

1 ENGROSSED HOUSE AMENDMENTS

TO

2 ENGROSSED SENATE BILL NO. 1212

By: Dahm of the Senate

3 and

4 Roberts (Sean) of the House

5

6

7 An Act relating to firearms; amending 21 O.S. 2011,
8 Section 1277, as last amended by Section 1, Chapter
9 165, O.S.L. 2017 (21 O.S. Supp. 2017, Section 1277),
10 which relates to unlawful carry in certain places;
11 modifying inclusions; updating language; and
12 providing an effective date.

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11

12 AUTHORS: Add the following House Coauthors: Coody, Strohm, Calvey,
13 Moore, Humphrey, Hilbert, Frix, Gann, Cleveland, Babinec,
14 Jordan, West (Kevin), Enns, Murphey, Downing, McBride,
15 Faught, O'Donnell, Lawson, Bennett (John), West (Rick),
16 Russ, Tadlock, McEachin, Derby, West (Josh) and McDugle

15 AUTHORS: Add the following Senate Coauthors: Brecheen, Silk,
16 Leewright and Murdock

16

17 AMENDMENT NO. 1. Page 1, Line 12, insert a new Section 1 to read

18 "SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
19 last amended by Section 1, Chapter 217, O.S.L. 2016 (21 O.S. Supp.
20 2017, Section 1272), is amended to read as follows:

21 Section 1272.

22

UNLAWFUL CARRY

23 A. It shall be unlawful for any person to carry upon or about
24 his or her person, or in a purse or other container belonging to the

1 person, any pistol, revolver, shotgun or rifle whether loaded or
2 unloaded or any blackjack, loaded cane, billy, hand chain, metal
3 knuckles, or any other offensive weapon, whether such weapon be
4 concealed or unconcealed, except this section shall not prohibit:

5 1. The proper use of guns and knives for self-defense, hunting,
6 fishing, educational or recreational purposes;

7 2. The carrying or use of weapons in a manner otherwise
8 permitted by statute or authorized by the Oklahoma Self-Defense Act;

9 3. The carrying, possession and use of any weapon by a peace
10 officer or other person authorized by law to carry a weapon in the
11 performance of official duties and in compliance with the rules of
12 the employing agency;

13 4. The carrying or use of weapons in a courthouse by a district
14 judge, associate district judge or special district judge within
15 this state, who is in possession of a valid handgun license issued
16 pursuant to the provisions of the Oklahoma Self-Defense Act and
17 whose name appears on a list maintained by the Administrative
18 Director of the Courts; ~~or~~

19 5. The carrying and use of firearms and other weapons provided
20 in this subsection when used for the purpose of living history
21 reenactment. For purposes of this paragraph, "living history
22 reenactment" means depiction of historical characters, scenes,
23 historical life or events for entertainment, education, or
24 historical documentation through the wearing or use of period,

1 historical, antique or vintage clothing, accessories, firearms,
2 weapons, and other implements of the historical period; or

3 6. The carrying of a firearm, concealed or unconcealed, loaded
4 or unloaded, by a person who is at least twenty-one (21) years of
5 age or older, or eighteen (18) years of age but not yet twenty-one
6 (21) years of age and the person is a member or veteran of the
7 United States Armed Forces, Reserves or National Guard or was
8 discharged under honorable conditions from the United States Armed
9 Forces, Reserves or National Guard, and who is otherwise not
10 disqualified from the possession or purchase of a firearm under
11 state or federal law and is not carrying the firearm in furtherance
12 of a crime. Except as provided in subsection B of Section 1283 of
13 this title, any person convicted of the following offenses in this
14 state or a violation of the equivalent law of another state:

15 a. assault and battery pursuant to the provisions of
16 Section 644 of this title which caused serious
17 physical injury to the victim,

18 b. aggravated assault and battery pursuant to the
19 provisions of Section 646 of this title,

20 c. assault and battery that qualifies as domestic abuse
21 as defined in Section 644 of this title,

22 d. stalking pursuant to the provisions of Section 1173 of
23 this title,

24

1 AMENDMENT NO. 6. Page 3, Line 22, insert before the word
2 "described" the following language "from carrying
or possessing the handgun on the property"

3 AMENDMENT NO. 7. Page 5, Line 13, insert after the word "Act" the
4 following language "or who is carrying or in
possession of a handgun as otherwise permitted by
law"

5
6 AMENDMENT NO. 8. Page 5, Lines 17-18, strike all language beginning
7 with the word "as" on Line 17 through the word
8 "license" on Line 18 and insert the following
language "to be college, university or technology
center school property"

9 AMENDMENT NO. 9 Page 6, Line 23, insert after the word "license"
10 the following language "or any person in lawful
possession of a handgun"

11 AMENDMENT NO. 10. Page 6, Lines 23-24, strike all language beginning
12 with the word "allowable" on Line 23 through the
word "license" on Line 24

13 AMENDMENT NO. 11. Page 8, Line 2 1/2, insert new Sections 3 through
14 12 to read

15 "SECTION 3. AMENDATORY 21 O.S. 2011, Section 1283, as
16 last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.
17 2017, Section 1283), is amended to read as follows:

18 Section 1283.

19 CONVICTED FELONS AND DELINQUENTS

20 A. Except as provided in subsection B of this section, it shall
21 be unlawful for any person convicted of any felony in any court of
22 this state or of another state or of the United States to have in
23 his or her possession or under his or her immediate control, or in
24 any vehicle which the person is operating, or in which the person is

1 riding as a passenger, or at the residence where the convicted
2 person resides, any pistol, imitation or homemade pistol, altered
3 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
4 other dangerous or deadly firearm.

5 B. Any person who has previously been convicted of a nonviolent
6 felony in any court of this state or of another state or of the
7 United States, and who has received a full and complete pardon from
8 the proper authority and has not been convicted of any other felony
9 offense which has not been pardoned, shall have restored the right
10 to possess any firearm or other weapon prohibited by subsection A of
11 this section, the right to apply for and carry a handgun, concealed
12 or unconcealed, pursuant to the Oklahoma Self-Defense Act or as
13 otherwise permitted by law, and the right to perform the duties of a
14 peace officer, gunsmith, or for firearms repair.

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

1 D. It shall be unlawful for any person previously adjudicated
2 as a delinquent child or a youthful offender for the commission of
3 an offense, which would have constituted a felony offense if
4 committed by an adult, to have in the possession of the person or
5 under the immediate control of the person, or have in any vehicle
6 which he or she is driving or in which the person is riding as a
7 passenger, or at the residence of the person, any pistol, imitation
8 or homemade pistol, altered air or toy pistol, machine gun, sawed-
9 off shotgun or rifle, or any other dangerous or deadly firearm
10 within ten (10) years after such adjudication; provided, that
11 nothing in this subsection shall be construed to prohibit the
12 placement of the person in a home with a full-time duly appointed
13 peace officer who is certified by the Council on Law Enforcement
14 Education and Training (CLEET) pursuant to the provisions of Section
15 3311 of Title 70 of the Oklahoma Statutes.

16 E. It shall be unlawful for any person who is an alien
17 illegally or unlawfully in the United States to have in the
18 possession of the person or under the immediate control of the
19 person, or in any vehicle the person is operating, or at the
20 residence where the person resides, any pistol, imitation or
21 homemade pistol, altered air or toy pistol, shotgun, rifle or any
22 other dangerous or deadly firearm; provided, that nothing in this
23 subsection applies to prohibit the transport or detention of the
24 person by law enforcement officers or federal immigration

1 authorities. Any person who violates the provisions of this
2 subsection shall, upon conviction, be guilty of a misdemeanor
3 punishable by a fine of Two Hundred Fifty Dollars (\$250.00).

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

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

21 ~~H.~~ I. 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.

1 National Guard personnel with proper authorization and performing a
2 military function may carry loaded or unloaded and concealed weapons
3 on Oklahoma Military Department facilities in accordance with rules
4 promulgated by the Adjutant General;

5 4. During participation in or in preparation for a recognized
6 police function of either a municipal, county or state government as
7 functioning police officials;

8 5. During a practice for or a performance for entertainment
9 purposes;

10 6. As provided for in subsection A of Section 1272 of this
11 title; or

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

15 7. For any legitimate purpose not in violation of the Oklahoma
16 Firearms Act of 1971 or any legislative enactment regarding the use,
17 carrying, ownership and control of firearms.

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

22 ~~1. When when going to or from the person's private residence or~~
23 ~~vehicle or a vehicle in which the person is riding as a passenger to~~
24 ~~a place designated or authorized for firearms repairs or~~

1 ~~reconditioning, or for firearms trade, sale, or barter, or gunsmith,~~
2 ~~or hunting animals or fowl, or hunter safety course, or target~~
3 ~~shooting, or skeet or trap shooting or any recognized firearms~~
4 ~~activity or event and while in such places; or~~

5 2. ~~For any legitimate purpose not in violation of the Oklahoma~~
6 ~~Firearms Act of 1971.~~

7 C. The provisions of this section shall not be construed to
8 prohibit educational or recreational activities, exhibitions,
9 displays or shows involving the use or display of rifles, shotguns
10 or pistols or other weapons if the activity is approved by the
11 property owner and sponsor of the activity.

12 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1289.7, as
13 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
14 Section 1289.7), is amended to read as follows:

15 Section 1289.7

16 FIREARMS IN VEHICLES

17 A. Any person, except a convicted felon, who is not otherwise
18 prohibited by law from possessing a firearm may transport in a motor
19 vehicle a rifle, shotgun or pistol or handgun, open and loaded or
20 unloaded, at any time. For purposes of this section "open" means
21 the firearm is transported in plain view, in a case designed for
22 carrying firearms, which case is wholly or partially visible, in a
23 gun rack mounted in the vehicle, in an exterior locked compartment
24 or a trunk of a vehicle.

1 B. Any person, ~~except a convicted felon,~~ who is not otherwise
2 prohibited by law from possessing a firearm may transport in a motor
3 vehicle a rifle or shotgun open or ~~concealed behind a seat of the~~
4 ~~vehicle or within the interior of the vehicle,~~ provided the rifle or
5 shotgun is ~~not clip, magazine or chamber loaded.~~ The authority to
6 ~~transport a clip or magazine loaded rifle or shotgun shall be~~
7 transported pursuant to the requirements of Section 1289.13 of this
8 title.

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

17 D. It shall be unlawful for any person transporting a firearm
18 in a motor vehicle to fail or refuse to identify that the person is
19 in actual possession of a firearm when asked to do so by a law
20 enforcement officer of this state during a traffic stop, arrest or
21 detention. Any person who violates the provisions of this
22 subsection shall, upon conviction, be guilty of a misdemeanor
23 punishable by a fine not to exceed One Hundred Dollars (\$100.00).
24

1 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.13, as
2 amended by Section 18, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
3 Section 1289.13), is amended to read as follows:

4 Section 1289.13

5 TRANSPORTING A LOADED FIREARM

6 Except as otherwise provided by ~~the provisions of the Oklahoma~~
7 ~~Self-Defense Act or another provision of law~~, it shall be unlawful
8 to transport a loaded ~~pistol~~, rifle or shotgun in a landborne motor
9 vehicle over a public highway or roadway. ~~However, a~~ unless the
10 rifle or shotgun ~~may be~~ is transported clip- or magazine-loaded, and
11 not chamber-loaded ~~when transported~~, and in an exterior locked
12 compartment of the vehicle or trunk of the vehicle or in the
13 interior compartment of the vehicle ~~notwithstanding the provisions~~
14 ~~of Section 1289.7 of this title when the person is in possession of~~
15 ~~a valid handgun license pursuant to the Oklahoma Self-Defense Act.~~

16 Any person convicted of a violation of this section shall be
17 punished as provided in Section 1289.15 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 a handgun ~~or~~ rifle or
22 shotgun in such vehicle shall not be deemed in violation of the
23 provisions of this section provided the licensee is in or near the
24 vehicle.

1 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
2 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
3 Section 1289.13A), is amended to read as follows:

4 Section 1289.13A

5 IMPROPER TRANSPORTATION OF FIREARMS

6 A. Notwithstanding the provisions of Section 1272 or ~~1289.13~~
7 1289.7 of this title, any person stopped pursuant to a moving
8 traffic violation who is transporting a loaded pistol in the motor
9 vehicle without a valid handgun license authorized by the Oklahoma
10 Self-Defense Act or valid license from another state, or in
11 violation of any law related to the carrying or transporting of
12 firearms, whether the loaded firearm is concealed or unconcealed in
13 the vehicle, ~~shall~~ may be issued a traffic citation in the amount of
14 Seventy Dollars (\$70.00), plus court costs for transporting a
15 firearm improperly. In addition to the traffic citation provided in
16 this section, the person may also be arrested for any other
17 violation of law.

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

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

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

7 a. contraband, or

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

10 C. Nothing in this section shall be construed to require
11 confiscation of any firearm.

12 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1289.23, as
13 last amended by Section 5, Chapter 210, O.S.L. 2016 (21 O.S. Supp.
14 2017, Section 1289.23), is amended to read as follows:

15 Section 1289.23

16 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

17 A. Notwithstanding any provision of law to the contrary, a
18 full-time duly appointed peace officer who is certified by the
19 Council on Law Enforcement Education and Training (CLEET), pursuant
20 to the provisions of Section 3311 of Title 70 of the Oklahoma
21 Statutes, is hereby authorized to carry a service weapon approved
22 and issued by the employing agency ~~anywhere in~~, personal rifle or
23 shotgun throughout the State of Oklahoma, both while on active duty
24

1 and during periods when the officer is not on active duty as
2 provided by the provisions of subsection B of this section.

3 B. When a full-time duly appointed officer carries an approved
4 service weapon, personal rifle or shotgun, the officer shall be
5 wearing the law enforcement uniform prescribed by the employing
6 agency or plainclothes. When not wearing the prescribed law
7 enforcement uniform, the officer shall be required:

8 1. To have the official peace ~~officers~~ officer's badge,
9 Commission Card and CLEET Certification Card on his or her person at
10 all times when carrying a service weapon approved by the employing
11 agency, personal rifle or shotgun; and

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

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

19 D. A reserve peace officer who has satisfactorily completed a
20 basic police course of not less than one hundred twenty (120) hours
21 of accredited instruction for reserve police officers and reserve
22 deputies from the Council on Law Enforcement Education and Training
23 or a course of study approved by CLEET may carry an approved service
24

1 weapon, personal rifle or shotgun when such officer is off duty as
2 provided by subsection E of this section, provided:

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

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

12 E. When an off-duty reserve peace officer carries an approved
13 service weapon, personal rifle or shotgun, the officer shall be
14 wearing the law enforcement uniform prescribed by the employing
15 agency or when not wearing the prescribed law enforcement uniform,
16 the officer shall be required:

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

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

23 F. Nothing in subsection D of this section shall be construed
24 to alter or amend the provisions of Section 1750.2 of Title 59 of

1 the Oklahoma Statutes or expand the duties, jurisdiction or
2 authority of any reserve peace officer.

3 G. Nothing in this section shall be construed to limit or
4 restrict any peace officer or reserve peace officer from carrying a
5 handgun, concealed or unconcealed, as allowed by the Oklahoma Self-
6 Defense Act after issuance of a valid license, or as otherwise
7 permitted by law. An off-duty, full-time peace officer or reserve
8 peace officer shall be deemed to have elected to carry a handgun
9 under the authority of the Oklahoma Self-Defense Act when the
10 officer:

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

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

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

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

22 1. The officer shall apply in writing to the Council on Law
23 Enforcement Education and Training (CLEET) stating that the officer
24 desires to have a handgun license pursuant to the Oklahoma Self-

1 Defense Act and certifying that he or she has no preclusions to
2 having such handgun license. The officer shall submit with the
3 application:

4 a. an official letter from his or her employing agency
5 confirming the officer's employment and status as a
6 full-time commissioned peace officer or an active
7 reserve peace officer,

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

10 c. two passport-size photographs of the peace officer
11 applicant;

12 2. Upon receiving the required information, CLEET shall
13 determine whether the peace officer is in good standing, has CLEET
14 certification and training, and is otherwise eligible for a handgun
15 license. Upon verification of the officer's eligibility, CLEET
16 shall send the information to the Oklahoma State Bureau of
17 Investigation (OSBI) and OSBI shall issue a handgun license in the
18 same or similar form as other handgun licenses. All other
19 requirements in Section 1290.12 of this title concerning application
20 for a handgun license shall be waived for active duty peace officers
21 except as provided in this subsection including, but not limited to,
22 training, fingerprints and criminal history records checks unless
23 the officer does not have fingerprints on file or a criminal history
24 records background check conducted prior to employment as a peace

1 officer. The OSBI shall not be required to conduct any further
2 investigation into the eligibility of the peace officer applicant
3 and shall not deny a handgun license except when preclusions are
4 found to exist;

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

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

19 5. There shall be no refund of any fee for any unexpired term
20 of any handgun license that is suspended, revoked or voluntarily
21 returned to CLEET, or that is denied, suspended or revoked by the
22 OSBI;

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

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

5 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1289.24, as
6 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.
7 2017, Section 1289.24), is amended to read as follows:

8 Section 1289.24

9 FIREARM REGULATION - STATE PREEMPTION

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

18 2. A municipality may adopt any ordinance:

- 19 a. relating to the discharge of firearms within the
20 jurisdiction of the municipality, and
21 b. allowing the municipality to issue a traffic citation
22 for transporting a firearm improperly as provided for
23 in Section 1289.13A of this title, provided however,
24 that penalties contained for violation of any

1 ordinance enacted pursuant to the provisions of this
2 subparagraph shall not exceed the penalties
3 established in the Oklahoma Self-Defense Act.

4 3. As provided in the preemption provisions of this section,
5 the otherwise lawful ~~open~~ carrying or possession of a ~~handgun~~
6 firearm under the provisions of ~~the Oklahoma Self-Defense Act~~
7 Chapter 53 of this title shall not be punishable by any municipality
8 or other political subdivision of this state as disorderly conduct,
9 disturbing the peace or similar offense against public order.

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

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

20 C. Except as hereinafter provided, this section shall not
21 prohibit any order, ordinance, or regulation by any municipality
22 concerning the confiscation of property used in violation of the
23 ordinances of the municipality as provided for in Section 28-121 of
24 Title 11 of the Oklahoma Statutes. Provided, however, no municipal

1 ordinance relating to transporting a firearm or knife improperly may
2 include a provision for confiscation of property.

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

8 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.1, is
9 amended to read as follows:

10 Section 1290.1

11 SHORT TITLE

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

14 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1290.7, as
15 last amended by Section 3, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
16 2017, Section 1290.7), is amended to read as follows:

17 Section 1290.7

18 CONSTRUING AUTHORITY OF LICENSE

19 A. The authority to carry a concealed or unconcealed handgun
20 pursuant to a valid handgun license as authorized by the provisions
21 of the Oklahoma Self-Defense Act shall not be construed to authorize
22 any person to:

23 1. Carry or possess any weapon other than an authorized pistol
24 as defined by the provisions of Section 1290.2 of this title;

1 possession of weapons on any property owned or controlled by the
2 person or business entity.

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

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

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

23 1. The portion of a public property structure or building
24 during an event authorized by the city, town, county, state or

1 federal governmental authority owning or controlling such building
2 or structure;

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

9 3. The fairgrounds during the Oklahoma State Fair or the Tulsa
10 State Fair; and

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

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

22 F. A person, property owner, tenant, employer, holder of an
23 event permit, place of worship or business entity that does or does
24 not prohibit any individual except a convicted felon from carrying a

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

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

21 H. Nothing in subsections F and G shall prevent an employer,
22 employee or person who has suffered loss resulting from the
23 discharge of a weapon to seek redress or damages of the person who
24

1 ENGROSSED SENATE
BILL NO. 1212

By: Dahm of the Senate

2
3 and

4 Roberts (Sean) of the House
5

6 An Act relating to firearms; amending 21 O.S. 2011,
7 Section 1277, as last amended by Section 1, Chapter
8 165, O.S.L. 2017 (21 O.S. Supp. 2017, Section 1277),
9 which relates to unlawful carry in certain places;
10 modifying inclusions; updating language; and
11 providing an effective date.

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

13 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
14 last amended by Section 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp.
15 2017, Section 1277), is amended to read as follows:

16 Section 1277.

17 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

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

13 6. Any other place specifically prohibited by law.

14 B. For purposes of subsection A of this section, the prohibited
15 place does not include and specifically excludes the following
16 property:

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

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

23

24

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

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

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

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

23 C. A concealed or unconcealed weapon may be carried onto
24 private school property or in any school bus or vehicle used by any

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

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

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

24

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

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

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

19 1. Any property set aside for the use or parking of any
20 vehicle, whether attended or unattended, provided the handgun is
21 carried or stored as required by law and the handgun is not removed
22 from the vehicle without the prior consent of the college or
23 university president or technology center school administrator while
24

1 the vehicle is on any college, university or technology center
2 school property;

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

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

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

19 Nothing contained in any provision of this subsection shall be
20 construed to authorize or allow any college, university or
21 technology center school to establish any policy or rule that has
22 the effect of prohibiting any person in lawful possession of a
23 handgun license from possession of a handgun allowable under such
24 license in places described in paragraphs 1, 2 and 3 of this

1 subsection. Nothing contained in any provision of this subsection
2 shall be construed to limit the authority of any college, university
3 or technology center school in this state from taking administrative
4 action against any student for any violation of any provision of
5 this subsection.

6 G. The provisions of this section shall not apply to the
7 following:

8 1. Any peace officer or any person authorized by law to carry a
9 pistol in the course of employment;

10 2. District judges, associate district judges and special
11 district judges, who are in possession of a valid handgun license
12 issued pursuant to the provisions of the Oklahoma Self-Defense Act
13 and whose names appear on a list maintained by the Administrative
14 Director of the Courts, when acting in the course and scope of
15 employment within the courthouses of this state;

16 3. Private investigators with a firearms authorization when
17 acting in the course and scope of employment; and

18 4. Elected officials of a county, who are in possession of a
19 valid handgun license issued pursuant to the provisions of the
20 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
21 in the performance of their duties within the courthouses of the
22 county in which he or she was elected. The provisions of this
23 paragraph shall not allow the elected county official to carry the
24 handgun into a courtroom.

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

3 SECTION 3. This act shall become effective November 1, 2018.

4 Passed the Senate the 6th day of March, 2018.

5

6

Presiding Officer of the Senate

7

8 Passed the House of Representatives the ____ day of _____,
9 2018.

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Presiding Officer of the House
of Representatives

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