

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1216

By: Dahm

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5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,
8 Section 1272, as last amended by Section 1, Chapter
9 217, O.S.L. 2016 (21 O.S. Supp. 2017, Section 1272),
10 which relates to unlawful carry; modifying
11 inclusions; amending 21 O.S. 2011, Section 1277, as
12 last amended by Section 1, Chapter 165, O.S.L. 2017
13 (21 O.S. Supp. 2017, Section 1277), which relates to
14 unlawful carry in certain places; modifying
15 requirements; clarifying language; amending 21 O.S.
16 2011, Section 1283, as last amended by Section 1,
17 Chapter 179, O.S.L. 2014 (21 O.S. Supp. 2017, Section
18 1283), which relates to convicted felons and
19 delinquents; stating certain preclusions; amending 21
20 O.S. 2011, Section 1289.6, as last amended by Section
21 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp. 2017,
22 Section 1289.6), which relates to conditions under
23 which firearms may be carried; modifying certain
24 allowable carry; amending 21 O.S. 2011, Section
1289.7, as amended by Section 12, Chapter 259, O.S.L.
2012 (21 O.S. Supp. 2017, Section 1289.7), which
relates to firearms in vehicles; modifying situations
where certain carry in vehicles is permissible;
requiring certain disclosure; amending 21 O.S. 2011,
Section 1289.13A, as amended by Section 19, Chapter
259, O.S.L. 2012 (21 O.S. Supp. 2017, Section
1289.13A), which relates to improper transportation
of firearms; clarifying language; stating certain
allowances; amending 21 O.S. 2011, Section 1289.23,
as last amended by Section 5, Chapter 210, O.S.L.
2016 (21 O.S. Supp. 2017, Section 1289.23), which
relates to concealed firearm for off-duty police
officers; clarifying language; amending 21 O.S. 2011,
Section 1289.24, as last amended by Section 1,
Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2017, Section
1289.24), which relates to firearm regulation;

1 clarifying language; amending 21 O.S. 2011, Section
2 1290.1, which relates to the short title; modifying
3 title to conform; amending 21 O.S. 2011, Section
4 1290.3, as amended by Section 24, Chapter 259, O.S.L.
5 2012 (21 O.S. Supp. 2017, Section 1290.3), which
6 relates to the authority to issue license; stating
7 certain effectiveness; amending 21 O.S. 2011, Section
8 1290.8, as last amended by Section 1, Chapter 298,
9 O.S.L. 2017 (21 O.S. Supp. 2017, Section 1290.8),
10 which relates to possession of license required;
11 modifying language; amending 21 O.S. 2011, Section
12 1290.22, as last amended by Section 1, Chapter 358,
13 O.S.L. 2017 (21 O.S. Supp. 2017, Section 1290.22),
14 which relates to business owner's rights; modifying
15 certain requirement; updating statutory language; and
16 providing an effective date.

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

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

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

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

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

13 5. The carrying and use of firearms and other weapons provided
14 in this subsection when used for the purpose of living history
15 reenactment. For purposes of this paragraph, "living history
16 reenactment" means depiction of historical characters, scenes,
17 historical life or events for entertainment, education, or
18 historical documentation through the wearing or use of period,
19 historical, antique or vintage clothing, accessories, firearms,
20 weapons, and other implements of the historical period; or

21 6. The carrying of firearms pursuant to the definitions
22 provided for in Sections 1289.3, 1289.4, 1289.5 and subsection A of
23 Section 1290.2 of this title by a person who is a legal resident,
24 twenty-one (21) years of age or older, is not a convicted felon or

1 who is otherwise not disqualified from the possession or legal
2 purchase of a firearm under state or federal law and is not involved
3 in a crime. Any person who carries a firearm in the manner provided
4 for in this paragraph shall be prohibited from carrying the firearm
5 into any of the places prohibited in subsection A of Section 1277 of
6 this title. In addition, any person that has been dishonorably
7 discharged from the armed forces, indicted for a felony offense or
8 convicted of the following offenses in this state or another state:

- 9 a. assault and battery which caused serious physical
10 injury to the victim or any second or subsequent
11 assault and battery,
- 12 b. aggravated assault and battery,
- 13 c. stalking pursuant to Section 1173 of this title, or a
14 similar law of another state,
- 15 d. violation of the Protection from Domestic Abuse Act or
16 any violation of a victim protection order of another
17 state,
- 18 e. violation relating to illegal drug use or possession,
19 or
- 20 f. an act of domestic abuse as defined by Section 644 of
21 this title or an act of domestic assault and battery
22 or any comparable acts under the law of another state,

23 shall be prohibited from carrying a firearm under the provisions of
24 this paragraph. Persons who have been deemed mentally incompetent

1 or have been involuntarily committed due to a mental illness,
2 condition or disorder as provided in Section 1290.27 of this title
3 or who have been precluded from possessing a firearm under state or
4 federal law shall also be prohibited from carrying a firearm under
5 the provisions of this paragraph.

6 B. Any person convicted of violating the foregoing provision
7 shall be guilty of a misdemeanor punishable as provided in Section
8 1276 of this title.

9 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
10 last amended by Section 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp.
11 2017, Section 1277), is amended to read as follows:

12 Section 1277.

13 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

21 2. Any courthouse, courtroom, prison, jail, detention facility
22 or any facility used to process, hold or house arrested persons,
23 prisoners or persons alleged delinquent or adjudicated delinquent,
24

1 except as provided in Section 21 of Title 57 of the Oklahoma
2 Statutes;

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

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

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

10 6. Any other place specifically prohibited by law.

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

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

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

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

23 4. Any property designated by a city, town, county or state
24 governmental authority as a park, recreational area, wildlife

1 refuge, wildlife management area or fairgrounds; provided, nothing
2 in this paragraph shall be construed to authorize any entry by a
3 person in possession of a concealed or unconcealed handgun into any
4 structure, building or office space which is specifically prohibited
5 by the provisions of subsection A of this section; and

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

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

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

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

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

15 1. Possess a valid armed security guard license as provided for
16 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

17 2. Hold a valid reserve peace officer certification as provided
18 for in Section 3311 of Title 70 of the Oklahoma Statutes.

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

21 E. Any person violating the provisions of paragraph 2 or 3 of
22 subsection A of this section shall, upon conviction, be guilty of a
23 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
24 Dollars (\$250.00). A person violating any other provision of

1 subsection A of this section may be denied entrance onto the
2 property or removed from the property. If the person refuses to
3 leave the property and a peace officer is summoned, the person may
4 be issued a citation for an amount not to exceed Two Hundred Fifty
5 Dollars (\$250.00).

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

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

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

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

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

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

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

24

1 G. The provisions of this section shall not apply to the
2 following:

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

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

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

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

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

22 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1283, as
23 last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.
24 2017, Section 1283), is amended to read as follows:

1 Section 1283.

2 CONVICTED FELONS AND DELINQUENTS

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

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

22 C. It shall be unlawful for any person serving a term of
23 probation for any felony in any court of this state or of another
24 state or of the United States or under the jurisdiction of any

1 alternative court program to have in his or her possession or under
2 his or her immediate control, or at his or her residence, or in any
3 passenger vehicle which the person is operating or is riding as a
4 passenger, any pistol, shotgun or rifle, including any imitation or
5 homemade pistol, altered air or toy pistol, shotgun or rifle, while
6 such person is subject to supervision, probation, parole or inmate
7 status.

8 D. It shall be unlawful for any person previously adjudicated
9 as a delinquent child or a youthful offender for the commission of
10 an offense, which would have constituted a felony offense if
11 committed by an adult, to have in the possession of the person or
12 under the immediate control of the person, or have in any vehicle
13 which he or she is driving or in which the person is riding as a
14 passenger, or at the residence of the person, any pistol, imitation
15 or homemade pistol, altered air or toy pistol, machine gun, sawed-
16 off shotgun or rifle, or any other dangerous or deadly firearm
17 within ten (10) years after such adjudication; provided, that
18 nothing in this subsection shall be construed to prohibit the
19 placement of the person in a home with a full-time duly appointed
20 peace officer who is certified by the Council on Law Enforcement
21 Education and Training (CLEET) pursuant to the provisions of Section
22 3311 of Title 70 of the Oklahoma Statutes.

23 E. It shall be unlawful for any person who is not lawfully
24 present in the United States to have in the possession of the person

1 or under the immediate control of the person, or in any vehicle the
2 person is operating or in which the person is riding as a passenger,
3 or at the residence where the person resides, any pistol, imitation
4 or homemade pistol, altered air or toy pistol, shotgun, rifle or any
5 other dangerous or deadly firearm. Any person who violates the
6 provisions of this subsection shall, upon conviction, be guilty of a
7 misdemeanor punishable by a fine of Two Hundred Fifty Dollars
8 (\$250.00).

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

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

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

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

12 4. During participation in or in preparation for a recognized
13 police function of either a municipal, county or state government as
14 functioning police officials;

15 5. During a practice for or a performance for entertainment
16 purposes;

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

20 7. When carried pursuant to the definitions provided for in
21 Sections 1289.3, 1289.4, 1289.5 and subsection A of Section 1290.2
22 of this title by a person who is:

23 a. a legal resident,

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

- 1 c. not a convicted felon or who is otherwise not
2 disqualified from the possession or legal purchase of
3 a firearm under state or federal law, and
4 d. not involved in a crime.

5 Any person who carries a firearm in the manner provided for in this
6 paragraph shall be prohibited from carrying the firearm into any of
7 the places prescribed in subsection A of Section 1277 of this title;
8 or

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

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

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

23 2. For any legitimate purpose not in violation of the Oklahoma
24 Firearms Act of 1971.

1 C. The provisions of this section shall not be construed to
2 prohibit educational or recreational activities, exhibitions,
3 displays or shows involving the use or display of rifles, shotguns
4 or pistols or other weapons if the activity is approved by the
5 property owner and sponsor of the activity.

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

9 Section 1289.7.

10 FIREARMS IN VEHICLES

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

20 B. Any person, except a convicted felon, may transport in a
21 motor vehicle a rifle ~~or~~, ~~shotgun concealed,~~ pistol or handgun
22 behind a seat of the vehicle or within the interior of the vehicle
23 provided the rifle or shotgun is not clip-, magazine- or ~~chamber~~
24 ~~loaded~~ chamber-loaded. The authority to transport a clip- or

1 ~~magazine loaded~~ magazine-loaded rifle or shotgun shall be pursuant
2 to Section 1289.13 of this title.

3 C. It shall be unlawful for any person to fail or refuse to
4 identify the fact that the person is in actual possession of a
5 firearm pursuant to the authority of the Oklahoma Self-Defense Act
6 when the person comes into contact with any law enforcement officer
7 of this state or its political subdivisions or a federal law
8 enforcement officer during the course of any arrest, detainment or
9 routine traffic stop. Disclosure of information to the law
10 enforcement officer shall be made at the first opportunity. Any
11 violation of the provisions of this subsection shall, upon
12 conviction, be a misdemeanor punishable by a fine not to exceed One
13 Hundred Dollars (\$100.00).

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

21 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
22 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
23 Section 1289.13A), is amended to read as follows:

24 Section 1289.13A.

1 IMPROPER TRANSPORTATION OF FIREARMS

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

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

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

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

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

4 a. contraband, or

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

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

9 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.23, as
10 last amended by Section 5, Chapter 210, O.S.L. 2016 (21 O.S. Supp.
11 2017, Section 1289.23), is amended to read as follows:

12 Section 1289.23.

13 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

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

23 B. When a full-time duly appointed officer carries an approved
24 service weapon, personal rifle or shotgun, the officer shall be

1 wearing the law enforcement uniform prescribed by the employing
2 agency or plainclothes. When not wearing the prescribed law
3 enforcement uniform, the officer shall be required:

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

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

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

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

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

24

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

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

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

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

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

23 G. Nothing in this section shall be construed to limit or
24 restrict any peace officer or reserve peace officer from carrying a

1 handgun, concealed or unconcealed, as allowed by the Oklahoma Self-
2 Defense Act after issuance of a valid license. An off-duty, full-
3 time peace officer or reserve peace officer shall be deemed to have
4 elected to carry a handgun under the authority of the Oklahoma Self-
5 Defense Act when the officer:

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

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

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

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

17 1. The officer shall apply in writing to the Council on Law
18 Enforcement Education and Training (CLEET) stating that the officer
19 desires to have a handgun license pursuant to the Oklahoma Self-
20 Defense Act and certifying that he or she has no preclusions to
21 having such handgun license. The officer shall submit with the
22 application:

23 a. an official letter from his or her employing agency
24 confirming the officer's employment and status as a

1 full-time commissioned peace officer or an active
2 reserve peace officer,

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

5 c. two passport-size photographs of the peace officer
6 applicant;

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

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

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

15 5. There shall be no refund of any fee for any unexpired term
16 of any handgun license that is suspended, revoked or voluntarily
17 returned to CLEET, or that is denied, suspended or revoked by the
18 OSBI;

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

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

1 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1289.24, as
2 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.
3 2017, Section 1289.24), is amended to read as follows:

4 Section 1289.24.

5 FIREARM REGULATION - STATE PREEMPTION

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

14 2. A municipality may adopt any ordinance:

- 15 a. relating to the discharge of firearms within the
16 jurisdiction of the municipality, and
- 17 b. allowing the municipality to issue a traffic citation
18 for transporting a firearm improperly as provided for
19 in Section 1289.13A of this title, provided however,
20 that penalties contained for violation of any
21 ordinance enacted pursuant to the provisions of this
22 subparagraph shall not exceed the penalties
23 established in the Oklahoma Self-Defense Act.

24

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

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

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

17 C. Except as hereinafter provided, this section shall not
18 prohibit any order, ordinance, or regulation by any municipality
19 concerning the confiscation of property used in violation of the
20 ordinances of the municipality as provided for in Section 28-121 of
21 Title 11 of the Oklahoma Statutes. Provided, however, no municipal
22 ordinance relating to transporting a firearm or knife improperly may
23 include a provision for confiscation of property.

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

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

8 Section 1290.1.

9 SHORT TITLE

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

12 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.3, as
13 amended by Section 24, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
14 Section 1290.3), is amended to read as follows:

15 Section 1290.3.

16 AUTHORITY TO ISSUE LICENSE

17 ~~The~~ On or after November 1, 2018, the Oklahoma State Bureau of
18 Investigation is hereby authorized to license an eligible person to
19 carry a concealed or unconcealed handgun as provided by the
20 provisions of the Oklahoma Self-Defense Act. The authority of the
21 Bureau shall be limited to the provisions specifically provided in
22 the Oklahoma Self-Defense Act. The Bureau shall promulgate rules,
23 forms and procedures necessary to implement the provisions of the
24 Oklahoma Self-Defense Act. Any license issued prior to November 1,

1 2018, shall remain in full force and effect until such time as the
2 license is subject to renewal, suspension or revocation pursuant to
3 the provisions of Section 1290.17 of this title.

4 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1290.8, as
5 last amended by Section 1, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
6 2017, Section 1290.8), is amended to read as follows:

7 Section 1290.8.

8 POSSESSION OF LICENSE REQUIRED

9 NOTIFICATION TO POLICE OF GUN

10 A. Except as otherwise prohibited by law, an eligible person
11 shall have authority to carry a concealed or unconcealed handgun in
12 this state when:

13 1. The person has been issued a handgun license from the
14 Oklahoma State Bureau of Investigation pursuant to the provisions of
15 the Oklahoma Self-Defense Act, provided the person is in compliance
16 with the provisions of the Oklahoma Self-Defense Act, and the
17 license has not expired or been subsequently suspended or revoked;
18 or

19 2. The person is twenty-one (21) years of age or older, and is
20 either:

- 21 a. active military, or
- 22 b. a member of the Reserve or National Guard to include
23 Drill Status Guard and Reserve, Active Guard Reserves
24 or Military Technicians,

1 and presents a valid military identification card that shall be
2 considered a valid handgun license issued pursuant to the Oklahoma
3 Self-Defense Act.

4 B. A person in possession of a valid handgun license or meets
5 the criteria and presents a valid military identification card as
6 provided for in this section and in compliance with the provisions
7 of the Oklahoma Self-Defense Act shall be authorized to carry such
8 concealed or unconcealed handgun while ~~bow~~ hunting or fishing.

9 C. The person shall be required to have possession of his or
10 her valid handgun license or valid military identification card as
11 provided for qualified persons in this section and a valid Oklahoma
12 driver license or an Oklahoma State photo identification at all
13 times when in possession of an authorized pistol. The person shall
14 display the handgun license or a valid military identification card
15 as provided for qualified persons in this section on demand of a law
16 enforcement officer; provided, however, that in the absence of
17 reasonable and articulable suspicion of other criminal activity, an
18 individual carrying an unconcealed or concealed handgun shall not be
19 disarmed or physically restrained unless the individual fails to
20 display a valid handgun license or a valid military identification
21 card as provided for qualified persons in this section in response
22 to that demand. Any violation of the provisions of this subsection
23 may be punishable as a criminal offense as authorized by Section
24 1272 of this title or pursuant to any other applicable provision of

1 law. Any second or subsequent violation of the provisions of this
2 subsection shall be grounds for the Bureau to suspend the handgun
3 license for a period of six (6) months, in addition to any other
4 penalty imposed.

5 Upon the arrest of any person for a violation of the provisions
6 of this subsection, the person may show proof to the court that a
7 valid handgun license and the other required identification has been
8 issued to such person and the person may state any reason why the
9 handgun license, a valid military identification card as provided
10 for qualified persons in this section or the other required
11 identification was not carried by the person as required by the
12 Oklahoma Self-Defense Act. The court shall dismiss an alleged
13 violation of Section 1272 of this title upon payment of court costs,
14 if proof of a valid handgun license and other required
15 identification is shown to the court within ten (10) days of the
16 arrest of the person. The court shall report a dismissal of a
17 charge to the Bureau for consideration of administrative proceedings
18 against the licensee.

19 D. It shall be unlawful for any person to fail or refuse to
20 identify the fact that the person is in actual possession of a
21 concealed or unconcealed handgun pursuant to the authority of the
22 Oklahoma Self-Defense Act when the person comes into contact with
23 any law enforcement officer of this state or its political
24 subdivisions or a federal law enforcement officer during the course

1 of any arrest, detainment, or routine traffic stop. ~~Said~~ The
2 identification to the law enforcement officer shall be made at the
3 first opportunity. No person shall be required to identify himself
4 or herself as a handgun licensee when no handgun is in the
5 possession of the person or in any vehicle in which the person is
6 driving or is a passenger. Any violation of the provisions of this
7 subsection shall, upon conviction, be a misdemeanor punishable by a
8 fine not exceeding One Hundred Dollars (\$100.00).

9 E. Any law enforcement officer coming in contact with a person
10 whose handgun license is suspended, revoked, or expired, or who is
11 in possession of a handgun license which has not been lawfully
12 issued to that person, shall confiscate the license and return it to
13 the Oklahoma State Bureau of Investigation for appropriate
14 administrative proceedings against the licensee when the license is
15 no longer needed as evidence in any criminal proceeding.

16 F. Nothing in this section shall be construed to authorize a
17 law enforcement officer to inspect any weapon properly concealed or
18 unconcealed without probable cause that a crime has been committed.

19 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1290.22, as
20 last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp.
21 2017, Section 1290.22), is amended to read as follows:

22 Section 1290.22.

23 BUSINESS OWNER'S RIGHTS

24

1 A. Except as provided in subsections B, C and D of this
2 section, nothing contained in any provision of the Oklahoma Self-
3 Defense Act shall be construed to limit, restrict or prohibit in any
4 manner the existing rights of any person, property owner, tenant,
5 employer, place of worship or business entity to control the
6 possession of weapons on any property owned or controlled by the
7 person or business entity.

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

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

20 D. No person, property owner, tenant, employer, holder of an
21 event permit, place of worship or business entity shall be permitted
22 to establish any policy or rule that has the effect of prohibiting
23 any person from carrying a concealed or unconcealed firearm on
24 property within the specific exclusion provided for in paragraph 4

1 of subsection B of Section 1277 of this title; provided that
2 carrying a concealed or unconcealed firearm may be prohibited in the
3 following places:

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

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

14 3. The fairgrounds during the Oklahoma State Fair or the Tulsa
15 State Fair; and

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

19 E. The carrying of a concealed or unconcealed firearm ~~by a~~
20 ~~person who has been issued a handgun license~~ on property that has
21 signs prohibiting the carrying of firearms shall not be deemed a
22 criminal act but may subject the person to being denied entrance
23 onto the property or removed from the property. If the person
24 refuses to leave the property and a peace officer is summoned, the

1 person may be issued a citation for an amount not to exceed Two
2 Hundred Fifty Dollars (\$250.00).

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

22 G. It shall not be considered part of an employee's job
23 description or within the employee's scope of employment if an
24

1 employee is allowed to carry or discharge a weapon pursuant to this
2 section.

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

8 SECTION 13. This act shall become effective November 1, 2018.

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