.S.L. 2012, 1289.12, as amended by Section 17,  
Chapter 259, O.S.L. 2012, 1289.13, as amended by  
Section 18, Chapter 259, O.S.L. 2012, 1289.13A, as  
amended by Section 19, Chapter 259, O.S.L. 2012,  
1289.16, as amended by Section 20, Chapter 259,  
O.S.L. 2012, 1289.23, as last amended by Section 5,  
Chapter 210, O.S.L. 2016, 1289.25, 1290.6, as amended  
by Section 27, Chapter 259, O.S.L. 2012, 1290.10, as  
last amended by Section 1, Chapter 86, O.S.L. 2015,  
1290.11, as last amended by Section 2, Chapter 259,  
O.S.L. 2014, 1290.14, as last amended by Section 2,  
Chapter 207, O.S.L. 2015, 1290.15, as last amended by  
Section 2, Chapter 86, O.S.L. 2013, 1290.22, as last  
amended by Section 2, Chapter 18, O.S.L. 2016 (21  
O.S. Supp. 2016, Sections 1272, 1272.1, 1272.2, 1273,  
1276, 1277, 1278, 1279, 1283, 1287, 1289.6, 1289.7,

1 1289.9, 1289.10, 1289.11, 1289.12, 1289.13, 1289.13A,  
2 1289.16, 1289.23, 1290.6, 1290.10, 1290.11, 1290.14,  
3 1290.15 and 1290.22), which relate to unlawful carry,  
4 carrying firearms where liquor is consumed, penalty  
5 for firearm in liquor establishment, allowing minors  
6 to possess firearms, penalties, unlawful carry in  
7 certain places, unlawful intent to carry, misdemeanor  
8 pointing a firearm, convicted felons and delinquents,  
9 use of a firearm while committing a felony,  
10 conditions under which firearms may be carried,  
11 firearms in vehicles, carrying weapons under  
12 influence of alcohol, furnishing firearms to  
13 incompetent persons, reckless conduct, giving  
14 firearms to convicted persons, transporting a loaded  
15 firearm, improper transportation of firearms, felony  
16 pointing firearms, concealed firearm for off-duty  
17 police officer, physical or deadly force against  
18 intruder, prohibited ammunition, mandatory and other  
19 preclusions, safety and training course, persons  
20 exempt from training course; deleting certain  
21 authorization; deleting certain requirement; removing  
22 certain violation; removing certain suspensions;  
23 removing certain notification; disallowing certain  
24 confiscation; making certain allowances; updating  
statutory reference; repealing 21 O.S. 2011, Sections  
1290.3, 1290.17, 1290.19, 1290.20, 1290.23 and  
1290.25, as amended by Sections 24, 36, 38, 39, 41  
and 43, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
Sections 1290.3, 1290.17, 1290.19, 1290.20, 1290.23  
and 1290.25), which relate to authority to issue  
license, suspension and revocation of license,  
license form, penalty for refusal to submit or  
falsification, deposit of fees by OSBI, immunity and  
legislative intent; repealing 21 O.S. 2011, Section  
1290.5, as last amended by Section 1, Chapter 122,  
O.S.L. 2014 (21 O.S. Supp. 2016, Section 1290.5),  
which relates to term of license and renewal;  
repealing 21 O.S. 2011, Sections 1290.7, 1290.8 and  
1290.21, as last amended by Sections 3, 4 and 6,  
Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2016,  
Sections 1290.7, 1290.8 and 1290.21), which relate to  
construing authority of license, possession of  
license required and replacement licenses; repealing  
21 O.S. 2011, Section 1290.9, as last amended by  
Section 1, Chapter 85, O.S.L. 2014 (21 O.S. Supp.  
2016, Section 1290.9), which relates to eligibility;  
repealing 21 O.S. 2011, Section 1290.12, as last

1 amended by Section 2, Chapter 256, O.S.L. 2016 (21  
2 O.S. Supp. 2016, Section 1290.12), which relates to  
3 procedure for application; repealing 21 O.S. 2011,  
4 Section 1290.13, as last amended by Section 1,  
5 Chapter 161, O.S.L. 2014 (21 O.S. Supp. 2016, Section  
6 1290.13), which relates to automatic listing of  
7 licenses; repealing 21 O.S. 2011, Section 1290.16,  
8 which relates to statistical report; repealing 21  
9 O.S. 2011, Section 1290.18, as last amended by  
10 Section 1, Chapter 200, O.S.L. 2015 (21 O.S. Supp.  
11 2016, Section 1290.18), which relates to application  
12 form contents; repealing 21 O.S. 2011, Section  
13 1290.24, as last amended by Section 3, Chapter 18,  
14 O.S.L. 2016 (21 O.S. Supp. 2016, Section 1290.24),  
15 which relates to immunity; repealing 21 O.S. 2011,  
16 Section 1290.26, as last amended by Section 18,  
17 Chapter 15, O.S.L. 2013 (21 O.S. Supp. 2016, Section  
18 1290.26), which relates to reciprocal agreement  
19 authority; and providing an effective date.  
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23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

Section 1272.

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 hunting, fishing,  
2 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.

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1 B. Any person convicted of violating the foregoing provision  
2 shall be guilty of a misdemeanor punishable as provided in Section  
3 1276 of this title.

4 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1272.1, as  
5 amended by Section 2, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
6 Section 1272.1), is amended to read as follows:

7 Section 1272.1.

8 CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

9 A. It shall be unlawful for any person to carry or possess any  
10 weapon designated in Section 1272 of this title in any establishment  
11 where low-point beer, as defined by Section 163.2 of Title 37 of the  
12 Oklahoma Statutes, or alcoholic beverages, as defined by Section 506  
13 of Title 37 of the Oklahoma Statutes, are consumed. This provision  
14 shall not apply to a peace officer, as defined in Section 99 of this  
15 title, or to private investigators with a firearms authorization  
16 when acting in the scope and course of employment, and shall not  
17 apply to an owner or proprietor of the establishment having a  
18 pistol, rifle, or shotgun on the premises. Provided however, a  
19 person ~~possessing a valid handgun license pursuant to the provisions~~  
20 ~~of the Oklahoma Self-Defense Act~~ may carry ~~the~~ a concealed or  
21 unconcealed handgun into any restaurant or other establishment  
22 licensed to dispense low-point beer or alcoholic beverages where the  
23 sale of low-point beer or alcoholic beverages does not constitute  
24 the primary purpose of the business.



1 ~~provisions of the Oklahoma Self-Defense Act shall have the license~~  
2 ~~revoked by the Oklahoma State Bureau of Investigation after a~~  
3 ~~hearing and determination that the person is in violation of Section~~  
4 ~~1272.1 of this title.~~

5 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1273, as  
6 last amended by Section 1, Chapter 193, O.S.L. 2014 (21 O.S. Supp.  
7 2016, Section 1273), is amended to read as follows:

8 Section 1273.

9 ALLOWING MINORS TO POSSESS FIREARMS

10 A. It shall be unlawful for any person within this state to  
11 sell or give to any child any of the arms or weapons designated in  
12 Section 1272 of this title; provided, the provisions of this section  
13 shall not prohibit a parent of a child or legal guardian of a child,  
14 or a person acting with the permission of the parent of the child or  
15 legal guardian of the child, from giving the child a firearm for  
16 participation in hunting animals or fowl, hunter safety classes,  
17 education and training in the safe use and handling of firearms,  
18 target shooting, skeet, trap or other sporting events or  
19 competitions, except as provided in subsection B of this section.

20 B. It shall be unlawful for any parent or guardian to  
21 intentionally, knowingly, or recklessly permit his or her child to  
22 possess any of the arms or weapons designated in Section 1272 of  
23 this title, including any firearm, if such parent is aware of a  
24 substantial risk that the child will use the weapon to commit a

1 criminal offense or if the child has either been adjudicated a  
2 delinquent or has been convicted as an adult for any criminal  
3 offense that contains as an element the threat or use of physical  
4 force against the person of another.

5 C. It shall be unlawful for any child to possess any of the  
6 arms or weapons designated in Section 1272 of this title, except  
7 firearms used for participation in hunting animals or fowl, hunter  
8 safety classes, education and training in the safe use and handling  
9 of firearms, target shooting, skeet, trap or other sporting events  
10 or competitions. Provided, this section shall not authorize the  
11 possession of such weapons by any person who is subject to the  
12 provisions of Section 1283 of this title.

13 D. Any person violating the provisions of this section shall,  
14 upon conviction, be punished as provided in Section 1276 of this  
15 title, and, any child violating the provisions of this section shall  
16 be subject to adjudication as a delinquent. In addition, any person  
17 violating the provisions of subsection A or B of this section shall  
18 be liable for civil damages for any injury or death to any person  
19 and for any damage to property, as provided in Section 10 of Title  
20 23 of the Oklahoma Statutes, resulting from any discharge of a  
21 firearm by the child or use of any other weapon that the person had  
22 given to the child or permitted the child to possess. ~~Any person~~  
23 ~~convicted of violating the provisions of this section after having~~  
24 ~~been issued a handgun license pursuant to the provisions of the~~

1 ~~Oklahoma Self-Defense Act may be liable for an administrative~~  
2 ~~violation as provided in Section 1276 of this title.~~

3 E. As used in this section, "child" means a person under  
4 eighteen (18) years of age.

5 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1276, as  
6 amended by Section 5, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
7 Section 1276), is amended to read as follows:

8 Section 1276.

9 PENALTY FOR 1272 AND 1273

10 Any person violating the provisions of Section 1272 or 1273 of  
11 this title shall, upon a first conviction, be adjudged guilty of a  
12 misdemeanor and the party offending shall be punished by a fine of  
13 not less than One Hundred Dollars (\$100.00) nor more than Two  
14 Hundred Fifty Dollars (\$250.00), or by imprisonment in the county  
15 jail for a period not to exceed thirty (30) days or both such fine  
16 and imprisonment. On the second and every subsequent violation, the  
17 party offending shall, upon conviction, be punished by a fine of not  
18 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five  
19 Hundred Dollars (\$500.00), or by imprisonment in the county jail for  
20 a period not less than thirty (30) days nor more than three (3)  
21 months, or by both such fine and imprisonment.

22 ~~Any person convicted of violating the provisions of Section 1272~~  
23 ~~or 1273 of this title after having been issued a handgun license~~  
24 ~~pursuant to the provisions of the Oklahoma Self-Defense Act shall~~

1 ~~have the license suspended for a period of six (6) months and shall~~  
2 ~~be liable for an administrative fine of Fifty Dollars (\$50.00) upon~~  
3 ~~a hearing and determination by the Oklahoma State Bureau of~~  
4 ~~Investigation that the person is in violation of the provisions of~~  
5 ~~this section.~~

6 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1277, as  
7 last amended by Section 1, Chapter 18, O.S.L. 2016 (21 O.S. Supp.  
8 2016, Section 1277), is amended to read as follows:

9 Section 1277.

10 UNLAWFUL CARRY IN CERTAIN PLACES

11 A. It shall be unlawful for any person ~~in possession of a valid~~  
12 ~~handgun license issued pursuant to the provisions of the Oklahoma~~  
13 ~~Self-Defense Act~~ to carry any concealed or unconcealed handgun into  
14 any of the following places:

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

18 2. Any courthouse, courtroom, prison, jail, detention facility  
19 or any facility used to process, hold or house arrested persons,  
20 prisoners or persons alleged delinquent or adjudicated delinquent,  
21 except as provided in Section 21 of Title 57 of the Oklahoma  
22 Statutes;

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1       3. Any public or private elementary or public or private  
2 secondary school, except as provided in subsection C of this  
3 section;

4       4. Any publicly owned or operated sports arena or venue during  
5 a professional sporting event, unless allowed by the event holder;

6       5. Any place where gambling is authorized by law, unless  
7 allowed by the property owner; and

8       6. Any other place specifically prohibited by law.

9       B. For purposes of subsection A of this section, the prohibited  
10 place does not include and specifically excludes the following  
11 property:

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

15       2. Any property set aside for the use or parking of any  
16 vehicle, whether attended or unattended, which is open to the  
17 public, or by any entity engaged in gambling authorized by law;

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

21       4. Any property designated by a city, town, county or state  
22 governmental authority as a park, recreational area, or fairgrounds;  
23 provided, nothing in this paragraph shall be construed to authorize  
24 any entry by a person in possession of a concealed or unconcealed

1 handgun into any structure, building or office space which is  
2 specifically prohibited by the provisions of subsection A of this  
3 section; and

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

9 Nothing contained in any provision of this subsection or  
10 subsection C of this section shall be construed to authorize or  
11 allow any person in control of any place described in subsection A  
12 of this section to establish any policy or rule that has the effect  
13 of prohibiting any person in lawful possession of a handgun license  
14 from possession of a handgun allowable under such license in places  
15 described in this subsection.

16 C. A concealed or unconcealed weapon may be carried onto  
17 private school property or in any school bus or vehicle used by any  
18 private school for transportation of students or teachers ~~by a~~  
19 ~~person who is licensed pursuant to the Oklahoma Self-Defense Act,~~  
20 provided a policy has been adopted by the governing entity of the  
21 private school that authorizes the carrying and possession of a  
22 weapon on private school property or in any school bus or vehicle  
23 used by a private school. Except for acts of gross negligence or  
24 willful or wanton misconduct, a governing entity of a private school

1 that adopts a policy which authorizes the possession of a weapon on  
2 private school property, a school bus or vehicle used by the private  
3 school shall be immune from liability for any injuries arising from  
4 the adoption of the policy. The provisions of this subsection shall  
5 not apply to claims pursuant to the Administrative Workers'  
6 Compensation Act.

7 D. Any person violating the provisions paragraph 2 or 3 of  
8 subsection A of this section shall, upon conviction, be guilty of a  
9 misdemeanor punishable by a fine not to exceed Two Hundred Fifty  
10 Dollars (\$250.00). A person violating any other provision of  
11 subsection A may be denied entrance onto the property or removed  
12 from the property. If the person refuses to leave the property and  
13 a peace officer is summoned, the person may be issued a citation for  
14 an amount not to exceed Two Hundred Fifty Dollars (\$250.00).

15 E. No person ~~in possession of a valid handgun license issued~~  
16 ~~pursuant to the provisions of the Oklahoma Self-Defense Act~~ shall be  
17 authorized to carry the handgun into or upon any college, university  
18 or technology center school property, except as provided in this  
19 subsection. For purposes of this subsection, the following property  
20 shall not be construed as prohibited for persons having a valid  
21 handgun license:

22 1. Any property set aside for the use or parking of any  
23 vehicle, whether attended or unattended, provided the handgun is  
24 carried or stored as required by law and the handgun is not removed

1 from the vehicle without the prior consent of the college or  
2 university president or technology center school administrator while  
3 the vehicle is on any college, university or technology center  
4 school property;

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

7 3. Any property authorized by the written consent of the  
8 college or university president or technology center school  
9 administrator, provided the written consent is carried with the  
10 handgun ~~and the valid handgun license~~ while on college, university  
11 or technology center school property.

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

21 Nothing contained in any provision of this subsection shall be  
22 construed to authorize or allow any college, university or  
23 technology center school to establish any policy or rule that has  
24 the effect of prohibiting any person ~~in lawful possession of a~~

1 ~~handgun license~~ from possession of a handgun ~~allowable under such~~  
2 ~~license~~ in places described in paragraphs 1, 2, and 3 of this  
3 subsection. Nothing contained in any provision of this subsection  
4 shall be construed to limit the authority of any college, university  
5 or technology center school in this state from taking administrative  
6 action against any student for any violation of any provision of  
7 this subsection.

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

19 G. For the purposes of this section, "motor vehicle" means any  
20 automobile, truck, minivan or sports utility vehicle.

21 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1278, as  
22 amended by Section 7, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
23 Section 1278), is amended to read as follows:

24 Section 1278.

1 UNLAWFUL INTENT TO CARRY

2 Any person in this state who carries or wears any deadly weapons  
3 or dangerous instrument whatsoever with the intent or for the avowed  
4 purpose of unlawfully injuring another person, upon conviction,  
5 shall be guilty of a felony punishable by a fine not exceeding Five  
6 Thousand Dollars (\$5,000.00), by imprisonment in the custody of the  
7 Department of Corrections for a period not exceeding two (2) years,  
8 or by both such fine and imprisonment. The mere possession of such  
9 a weapon or dangerous instrument, without more, however, shall not  
10 be sufficient to establish intent as required by this section.

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

18 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1279, as  
19 amended by Section 1, Chapter 171, O.S.L. 2013 (21 O.S. Supp. 2016,  
20 Section 1279), is amended to read as follows:

21 Section 1279.

22 MISDEMEANOR POINTING A FIREARM

23 Except for an act of self-defense, it shall be unlawful for any  
24 person to point any pistol or any other deadly weapon whether loaded

1 or not, at any other person or persons. Any person violating the  
2 provisions of this section shall, upon conviction, be guilty of a  
3 misdemeanor punishable as provided in Section 1280 of this title.

4 ~~Any person convicted of violating the provisions of this section~~  
5 ~~after having been issued a handgun license pursuant to the~~  
6 ~~provisions of the Oklahoma Self-Defense Act may be subject to an~~  
7 ~~administrative violation as provided in Section 1280 of this title.~~

8 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1280, is  
9 amended to read as follows:

10 Section 1280.

11 PENALTY FOR 1279

12 Any person violating the provisions of Section 1279 of this  
13 title, upon conviction, shall be guilty of a misdemeanor. The  
14 person offending shall be punished by a fine of not less than One  
15 Hundred Dollars (\$100.00) nor more than One Thousand Dollars  
16 (\$1,000.00) and shall be imprisoned in the county jail for a period  
17 not less than three (3) nor more than twelve (12) months. ~~Any~~  
18 ~~person convicted of violating the provisions of Section 1279 of this~~  
19 ~~title after having been issued a handgun license pursuant to the~~  
20 ~~provisions of the Oklahoma Self-Defense Act, Sections 1 through 25~~  
21 ~~of this act, shall have the handgun license permanently revoked and~~  
22 ~~shall be liable for an administrative fine of Fifty Dollars (\$50.00)~~  
23 ~~upon a hearing and determination by the Oklahoma State Bureau of~~

1 ~~Investigation that the person is in violation of the provisions of~~  
2 ~~this section.~~

3 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1283, as  
4 last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.  
5 2016, Section 1283), is amended to read as follows:

6 Section 1283.

7 CONVICTED FELONS AND DELINQUENTS

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

17 B. Any person who has previously been convicted of a nonviolent  
18 felony in any court of this state or of another state or of the  
19 United States, and who has received a full and complete pardon from  
20 the proper authority and has not been convicted of any other felony  
21 offense which has not been pardoned, shall have restored the right  
22 to possess any firearm or other weapon prohibited by subsection A of  
23 this section, ~~the right to apply for and carry a handgun, concealed~~  
24 ~~or unconcealed, pursuant to the Oklahoma Self-Defense Act and the~~

1 right to perform the duties of a peace officer, gunsmith, or for  
2 firearms repair.

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

13 D. It shall be unlawful for any person previously adjudicated  
14 as a delinquent child or a youthful offender for the commission of  
15 an offense, which would have constituted a felony offense if  
16 committed by an adult, to have in the possession of the person or  
17 under the immediate control of the person, or have in any vehicle  
18 which he or she is driving or in which the person is riding as a  
19 passenger, or at the residence of the person, any pistol, imitation  
20 or homemade pistol, altered air or toy pistol, machine gun, sawed-  
21 off shotgun or rifle, or any other dangerous or deadly firearm  
22 within ten (10) years after such adjudication; provided, that  
23 nothing in this subsection shall be construed to prohibit the  
24 placement of the person in a home with a full-time duly appointed

1 peace officer who is certified by the Council on Law Enforcement  
2 Education and Training (CLEET) pursuant to the provisions of Section  
3 3311 of Title 70 of the Oklahoma Statutes.

4 E. Any person ~~having been issued a handgun license pursuant to~~  
5 ~~the provisions of the Oklahoma Self-Defense Act and who thereafter~~  
6 knowingly or intentionally allows a convicted felon or adjudicated  
7 delinquent or a youthful offender as prohibited by the provisions of  
8 subsection A, C, or D of this section to possess or have control of  
9 any pistol ~~authorized by the Oklahoma Self-Defense Act~~ shall, upon  
10 conviction, be guilty of a felony punishable by a fine not to exceed  
11 Five Thousand Dollars (\$5,000.00). ~~In addition, the person shall~~  
12 ~~have the handgun license revoked by the Oklahoma State Bureau of~~  
13 ~~Investigation after a hearing and determination that the person has~~  
14 ~~violated the provisions of this section.~~

15 F. Any convicted or adjudicated person violating the provisions  
16 of this section shall, upon conviction, be guilty of a felony  
17 punishable as provided in Section 1284 of this title.

18 G. For purposes of this section, "sawed-off shotgun or rifle"  
19 shall mean any shotgun or rifle which has been shortened to any  
20 length.

21 H. For purposes of this section, "altered toy pistol" shall  
22 mean any toy weapon which has been altered from its original  
23 manufactured state to resemble a real weapon.

24

1 I. For purposes of this section, "altered air pistol" shall  
2 mean any air pistol manufactured to propel projectiles by air  
3 pressure which has been altered from its original manufactured  
4 state.

5 J. For purposes of this section, "alternative court program"  
6 shall mean any drug court, Anna McBride or mental health court, DUI  
7 court or veterans court.

8 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1287, as  
9 amended by Section 10, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
10 Section 1287), is amended to read as follows:

11 Section 1287.

12 USE OF FIREARM WHILE COMMITTING A FELONY

13 A. Any person who, while committing or attempting to commit a  
14 felony, possesses a pistol, shotgun or rifle or any other offensive  
15 weapon in such commission or attempt, whether the pistol, shotgun or  
16 rifle is loaded or not, or who possesses a blank or imitation  
17 pistol, altered air or toy pistol, shotgun or rifle capable of  
18 raising in the mind of one threatened with such device a fear that  
19 it is a real pistol, shotgun or rifle, or who possesses an air gun  
20 or carbon dioxide or other gas-filled weapon, electronic dart gun,  
21 conductive energy weapon, knife, dagger, dirk, switchblade knife,  
22 blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in  
23 addition to the penalty provided by statute for the felony committed  
24 or attempted, upon conviction shall be guilty of a felony for

1 possessing such weapon or device, which shall be a separate offense  
2 from the felony committed or attempted and shall be punishable by  
3 imprisonment in the custody of the Department of Corrections for a  
4 period of not less than two (2) years nor for more than ten (10)  
5 years for the first offense, and for a period of not less than ten  
6 (10) years nor more than thirty (30) years for any second or  
7 subsequent offense.

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

15 ~~C.~~ As used in this section, "altered toy pistol" shall mean any  
16 toy weapon which has been altered from its original manufactured  
17 state to resemble a real weapon.

18 ~~D.~~ C. As used in this section, "altered air pistol" shall mean  
19 any air pistol manufactured to propel projectiles by air pressure  
20 which has been altered from its original manufactured state.

21 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1289.6, as  
22 last amended by Section 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp.  
23 2016, Section 1289.6), is amended to read as follows:

24 Section 1289.6.

1                   CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

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

6           1. When hunting animals or fowl;

7           2. During competition in or practicing in a safety or hunter  
8 safety class, target shooting, skeet, trap or other recognized  
9 sporting events;

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

18          4. During participation in or in preparation for a recognized  
19 police function of either a municipal, county or state government as  
20 functioning police officials;

21          5. During a practice for or a performance for entertainment  
22 purposes;

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

4           7. For any legitimate purpose not in violation of the Oklahoma  
5 Firearms Act of 1971 or any legislative enactment regarding the use,  
6 ownership and control of firearms.

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

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

18           2. For any legitimate purpose not in violation of the Oklahoma  
19 Firearms Act of 1971.

20           C. The provisions of this section shall not be construed to  
21 prohibit educational or recreational activities, exhibitions,  
22 displays or shows involving the use or display of rifles, shotguns  
23 or pistols or other weapons if the activity is approved by the  
24 property owner and sponsor of the activity.

1 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1289.7, as  
2 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
3 Section 1289.7), is amended to read as follows:

4 Section 1289.7.

5 FIREARMS IN VEHICLES

6 Any person, except a convicted felon, may transport in a motor  
7 vehicle a rifle, shotgun or pistol, open and unloaded, at any time.  
8 For purposes of this section "open" means the firearm is transported  
9 in plain view, in a case designed for carrying firearms, which case  
10 is wholly or partially visible, in a gun rack mounted in the  
11 vehicle, in an exterior locked compartment or a trunk of a vehicle.

12 Any person, except a convicted felon, may transport in a motor  
13 vehicle a rifle or shotgun concealed behind a seat of the vehicle or  
14 within the interior of the vehicle provided the rifle or shotgun is  
15 not clip, magazine or chamber loaded. The authority to transport a  
16 clip or magazine loaded rifle or shotgun shall be pursuant to  
17 Section 1289.13 of this title.

18 ~~Any person who is the operator of a vehicle or is a passenger in~~  
19 ~~any vehicle wherein another person who is licensed pursuant to the~~  
20 ~~Oklahoma Self-Defense Act to carry a handgun, concealed or~~  
21 ~~unconcealed, and is carrying a handgun or has the handgun in such~~  
22 ~~vehicle, shall not be deemed in violation of the provisions of this~~  
23 ~~section provided the licensee is in or near the vehicle.~~

24

1 SECTION 14. AMENDATORY 21 O.S. 2011, Section 1289.9, as  
2 amended by Section 14, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
3 Section 1289.9), is amended to read as follows:

4 Section 1289.9.

5 CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

6 It shall be unlawful for any person to carry or use shotguns,  
7 rifles or pistols in any circumstances while under the influence of  
8 beer, intoxicating liquors or any hallucinogenic, or any unlawful or  
9 unprescribed drug, and it shall be unlawful for any person to carry  
10 or use shotguns, rifles or pistols when under the influence of any  
11 drug prescribed by a licensed physician if the aftereffects of such  
12 consumption affect mental, emotional or physical processes to a  
13 degree that would result in abnormal behavior. Any person convicted  
14 of a violation of the provisions of this section shall be punished  
15 as provided in Section 1289.15 of this title.

16 ~~Any person convicted of a violation of the provisions of this~~  
17 ~~section after having been issued a handgun license pursuant to the~~  
18 ~~provisions of the Oklahoma Self-Defense Act shall have the license~~  
19 ~~suspended for a term of six (6) months and shall be subject to an~~  
20 ~~administrative fine of Fifty Dollars (\$50.00), upon a hearing and~~  
21 ~~determination by the Oklahoma State Bureau of Investigation that the~~  
22 ~~person is in violation of the provisions of this section.~~

23  
24

1 SECTION 15. AMENDATORY 21 O.S. 2011, Section 1289.10, as  
2 amended by Section 15, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
3 Section 1289.10), is amended to read as follows:

4 Section 1289.10.

5 FURNISHING FIREARMS TO INCOMPETENT PERSONS

6 It shall be unlawful for any person to knowingly transmit,  
7 transfer, sell, lend or furnish any shotgun, rifle or pistol to any  
8 person who is under an adjudication of mental incompetency, or to  
9 any person who is mentally deficient or of unsound mind. Any person  
10 convicted of a violation of the provisions of this section shall be  
11 punished as provided in Section 1289.15 of this title.

12 ~~Any person convicted of a violation of the provisions of this~~  
13 ~~section after having been issued a handgun license pursuant to the~~  
14 ~~provisions of the Oklahoma Self-Defense Act shall have the license~~  
15 ~~suspended for a term of six (6) months and shall be subject to an~~  
16 ~~administrative fine of Fifty Dollars (\$50.00), upon a hearing and~~  
17 ~~determination by the Oklahoma State Bureau of Investigation that the~~  
18 ~~person is in violation of the provisions of this section.~~

19 SECTION 16. AMENDATORY 21 O.S. 2011, Section 1289.11, as  
20 amended by Section 16, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
21 Section 1289.11), is amended to read as follows:

22 Section 1289.11.

23 RECKLESS CONDUCT  
24

1 It shall be unlawful for any person to engage in reckless  
2 conduct while having in his or her possession any shotgun, rifle or  
3 pistol, such actions consisting of creating a situation of  
4 unreasonable risk and probability of death or great bodily harm to  
5 another, and demonstrating a conscious disregard for the safety of  
6 another person. Any person convicted of violating the provisions of  
7 this section shall be punished as provided in Section 1289.15 of  
8 this title.

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

16 SECTION 17. AMENDATORY 21 O.S. 2011, Section 1289.12, as  
17 amended by Section 17, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
18 Section 1289.12), is amended to read as follows:

19 Section 1289.12.

20 GIVING FIREARMS TO CONVICTED PERSONS

21 It shall be unlawful for any person within this state to  
22 knowingly sell, trade, give, transmit or otherwise cause the  
23 transfer of rifles, shotguns or pistols to any convicted felon or an  
24 adjudicated delinquent, and it shall be unlawful for any person

1 within this state to knowingly sell, trade, give, transmit or  
2 otherwise cause the transfer of any shotgun, rifle or pistol to any  
3 individual who is under the influence of alcohol or drugs or is  
4 mentally or emotionally unbalanced or disturbed. All persons who  
5 engage in selling, trading or otherwise transferring firearms will  
6 display this section prominently in full view at or near the point  
7 of normal firearms sale, trade or transfer. Any person convicted of  
8 violating the provisions of this section shall be punished as  
9 provided in Section 1289.15 of this title.

10 ~~Any person convicted of a violation of this section after having~~  
11 ~~been issued a handgun license pursuant to the Oklahoma Self-Defense~~  
12 ~~Act shall have the license suspended for six (6) months and shall be~~  
13 ~~liable for an administrative fine of Fifty Dollars (\$50.00), upon a~~  
14 ~~hearing and determination by the Oklahoma State Bureau of~~  
15 ~~Investigation that the person is in violation of the provisions of~~  
16 ~~this section.~~

17 SECTION 18. AMENDATORY 21 O.S. 2011, Section 1289.13, as  
18 amended by Section 18, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
19 Section 1289.13), is amended to read as follows:

20 Section 1289.13.

21 TRANSPORTING A LOADED FIREARM

22 Except as otherwise provided by ~~the provisions of the Oklahoma~~  
23 ~~Self-Defense Act or~~ another provision of law, it shall be unlawful  
24 to transport a loaded pistol, rifle or shotgun in a ~~landborne~~ land

1 borne motor vehicle over a public highway or roadway. However, a  
2 rifle or shotgun may be transported clip or magazine loaded and not  
3 chamber loaded when transported in an exterior locked compartment of  
4 the vehicle or trunk of the vehicle or in the interior compartment  
5 of the vehicle notwithstanding the provisions of Section 1289.7 of  
6 this title ~~when the person is in possession of a valid handgun~~  
7 ~~license pursuant to the Oklahoma Self-Defense Act.~~

8 Any person convicted of a violation of this section shall be  
9 punished as provided in Section 1289.15 of this title.

10 Any person who is the operator of a vehicle or is a passenger in  
11 any vehicle ~~wherein another person who is licensed pursuant to the~~  
12 ~~Oklahoma Self-Defense Act to carry a handgun, concealed or~~  
13 ~~unconcealed,~~ and is carrying a handgun or has a handgun or rifle or  
14 shotgun in such vehicle shall not be deemed in violation of the  
15 provisions of this section ~~provided the licensee is in or near the~~  
16 ~~vehicle.~~

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

20 Section 1289.13A.

21 IMPROPER TRANSPORTATION OF FIREARMS

22 A. Notwithstanding the provisions of Section 1272 or 1289.13 of  
23 this title, any person stopped pursuant to a moving traffic  
24 violation who is transporting a loaded pistol in the motor vehicle

1 ~~without a valid handgun license authorized by the Oklahoma Self-~~  
2 ~~Defense Act or valid license from another state,~~ whether the loaded  
3 firearm is concealed or unconcealed in the vehicle, shall be issued  
4 a traffic citation in the amount of Seventy Dollars (\$70.00), plus  
5 court costs for transporting a firearm improperly. In addition to  
6 the traffic citation provided in this section, the person may also  
7 be arrested for any other violation of law.

8 B. ~~When the arresting officer determines that a valid handgun~~  
9 ~~license exists, pursuant to the Oklahoma Self-Defense Act or any~~  
10 ~~provision of law from another state, for any person in the stopped~~  
11 ~~vehicle, any firearms permitted to be carried pursuant to that~~  
12 ~~license shall not be confiscated,~~ The arresting officer shall not  
13 confiscate any firearm being transported in a vehicle unless:

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

19 2. The officer has probable cause to believe the weapon is:  
20 a. contraband, or  
21 b. a firearm used in the commission of a crime other than  
22 a violation of subsection A of this section.

23 C. Nothing in this section shall be construed to require  
24 confiscation of any firearm.

1 SECTION 20. AMENDATORY 21 O.S. 2011, Section 1289.16, as  
2 amended by Section 20, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
3 Section 1289.16), is amended to read as follows:

4 Section 1289.16.

5 FELONY POINTING FIREARMS

6 It shall be unlawful for any person to willfully or without  
7 lawful cause point a shotgun, rifle or pistol, or any deadly weapon,  
8 whether loaded or not, at any person or persons for the purpose of  
9 threatening or with the intention of discharging the firearm or with  
10 any malice or for any purpose of injuring, either through physical  
11 injury or mental or emotional intimidation or for purposes of  
12 whimsy, humor or prank, or in anger or otherwise, but not to include  
13 the pointing of shotguns, rifles or pistols by law enforcement  
14 authorities in the performance of their duties, members of the state  
15 military forces in the performance of their duties, members of the  
16 federal military reserve and active military components in the  
17 performance of their duties, or any federal government law  
18 enforcement officer in the performance of any duty, or in the  
19 performance of a play on stage, rodeo, television or on film, or in  
20 defense of any person, one's home or property. Any person convicted  
21 of a violation of the provisions of this section shall be punished  
22 as provided in Section 1289.17 of this title.

23 ~~Any person convicted of a violation of the provisions of this~~  
24 ~~section after having been issued a handgun license pursuant to the~~

1 ~~Oklahoma Self-Defense Act shall have the license revoked and shall~~  
2 ~~be subject to an administrative fine of One Thousand Dollars~~  
3 ~~(\$1,000.00), upon a hearing and determination by the Oklahoma State~~  
4 ~~Bureau of Investigation that the person is in violation of the~~  
5 ~~provisions of this section.~~

6 SECTION 21. AMENDATORY 21 O.S. 2011, Section 1289.23, as  
7 last amended by Section 5, Chapter 210, O.S.L. 2016 (21 O.S. Supp.  
8 2016, Section 1289.23), is amended to read as follows:

9 Section 1289.23.

10 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

11 A. Notwithstanding any provision of law to the contrary, a  
12 full-time duly appointed peace officer who is certified by the  
13 Council on Law Enforcement Education and Training (CLEET), pursuant  
14 to the provisions of Section 3311 of Title 70 of the Oklahoma  
15 Statutes, is hereby authorized to carry a weapon approved by the  
16 employing agency anywhere in the state of Oklahoma, both while on  
17 active duty and during periods when the officer is not on active  
18 duty as provided by the provisions of subsection B of this section.

19 B. When a full-time duly appointed officer carries an approved  
20 weapon, the officer shall be wearing the law enforcement uniform  
21 prescribed by the employing agency or plainclothes. When not  
22 wearing the prescribed law enforcement uniform, the officer shall be  
23 required:

24

1           1. To have the official peace officers badge, Commission Card  
2 and CLEET Certification Card on his or her person at all times when  
3 carrying a weapon approved by the employing agency; and

4           2. To keep the approved weapon concealed or unconcealed at all  
5 times, except when the weapon is used within the guidelines  
6 established by the employing agency.

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

10          D. A reserve peace officer who has satisfactorily completed a  
11 basic police course of not less than one hundred twenty (120) hours  
12 of accredited instruction for reserve police officers and reserve  
13 deputies from the Council on Law Enforcement Education and Training  
14 or a course of study approved by CLEET may carry an approved weapon  
15 when such officer is off duty as provided by subsection E of this  
16 section, provided:

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

19           2. The employing agency shall maintain a current list of any  
20 officers authorized to carry an approved weapon while the officers  
21 are off duty, and shall provide a copy of such list to the Council  
22 on Law Enforcement Education and Training. Any change to the list  
23 shall be made in writing and mailed to the Council on Law  
24 Enforcement Education and Training within five (5) days.

1 E. When an off-duty reserve peace officer carries an approved  
2 weapon, the officer shall be wearing the law enforcement uniform  
3 prescribed by the employing agency or when not wearing the  
4 prescribed law enforcement uniform, the officer shall be required:

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

7 2. To keep the approved weapon concealed or unconcealed at all  
8 times, except when the weapon is used within the guidelines  
9 established by the employing agency.

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

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

21 1. ~~Has been issued a valid handgun license and is~~ Is carrying a  
22 handgun not authorized by the employing agency; or

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

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

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

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

14 ~~a. an official letter from his or her employing agency~~  
15 ~~confirming the officer's employment and status as a~~  
16 ~~full-time commissioned peace officer or an active~~  
17 ~~reserve peace officer,~~

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

20 ~~c. two passport-size photographs of the peace officer~~  
21 ~~applicant;~~

22 ~~2. Upon receiving the required information, CLEET shall~~  
23 ~~determine whether the peace officer is in good standing, has CLEET~~  
24 ~~certification and training, and is otherwise eligible for a handgun~~

1 ~~license. Upon verification of the officer's eligibility, CLEET~~  
2 ~~shall send the information to the Oklahoma State Bureau of~~  
3 ~~Investigation (OSBI) and OSBI shall issue a handgun license in the~~  
4 ~~same or similar form as other handgun licenses. All other~~  
5 ~~requirements in Section 1290.12 of this title concerning application~~  
6 ~~for a handgun license shall be waived for active duty peace officers~~  
7 ~~except as provided in this subsection including, but not limited to,~~  
8 ~~training, fingerprints and criminal history records checks unless~~  
9 ~~the officer does not have fingerprints on file or a criminal history~~  
10 ~~records background check conducted prior to employment as a peace~~  
11 ~~officer. The OSBI shall not be required to conduct any further~~  
12 ~~investigation into the eligibility of the peace officer applicant~~  
13 ~~and shall not deny a handgun license except when preclusions are~~  
14 ~~found to exist;~~

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

22 ~~4. If the commission card of a law enforcement officer is~~  
23 ~~terminated, revoked or suspended, the handgun license shall be~~  
24 ~~immediately returned to CLEET. When a peace officer in possession~~

1 ~~of a handgun license pursuant to this subsection changes employment,~~  
2 ~~the person must notify CLEET within ninety (90) days and send a new~~  
3 ~~letter verifying employment and status as a full-time commissioned~~  
4 ~~or reserve peace officer;~~

5 ~~5. There shall be no refund of any fee for any unexpired term~~  
6 ~~of any handgun license that is suspended, revoked or voluntarily~~  
7 ~~returned to CLEET, or that is denied, suspended or revoked by the~~  
8 ~~OSBI;~~

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

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

15 SECTION 22. AMENDATORY 21 O.S. 2011, 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 or places of business.

22 B. A person or an owner, manager or employee of a business is  
23 presumed to have held a reasonable fear of imminent peril of death  
24 or great bodily harm to himself or herself or another when using

1 defensive force that is intended or likely to cause death or great  
2 bodily harm to another if:

3 1. The person against whom the defensive force was used was in  
4 the process of unlawfully and forcefully entering, or had unlawfully  
5 and forcibly entered, a dwelling, residence, occupied vehicle, or a  
6 place of business, or if that person had removed or was attempting  
7 to remove another against the will of that person from the dwelling,  
8 residence, occupied vehicle, or place of business; and

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

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

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

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

23

24

1           3. The person who uses defensive force is engaged in an  
2 unlawful activity or is using the dwelling, residence, occupied  
3 vehicle, or place of business to further an unlawful activity.

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

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

15           F. A person who uses force, as permitted pursuant to the  
16 provisions of subsections B and D of this section, is justified in  
17 using such force and is immune from criminal prosecution and civil  
18 action for the use of such force. As used in this subsection, the  
19 term "criminal prosecution" includes charging or prosecuting the  
20 defendant.

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

1 H. The court shall award reasonable attorney fees, court costs,  
2 compensation for loss of income, and all expenses incurred by the  
3 defendant in defense of any civil action brought by a plaintiff if  
4 the court finds that the defendant is immune from prosecution as  
5 provided in subsection F of this section.

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

10 J. As used in this section:

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

15 2. "Residence" means a dwelling in which a person resides  
16 either temporarily or permanently or is visiting as an invited  
17 guest; and

18 3. "Vehicle" means a conveyance of any kind, whether or not  
19 motorized, which is designed to transport people or property.

20 SECTION 23. AMENDATORY 21 O.S. 2011, Section 1290.6, as  
21 amended by Section 27, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
22 Section 1290.6), is amended to read as follows:

23 Section 1290.6.

24 PROHIBITED AMMUNITION

1 Any concealed or unconcealed handgun when carried ~~in a manner~~  
2 ~~authorized by the provisions of the Oklahoma Self-Defense Act~~ and  
3 when loaded with any ammunition which is either a restricted bullet  
4 as defined by Section 1289.19 of this title or is larger than .45  
5 caliber or is otherwise prohibited by law shall be deemed a  
6 prohibited weapon ~~for purposes of the Oklahoma Self-Defense Act.~~  
7 Any person violating the provisions of this section shall be  
8 punished for a criminal offense as provided by Section 1272 of this  
9 title or any other applicable provision of law. In addition to any  
10 criminal prosecution for a violation of the provisions of this  
11 section, the licensee shall be subject to an administrative fine of  
12 Five Hundred Dollars (\$500.00), upon a hearing and determination by  
13 the Oklahoma State Bureau of Investigation that the person is in  
14 violation of the provisions of this section.

15 SECTION 24. AMENDATORY 21 O.S. 2011, Section 1290.10, as  
16 last amended by Section 1, Chapter 86, O.S.L. 2015 (21 O.S. Supp.  
17 2016, Section 1290.10), is amended to read as follows:

18 Section 1290.10.

19 MANDATORY PRECLUSIONS

20 ~~In addition to the requirements stated in Section 1290.9 of this~~  
21 ~~title, the conditions stated in this section shall preclude a person~~  
22 ~~from eligibility for a handgun license pursuant to the provisions of~~  
23 ~~the Oklahoma Self-Defense Act.~~ The occurrence of any one of the  
24 following conditions shall deny ~~the~~ a person the right to ~~have a~~

1 ~~handgun license pursuant to the provisions of the Oklahoma Self-~~  
2 ~~Defense Act~~ carry a firearm in the State of Oklahoma. Prohibited  
3 conditions are:

4 1. Ineligible to possess a pistol due to any felony conviction  
5 or adjudication as a delinquent as provided by Section 1283 of this  
6 title, except as provided in subsection B of Section 1283 of this  
7 title;

8 2. Any felony conviction pursuant to any law of another state,  
9 a felony conviction pursuant to any provision of the United States  
10 Code, or any conviction pursuant to the laws of any foreign country,  
11 provided such foreign conviction would constitute a felony offense  
12 in this state if the offense had been committed in this state,  
13 except as provided in subsection B of Section 1283 of this title;

14 3. Adjudication as a mentally incompetent person pursuant to  
15 the provisions of the Oklahoma Mental Health Law, or an adjudication  
16 of incompetency entered in another state pursuant to any provision  
17 of law of that state, unless the person has been granted relief from  
18 the disqualifying disability pursuant to Section 1290.27 of this  
19 title;

20 4. ~~Any false or misleading statement on the application for a~~  
21 ~~handgun license as provided by paragraph 5 of subsection A of~~  
22 ~~Section 1290.12 of this title;~~

23 5. Conviction of any one of the following misdemeanor offenses  
24 in this state or in any other state:

- 1 a. any assault and battery which caused serious physical  
2 injury to the victim, or any second or subsequent  
3 assault and battery conviction,  
4 b. any aggravated assault and battery,  
5 c. any stalking pursuant to Section 1173 of this title,  
6 or a similar law of another state,  
7 d. a violation relating to the Protection from Domestic  
8 Abuse Act or any violation of a victim protection  
9 order of another state,  
10 e. any conviction relating to illegal drug use or  
11 possession, or  
12 f. an act of domestic abuse as defined by Section 644 of  
13 this title or an act of domestic assault and battery  
14 or any comparable acts under the laws of another  
15 state.

16 The preclusive period for a misdemeanor conviction related to  
17 illegal drug use or possession shall be ten (10) years from the date  
18 of completion of a sentence. For purposes of this subsection, "date  
19 of completion of a sentence" shall mean the day an offender  
20 completes all incarceration, probation, and parole pertaining to  
21 such sentence;

22 ~~6.~~ 5. An attempted suicide or other condition relating to or  
23 indicating mental instability or an unsound mind which occurred  
24 within the preceding ten-year period from the date of the

1 application for a license to carry a concealed firearm or that  
2 occurs during the period of licensure;

3 ~~7.~~ 6. Currently undergoing treatment for a mental illness,  
4 condition, or disorder. For purposes of this paragraph, "currently  
5 undergoing treatment for a mental illness, condition, or disorder"  
6 means the person has been diagnosed by a licensed physician as being  
7 afflicted with a substantial disorder of thought, mood, perception,  
8 psychological orientation, or memory that significantly impairs  
9 judgment, behavior, capacity to recognize reality, or ability to  
10 meet the ordinary demands of life;

11 ~~8.~~ 7. Significant character defects of the applicant as  
12 evidenced by a misdemeanor criminal record indicating habitual  
13 criminal activity;

14 ~~9.~~ 8. Ineligible to possess a pistol due to any provision of  
15 law of this state or the United States Code, except as provided in  
16 subsection B of Section 1283 of this title;

17 ~~10.~~ ~~Failure to pay an assessed fine or surrender the handgun~~  
18 ~~license as required by a decision by the administrative hearing~~  
19 ~~examiner pursuant to authority of the Oklahoma Self-Defense Act;~~

20 ~~11.~~ 9. Being subject to an outstanding felony warrant issued in  
21 this state or another state or the United States; or

22 ~~12.~~ 10. Adjudication as a delinquent as provided by Section  
23 1283 of this title, except as provided in subsection B of Section  
24 1283 of this title.

1 SECTION 25. AMENDATORY 21 O.S. 2011, Section 1290.11, as  
2 last amended by Section 2, Chapter 259, O.S.L. 2014 (21 O.S. Supp.  
3 2016, Section 1290.11), is amended to read as follows:

4 Section 1290.11.

5 OTHER PRECLUSIONS

6 A. The following conditions shall preclude a person from being  
7 eligible ~~for a handgun license pursuant to the provisions of the~~  
8 ~~Oklahoma Self-Defense Act~~ to carry a firearm in the state of  
9 Oklahoma for a period of time as prescribed in each of the following  
10 paragraphs:

11 1. An arrest for an alleged commission of a felony offense or a  
12 felony charge pending in this state, another state or pursuant to  
13 the United States Code. The preclusive period shall be until the  
14 final determination of the matter;

15 2. The person is subject to the provisions of a deferred  
16 sentence or deferred prosecution in this state or another state or  
17 pursuant to federal authority for the commission of a felony  
18 offense. The preclusive period shall be three (3) years and shall  
19 begin upon the final determination of the matter;

20 3. Any involuntary commitment for a mental illness, condition,  
21 or disorder pursuant to the provisions of Section 5-410 of Title 43A  
22 of the Oklahoma Statutes or any involuntary commitment in another  
23 state pursuant to any provisions of law of that state. The  
24 preclusive period shall be permanent as provided by Title 18 of the

1 United States Code Section 922(g) (4) unless the person has been  
2 granted relief from the disqualifying disability pursuant to Section  
3 ~~3 of this act~~ 1290.27 of this title;

4 4. The person has previously undergone treatment for a mental  
5 illness, condition, or disorder which required medication or  
6 supervision as defined by paragraph 7 of Section 1290.10 of this  
7 title. The preclusive period shall be three (3) years from the last  
8 date of treatment or upon presentation of a certified statement from  
9 a licensed physician stating that the person is either no longer  
10 disabled by any mental or psychiatric illness, condition, or  
11 disorder or that the person has been stabilized on medication for  
12 ten (10) years or more;

13 5. Inpatient treatment for substance abuse. The preclusive  
14 period shall be three (3) years from the last date of treatment or  
15 upon presentation of a certified statement from a licensed physician  
16 stating that the person has been free from substance use for twelve  
17 (12) months or more preceding the filing of an application for a  
18 handgun license;

19 6. Two or more convictions of public intoxication pursuant to  
20 Section 8 of Title 37 of the Oklahoma Statutes, or a similar law of  
21 another state. The preclusive period shall be three (3) years from  
22 the date of the completion of the last sentence;

23 7. Two or more misdemeanor convictions relating to intoxication  
24 or driving under the influence of an intoxicating substance or

1 alcohol. The preclusive period shall be three (3) years from the  
2 date of the completion of the last sentence or shall require a  
3 certified statement from a licensed physician stating that the  
4 person is not in need of substance abuse treatment;

5 8. A court order for a final Victim Protection Order against  
6 the applicant, as authorized by the Protection from Domestic Abuse  
7 Act, or any court order granting a final victim protection order  
8 against the applicant from another state. The preclusive period  
9 shall be three (3) years from the date of the entry of the final  
10 court order, or sixty (60) days from the date an order was vacated,  
11 canceled or withdrawn;

12 9. An adjudicated delinquent or convicted felon residing in the  
13 residence of the applicant which may be a violation of Section 1283  
14 of this title. The preclusive period shall be thirty (30) days from  
15 the date the person no longer resides in the same residence as the  
16 applicant; or

17 10. An arrest for an alleged commission of, a charge pending  
18 for, or the person is subject to the provisions of a deferred  
19 prosecution for any one or more of the following misdemeanor  
20 offenses in this state or another state:

21 a. any assault and battery which caused serious physical  
22 injury to the victim or any second or subsequent  
23 assault and battery,

24 b. any aggravated assault and battery,

- 1           c. any stalking pursuant to Section 1173 of this title,  
2           or a similar law of another state,  
3           d. any violation of the Protection from Domestic Abuse  
4           Act or any violation of a victim protection order of  
5           another state,  
6           e. any violation relating to illegal drug use or  
7           possession, or  
8           f. an act of domestic abuse as defined by Section 644 of  
9           this title or an act of domestic assault and battery  
10          or any comparable acts under the law of another state.

11 The preclusive period shall be until the final determination of the  
12 matter. The preclusive period for a person subject to the  
13 provisions of a deferred sentence for the offenses mentioned in this  
14 paragraph shall be three (3) years and shall begin upon the final  
15 determination of the matter.

16        B. Nothing in this section shall be construed to require a full  
17 investigation ~~of the applicant~~ by the Oklahoma State Bureau of  
18 Investigation.

19        SECTION 26.        AMENDATORY        21 O.S. 2011, Section 1290.14, as  
20 last amended by Section 2, Chapter 207, O.S.L. 2015 (21 O.S. Supp.  
21 2016, Section 1290.14), is amended to read as follows:

22        Section 1290.14.

23                           SAFETY AND TRAINING COURSE

1       A. ~~Each applicant for a license to carry a concealed or~~  
2 ~~unconcealed handgun pursuant to the Oklahoma Self-Defense Act~~ An  
3 eligible person who desires to carry a concealed or unconcealed  
4 handgun must successfully complete a firearms safety and training  
5 course in this state conducted by a registered and approved firearms  
6 instructor as provided by the provisions of this section or from an  
7 interactive online firearms safety and training course available  
8 electronically via the Internet approved and certified by the  
9 Council on Law Enforcement Education and Training before carrying a  
10 firearm. The applicant must further demonstrate competence and  
11 qualification with an authorized pistol of the type or types that  
12 the ~~applicant~~ person desires to carry as a concealed or unconcealed  
13 handgun ~~pursuant to the provisions of the Oklahoma Self-Defense Act,~~  
14 except certain persons may be exempt from such training requirement  
15 as provided by the provisions of Section 1290.15 of this title.

16       B. The Council on Law Enforcement Education and Training  
17 (CLEET) shall establish criteria for approving firearms instructors  
18 and interactive online firearms safety and training courses  
19 available electronically via the Internet for purposes of training  
20 and qualifying individuals ~~for a handgun license pursuant to the~~  
21 ~~provisions of the Oklahoma Self-Defense Act.~~ Prior to submitting an  
22 application for CLEET approval as a firearms instructor, applicants  
23 shall attend a firearms instructor school, meeting the following  
24 minimum requirements:

1 1. Firearms instructor training conducted by one of the  
2 following entities:

- 3 a. Council on Law Enforcement Education and Training,
- 4 b. National Rifle Association,
- 5 c. Oklahoma Rifle Association,
- 6 d. federal law enforcement agencies, or
- 7 e. other professionally recognized organizations;

8 2. The course shall be at least sixteen (16) hours in length;

9 3. Upon completion of the course, the applicant shall be  
10 qualified to provide instruction on revolvers, semiautomatic  
11 pistols, or both; and

12 4. Receive a course completion certificate.

13 All firearms instructors shall be required to meet the  
14 eligibility requirements ~~for a handgun license~~ as provided in  
15 Sections ~~1290.9~~, 1290.10, and 1290.11 of this title ~~and the~~  
16 ~~application shall be processed as provided for applicants in Section~~  
17 ~~1290.12 of this title, including the state and national criminal~~  
18 ~~history records search and fingerprint search.~~ A firearms  
19 instructor shall be required to pay a fee of One Hundred Dollars  
20 (\$100.00) to the Council on Law Enforcement Education and Training  
21 (CLEET) each time the person makes application for CLEET approval as  
22 a firearms instructor pursuant to the provisions of the Oklahoma  
23 Self-Defense Act. The fee shall be retained by CLEET and shall be  
24 deposited into the Firearms Instructors Revolving Fund. CLEET shall

1 promulgate the rules, forms and procedures necessary to implement  
2 the approval of firearms instructors as authorized by the provisions  
3 of this subsection. CLEET shall periodically review each approved  
4 instructor during a training and qualification course to assure  
5 compliance with the rules and course contents. Any violation of the  
6 rules may result in the revocation or suspension of CLEET and  
7 Oklahoma State Bureau of Investigation approval. Unless the  
8 approval has been revoked or suspended, a firearms instructor's  
9 CLEET approval shall be for a term of five (5) years. Beginning on  
10 July 1, 2003, any firearms instructor who has been issued a four-  
11 year CLEET approval shall not be eligible for the five-year approval  
12 until the expiration of the approval previously issued. CLEET shall  
13 be responsible for notifying all approved firearms instructors of  
14 statutory and policy changes related to the Oklahoma Self-Defense  
15 Act. A firearms instructor shall not be required to submit his or  
16 her fingerprints for a fingerprint search when renewing a firearms  
17 instructor's CLEET approval.

18 C. 1. All firearms instructors approved by CLEET to train and  
19 qualify individuals ~~for a handgun license~~ shall be required to apply  
20 for registration with the Oklahoma State Bureau of Investigation  
21 after receiving CLEET approval. All firearms instructors teaching  
22 the approved course ~~for a handgun license~~ must display their  
23 registration certificate during each training and qualification  
24 course. Each approved firearms instructor shall complete a

1 registration form provided by the Bureau and shall have the option  
2 to pay a registration fee of either One Hundred Dollars (\$100.00)  
3 for a five-year registration certificate or Two Hundred Dollars  
4 (\$200.00) for a ten-year registration certificate to the Bureau at  
5 the time of each application for registration, except as provided in  
6 paragraph 2 of this subsection. Registration certificates issued by  
7 the Bureau shall be valid for a period of five (5) years or ten (10)  
8 years from the date of issuance. The Bureau shall issue a five-year  
9 or ten-year handgun license to an approved firearms instructor at  
10 the time of issuance of a registration certificate and no additional  
11 fee shall be required or charged. The Bureau shall maintain a  
12 current listing of all registered firearms instructors in this  
13 state. Nothing in this paragraph shall be construed to eliminate  
14 the requirement for registration and training with CLEET as provided  
15 in subsection B of this section. Failure to register or be trained  
16 as required shall result in a revocation or suspension of the  
17 instructor certificate by the Bureau.

18       2. On or after July 1, 2003, the registered instructors listed  
19 in subparagraphs a and b of this paragraph shall not be required to  
20 renew the firearms instructor registration certificate with the  
21 Oklahoma State Bureau of Investigation at the expiration of the  
22 registration term, provided the instructor is not subject to any  
23 suspension or revocation of the firearms instructor certificate.  
24 The firearms instructor registration with the Oklahoma State Bureau

1 of Investigation shall automatically renew ~~together with the handgun~~  
2 ~~license authorized in paragraph 1 of this subsection~~ for an  
3 additional five-year term and no additional cost or fee may be  
4 charged for the following individuals:

5 a. an active duty law enforcement officer of this state  
6 or any of its political subdivisions or of the federal  
7 government who has a valid CLEET approval as a  
8 firearms instructor ~~pursuant to the Oklahoma Self-~~  
9 ~~Defense Act,~~ and

10 b. a retired law enforcement officer authorized to carry  
11 a firearm pursuant to Section 1289.8 of this title who  
12 has a valid CLEET approval as a firearms instructor  
13 ~~pursuant to the Oklahoma Self-Defense Act.~~

14 D. The Oklahoma State Bureau of Investigation shall approve  
15 registration for a firearms instructor applicant who is in full  
16 compliance with CLEET rules regarding firearms instructors and the  
17 provisions of subsection B of this section, if completion of the  
18 federal fingerprint search is the only reason for delay of  
19 registration of that firearms instructor applicant. Upon receipt of  
20 the federal fingerprint search information, if the Bureau receives  
21 information which precludes the person from having a handgun  
22 license, the Bureau shall revoke ~~both~~ the registration ~~and the~~  
23 ~~handgun license previously~~ issued to the firearms instructor.

24

1 E. The required firearms safety and training course and the  
2 actual demonstration of competency and qualification required of the  
3 applicant shall be designed and conducted in such a manner that the  
4 course can be reasonably completed by the applicant within an eight-  
5 hour period. CLEET shall establish the course content and  
6 promulgate rules, procedures and forms necessary to implement the  
7 provisions of this subsection. For the training and qualification  
8 course, an applicant may be charged a fee which shall be determined  
9 by the instructor or entity that is conducting the course. The  
10 maximum class size shall be determined by the instructor conducting  
11 the course; provided, however, practice shooting sessions shall not  
12 have more than ten participating students at one time. CLEET may  
13 establish criteria for assistant instructors and any other  
14 requirements deemed necessary to conduct a safe and effective  
15 training and qualification course. The course content shall include  
16 a safety inspection of the firearm to be used by the applicant in  
17 the training course; instruction on pistol handling, safety and  
18 storage; dynamics of ammunition and firing; methods or positions for  
19 firing a pistol; information about the criminal provisions of the  
20 Oklahoma law relating to firearms; ~~the requirements of the Oklahoma~~  
21 ~~Self-Defense Act as it relates to the applicant;~~ self-defense and  
22 the use of appropriate force; a practice shooting session; and a  
23 familiarization course. The firearms instructor shall refuse to  
24 train or qualify any person when the pistol to be used or carried by

1 the person is either deemed unsafe or unfit for ~~firing or is a~~  
2 ~~weapon not authorized by the Oklahoma Self-Defense Act.~~ The course  
3 shall provide an opportunity for the applicant to qualify himself or  
4 herself on either a derringer, a revolver, a semiautomatic pistol or  
5 any combination of a derringer, a revolver and a semiautomatic  
6 pistol, provided no pistol shall be capable of firing larger than  
7 .45 caliber ammunition. Any applicant who successfully trains and  
8 qualifies himself or herself with a semiautomatic pistol may be  
9 approved by the firearms instructor on the training certificate for  
10 a semiautomatic pistol, a revolver and a derringer upon request of  
11 the applicant. Any person who qualifies on a derringer or revolver  
12 shall not be eligible for a semiautomatic rating until the person  
13 has demonstrated competence and qualifications on a semiautomatic  
14 pistol. Upon successful completion of the training and  
15 qualification course, a certificate of training and a certificate of  
16 competency and qualification shall be issued to each applicant who  
17 successfully completes the course. The certificate of training and  
18 certificate of competency and qualification shall comply with the  
19 forms established by CLEET ~~and shall be submitted with an~~  
20 ~~application for a handgun license pursuant to the provisions of~~  
21 ~~paragraph 2 of subsection A of Section 1290.12 of this title.~~ The  
22 certificate of training and certificate of competency and  
23 qualification issued to an applicant shall be valid for a period of  
24 three (3) years.

1 F. There is hereby created a revolving fund for the Council on  
2 Law Enforcement Education and Training (CLEET), to be designated the  
3 "Firearms Instructors Revolving Fund". The fund shall be a  
4 continuing fund, not subject to fiscal year limitations, and shall  
5 consist of all funds received for approval of firearms instructors  
6 ~~for purposes of the Oklahoma Self-Defense Act.~~ All funds received  
7 shall be deposited to the fund. All monies accruing to the credit  
8 of ~~said~~ the fund are hereby appropriated and may be budgeted and  
9 expended by the Council on Law Enforcement Education and Training,  
10 for implementation of the training and qualification course  
11 contents, approval of firearms instructors and any other CLEET  
12 requirement ~~pursuant to the provisions of the Oklahoma Self-Defense~~  
13 ~~Act~~ or as may otherwise be deemed appropriate by CLEET.  
14 Expenditures from ~~said~~ the fund shall be made upon warrants issued  
15 by the State Treasurer against claims filed as prescribed by law  
16 with the Director of the Office of Management and Enterprise  
17 Services for approval and payment.

18 G. Firearms instructors shall keep on file for a period of not  
19 less than three (3) years a roster of each training class, the  
20 safety test score of each individual, the caliber and type of weapon  
21 each individual used when qualifying and whether or not each  
22 individual successfully completed the training course. Firearms  
23 instructors shall be authorized to destroy all training documents  
24 and records upon expiration of the three-year time period.

1 SECTION 27. AMENDATORY 21 O.S. 2011, Section 1290.15, as  
2 last amended by Section 2, Chapter 86, O.S.L. 2013 (21 O.S. Supp.  
3 2016, Section 1290.15), is amended to read as follows:

4 Section 1290.15.

5 PERSONS EXEMPT FROM TRAINING COURSE

6 A. The following individuals may be exempt from all or part of  
7 the required training and qualification course established pursuant  
8 to the provisions of Section 1290.14 of this title:

9 1. A firearms instructor registered with the Oklahoma State  
10 Bureau of Investigation ~~for purposes of the Oklahoma Self-Defense~~  
11 ~~Act;~~

12 2. An active duty law enforcement officer of this state or any  
13 of its political subdivisions or of the federal government;

14 3. A retired law enforcement officer authorized by this state  
15 pursuant to Section 1289.8 of this title to carry a firearm;

16 4. A CLEET-certified armed security officer, armed guard,  
17 correctional officer, or any other person having a CLEET  
18 certification to carry a firearm in the course of their employment;

19 5. A person on active military duty, National Guard duty or  
20 regular military reserve duty who is a legal resident of this state  
21 and who is trained and qualified in the use of handguns;

22 6. A person honorably discharged from active military duty,  
23 National Guard duty or military reserves ~~within twenty (20) years~~  
24 ~~preceding the date of the application for a handgun license pursuant~~

1 ~~to the provisions of the Oklahoma Self-Defense Act,~~ who is a legal  
2 resident of this state, and who has been trained and qualified in  
3 the use of handguns;

4 7. A person retired as a peace officer in good standing from a  
5 law enforcement agency located in another state, who is a legal  
6 resident of this state, and who has received training equivalent to  
7 the training required for CLEET certification in this state; and

8 8. Any person who is otherwise deemed qualified for a training  
9 exemption by CLEET.

10 Provided, however, persons applying for an exemption pursuant to  
11 paragraph 3, 4, 5, 6 or 7 of this subsection may be required to  
12 successfully complete the classroom portion of the training course.  
13 The fee for the classroom portion of the training course shall be  
14 determined by the instructor or entity that is conducting the  
15 course.

16 B. The Council on Law Enforcement Education and Training  
17 (CLEET) shall establish criteria for providing proof of an  
18 exemption. Before any person shall be considered exempt from all or  
19 part of the required training and qualification ~~pursuant to the~~  
20 ~~provisions of the Oklahoma Self-Defense Act,~~ the person shall  
21 present the required proof of exemption to a registered firearms  
22 instructor. Each person determined to be exempt from training or  
23 qualification as provided in this subsection shall receive an  
24 exemption certificate from the registered firearms instructor. The

1 rules promulgated by CLEET to implement the provisions of this  
2 section and Section 1290.14 of this title may require that a fee not  
3 to exceed Five Dollars (\$5.00) be charged for processing an  
4 exemption certificate. The original exemption certificate must be  
5 submitted with an application for a handgun license as provided in  
6 paragraph 2 of Section 1290.12 of this title. ~~No person who is~~  
7 ~~determined to be exempt from training or qualification may carry a~~  
8 ~~concealed or unconcealed firearm pursuant to the authority of the~~  
9 ~~Oklahoma Self-Defense Act until issued a valid handgun license.~~

10 C. Nothing contained in any provision of the Oklahoma Self-  
11 Defense Act shall be construed to alter, amend, or modify the  
12 authority of any active duty law enforcement officer, or any person  
13 certified by the Council on Law Enforcement Education and Training  
14 to carry a pistol during the course of their employment, to carry  
15 any pistol in any manner authorized by law or authorized by the  
16 employing agency.

17 SECTION 28. AMENDATORY 21 O.S. 2011, Section 1290.22, as  
18 last amended by Section 2, Chapter 18, O.S.L. 2016 (21 O.S. Supp.  
19 2016, Section 1290.22), is amended to read as follows:

20 Section 1290.22.

21 BUSINESS OWNER'S RIGHTS

22 A. Except as provided in subsections B, C and D of this  
23 section, ~~nothing contained in any provision of the Oklahoma Self-~~  
24 ~~Defense Act~~ shall be construed to limit, restrict or prohibit in any

1 manner the existing rights of any person, property owner, tenant,  
2 employer, place of worship or business entity to control the  
3 possession of weapons on any property owned or controlled by the  
4 person or business entity.

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

11 C. A property owner, tenant, employer, place of worship or  
12 business entity may prohibit any person from carrying a concealed or  
13 unconcealed firearm on the property. If the building or property is  
14 open to the public, the property owner, tenant, employer, place of  
15 worship or business entity shall post signs on or about the property  
16 stating such prohibition.

17 D. No person, property owner, tenant, employer, holder of an  
18 event permit, place of worship or business entity shall be permitted  
19 to establish any policy or rule that has the effect of prohibiting  
20 any person from carrying a concealed or unconcealed firearm on  
21 property within the specific exclusion provided for in paragraph 4  
22 of subsection B of Section 1277 of this title; provided that  
23 carrying a concealed or unconcealed firearm may be prohibited in the  
24 following places:

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

5           2. Any public property sports field, including any adjacent  
6 seating or adjacent area set aside for viewing a sporting event,  
7 where an elementary or secondary school, collegiate, or professional  
8 sporting event or an International Olympic Committee or organization  
9 or any committee subordinate to the International Olympic Committee  
10 event is being held;

11           3. The fairgrounds during the Oklahoma State Fair or the Tulsa  
12 State Fair; and

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

16           E. The carrying of a concealed or unconcealed firearm by a  
17 person who has been issued a handgun license on property that has  
18 signs prohibiting the carrying of firearms shall not be deemed a  
19 criminal act but may subject the person to being denied entrance  
20 onto the property or removed from the property. If the person  
21 refuses to leave the property and a peace officer is summoned, the  
22 person may be issued a citation for an amount not to exceed Two  
23 Hundred Fifty Dollars (\$250.00).

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1 F. A person, property owner, tenant, employer, holder of an  
2 event permit, place of worship or business entity that does or does  
3 not prohibit any individual except a convicted felon from carrying a  
4 loaded or unloaded, concealed or unconcealed weapon on property that  
5 the person, property owner, tenant, employer, holder of an event  
6 permit, place of worship or business entity owns, or has legal  
7 control of, is immune from any liability arising from that decision.  
8 Except for acts of gross negligence or willful or wanton misconduct,  
9 an employer who does or does not prohibit their employees from  
10 carrying a concealed or unconcealed weapon is immune from any  
11 liability arising from that decision. A person, property owner,  
12 tenant, employer, holder of an event permit, place of worship or  
13 business entity that does not prohibit persons from carrying a  
14 concealed or unconcealed weapon pursuant to subsection D of this  
15 section shall be immune from any liability arising from the carrying  
16 of a concealed or unconcealed weapon on the property. The  
17 provisions of this subsection shall not apply to claims pursuant to  
18 the Administrative Workers' Compensation Act.

19 G. It shall not be considered part of an employee's job  
20 description or within the employee's scope of employment if an  
21 employee is allowed to carry or discharge a weapon pursuant to this  
22 section.

23 H. Nothing in subsections F and G shall prevent an employer,  
24 employee or person who has suffered loss resulting from the

1 discharge of a weapon to seek redress or damages of the person who  
2 discharged the weapon or used the weapon outside the provisions of  
3 the Oklahoma Self-Defense Act.

4 SECTION 29. REPEALER 21 O.S. 2011, Sections 1290.3,  
5 1290.17, 1290.19, 1290.20, 1290.23 and 1290.25, as amended by  
6 Sections 24, 36, 38, 39, 41, and 43, Chapter 259, O.S.L. 2012 (21  
7 O.S. Supp. 2016, Sections 1290.3, 1290.17, 1290.19, 1290.20,  
8 1290.23, 1290.24 and 1290.25) are hereby repealed.

9 SECTION 30. REPEALER 21 O.S. 2011, Section 1290.5, as  
10 last amended by Section 1, Chapter 122, O.S.L. 2014 (21 O.S. Supp.  
11 2016, Section 1290.5), is hereby repealed.

12 SECTION 31. REPEALER 21 O.S. 2011, Sections 1290.7,  
13 1290.8 and 1290.21, as last amended by Sections 3, 4 and 6, Chapter  
14 366, O.S.L. 2013 (21 O.S. Supp. 2016, Sections 1290.7, 1290.8 and  
15 1290.21), are hereby repealed.

16 SECTION 32. REPEALER 21 O.S. 2011, Section 1290.9, as  
17 last amended by Section 1, Chapter 85, O.S.L. 2014 (21 O.S. Supp.  
18 2016, Section 1290.9), is hereby repealed.

19 SECTION 33. REPEALER 21 O.S. 2011, Section 1290.12, as  
20 last amended by Section 2, Chapter 256, O.S.L. 2016 (21 O.S. Supp.  
21 2016, Section 1290.12), is hereby repealed.

22 SECTION 34. REPEALER 21 O.S. 2011, Section 1290.13, as  
23 last amended by Section 1, Chapter 161, O.S.L. 2014 (21 O.S. Supp.  
24 2016, Section 1290.13), is hereby repealed.

1 SECTION 35. REPEALER 21 O.S. 2011, Section 1290.16, is  
2 hereby repealed.

3 SECTION 36. REPEALER 21 O.S. 2011, Section 1290.18, as  
4 last amended by Section 1, Chapter 200, O.S.L. 2015 (21 O.S. Supp.  
5 2016, Section 1290.18), is hereby repealed.

6 SECTION 37. REPEALER 21 O.S. 2011, Section 1290.24, as  
7 last amended by Section 3, Chapter 18, O.S.L. 2016 (21 O.S. Supp.  
8 2016, Section 1290.24), is hereby repealed.

9 SECTION 38. REPEALER 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 hereby repealed.

12 SECTION 39. This act shall become effective November 1, 2017.

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