

1 **SENATE FLOOR VERSION**

2 February 20, 2019

3 ENGROSSED HOUSE
4 BILL NO. 2597

5 By: Echols, Mize, Crosswhite
6 Hader, Townley, McDugle,
7 Roberts (Sean), Olsen,
8 Gann, West (Kevin),
9 Steagall, Moore, Humphrey,
10 McBride, Hasenbeck,
11 Patzkowsky, Cornwell,
12 Hilbert, Davis, Tadlock,
13 Russ, Frix, Lawson, Sims,
14 McCall, O'Donnell, Taylor,
15 Pfeiffer, Sneed and Josh
16 (West) of the House

17 and

18 David, Dahm, Murdock and
19 Scott of the Senate

20
21 An Act relating to firearms; amending 21 O.S. 2011,
22 Section 1272, as last amended by Section 1, Chapter
23 68, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1272),
24 which relates to the unlawful carry of firearms;
adding exception to certain prohibited act; amending
21 O.S. 2011, Section 1277, as last amended by
Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp.
2018, Section 1277), which relates to the unlawful
carry of firearms in certain places; expanding scope
of crime to include certain persons and certain
weapons; updating handgun references; clarifying
construing provision related to the possession of
firearms on certain property; expanding scope of
certain prohibited act on university property;
amending 21 O.S. 2011, Section 1283, as last amended
by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.
2018, Section 1283), which relates to penalties for
unlawfully carrying firearms by convicted felons and
delinquents; making certain act unlawful; providing
penalties; amending 21 O.S. 2011, Sections 1289.6, as
last amended by Section 1, Chapter 268, O.S.L. 2016,

1 1289.7, as amended by Section 12, Chapter 259, O.S.L.
2 2012, 1289.13, as amended by Section 18, Chapter 259,
3 O.S.L. 2012, 1289.13A, as amended by Section 19,
4 Chapter 259, O.S.L. 2012 and 1289.24, as last amended
5 by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.
6 2018, Sections 1289.6, 1289.7, 1289.13, 1289.13A and
7 1289.24), which relate to the Oklahoma Firearms Act
8 of 1971; clarifying manner by which firearms may be
9 lawfully carried; adding condition that allows for
10 firearms to be lawfully carried; deleting certain
11 conditions related to the carrying of unloaded
12 firearms; clarifying manner by which firearms may be
13 transported in motor vehicles; deleting certain
14 definition; making certain acts unlawful; providing
15 penalties; deleting statutory references and
16 references to certain act; clarifying scope of
17 certain prohibited act; modifying statutory
18 reference; expanding scope of certain prohibited act;
19 making issuance of citation discretionary; modifying
20 firearm confiscation requirements; changing statutory
21 reference in state preemption requirements; amending
22 21 O.S. 2011, Sections 1290.1, 1290.7, as last
23 amended by Section 3, Chapter 366, O.S.L. 2013,
24 1290.8, as last amended by Section 3, Chapter 68,
O.S.L. 2018 and 1290.22, as last amended by Section
1, Chapter 358, O.S.L. 2017 (21 O.S. Supp. 2018,
Sections 1290.7, 1290.8 and 1290.22), which relate to
the Oklahoma Self-Defense Act; updating statutory
references; providing construing provision related to
the carrying of handguns or pistols without a handgun
license; deleting penalty for certain prohibited act;
clarifying firearm notification requirements; making
penalty for certain prohibited act discretionary;
clarifying scope of certain prohibited act; amending
21 O.S. 2011, Section 1290.24, as last amended by
Section 3, Chapter 18, O.S.L. 2016 (21 O.S. Supp.
2018, Section 1290.24), which relates to governmental
immunity; modifying conditions for immunity; and
providing an effective date.

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

1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
2 last amended by Section 1, Chapter 68, O.S.L. 2018 (21 O.S. Supp.
3 2018, Section 1272), is amended to read as follows:

4 Section 1272.

5 UNLAWFUL CARRY

6 A. ~~It~~ Notwithstanding any other provision of law, it shall be
7 unlawful for any person to carry upon or about his or her person, or
8 in a purse or other container belonging to the person, any pistol,
9 revolver, shotgun or rifle whether loaded or unloaded or any
10 blackjack, loaded cane, hand chain, metal knuckles, or any other
11 offensive weapon, whether such weapon be concealed or unconcealed,
12 except this section shall not prohibit:

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

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

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

21 4. The carrying or use of weapons in a courthouse by a district
22 judge, associate district judge or special district judge within
23 this state, who is in possession of a valid handgun license issued
24 pursuant to the provisions of the Oklahoma Self-Defense Act and

1 whose name appears on a list maintained by the Administrative
2 Director of the Courts; ~~or~~

3 5. The carrying and use of firearms and other weapons provided
4 in this subsection when used for the purpose of living history
5 reenactment. For purposes of this paragraph, "living history
6 reenactment" means depiction of historical characters, scenes,
7 historical life or events for entertainment, education, or
8 historical documentation through the wearing or use of period,
9 historical, antique or vintage clothing, accessories, firearms,
10 weapons, and other implements of the historical period; or

11 6. The carrying of a firearm, concealed or unconcealed, loaded
12 or unloaded, by a person who is twenty-one (21) years of age or
13 older or by a person who is eighteen (18) years of age but not yet
14 twenty-one (21) years of age and the person is a member or veteran
15 of the United States Armed Forces, Reserves or National Guard or was
16 discharged under honorable conditions from the United States Armed
17 Forces, Reserves or National Guard, and the person is otherwise not
18 disqualified from the possession or purchase of a firearm under
19 state or federal law and is not carrying the firearm in furtherance
20 of a crime.

21 Except as provided in subsection B of Section 1283 of this
22 title, a person who has been convicted of any one of the following
23 offenses in this state or a violation of the equivalent law of
24 another state:

- 1 a. assault and battery pursuant to the provisions of
2 Section 644 of this title which caused serious
3 physical injury to the victim,
- 4 b. aggravated assault and battery pursuant to the
5 provisions of Section 646 of this title,
- 6 c. assault and battery that qualifies as domestic abuse
7 as defined in Section 644 of this title,
- 8 d. stalking pursuant to the provisions of Section 1173 of
9 this title,
- 10 e. a violation of an order issued under the Protection
11 from Domestic Abuse Act or a domestic abuse protection
12 order issued by another state, or
- 13 f. a violation relating to illegal drug use or possession
14 under the provisions of the Uniform Controlled
15 Dangerous Substances Act,

16 shall be prohibited from carrying a firearm under the provisions of
17 this paragraph. Any person who carries a firearm in the manner
18 provided for in this paragraph shall be prohibited from carrying the
19 firearm into any of the places prohibited in subsection A of Section
20 1277 of this title or any other place currently prohibited by law.
21 Nothing in this section shall modify or otherwise change where a
22 person may legally carry a firearm.

23

24

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

4 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
5 last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp.
6 2018, Section 1277), is amended to read as follows:

7 Section 1277.

8 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

24

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

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

5 6. Any other place specifically prohibited by law.

6 B. For purposes of subsection A of this section, the prohibited
7 place does not include and specifically excludes the following
8 property:

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

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

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

18 4. Any property designated by a city, town, county or state
19 governmental authority as a park, recreational area, wildlife
20 refuge, wildlife management area or fairgrounds; provided, nothing
21 in this paragraph shall be construed to authorize any entry by a
22 person in possession of a concealed or unconcealed ~~handgun~~ firearm
23 into any structure, building or office space which is specifically
24 prohibited by the provisions of subsection A of this section; and

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

6 Nothing contained in any provision of this subsection or
7 subsection C of this section shall be construed to authorize or
8 allow any person in control of any place described in subsection A
9 of this section to establish any policy or rule that has the effect
10 of prohibiting any person in lawful possession of a handgun license
11 ~~from or otherwise in lawful possession of a handgun allowable under~~
12 ~~such license in places~~ firearm from carrying or possessing the
13 firearm on the property described in this subsection.

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

1 school shall be immune from liability for any injuries arising from
2 the adoption of the policy. The provisions of this subsection shall
3 not apply to claims pursuant to the Administrative Workers'
4 Compensation Act.

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

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

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

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

17 E. Any person violating the provisions of paragraph 2 or 3 of
18 subsection A of this section shall, upon conviction, be guilty of a
19 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
20 Dollars (\$250.00). A person violating any other provision of
21 subsection A of this section may be denied entrance onto the
22 property or removed from the property. If the person refuses to
23 leave the property and a peace officer is summoned, the person may
24

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

3 F. No person in possession of a valid handgun license issued
4 pursuant to the provisions of the Oklahoma Self-Defense Act or who
5 is carrying or in possession of a firearm as otherwise permitted by
6 law or who is carrying or in possession of a machete, blackjack,
7 loaded cane, hand chain or metal knuckles shall be authorized to
8 carry the ~~handgun~~ firearm, machete, blackjack, loaded cane, hand
9 chain or metal knuckles 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~~ to be college, university or technology center
14 school property:

15 1. Any property set aside for the use or parking of any
16 vehicle, whether attended or unattended, provided the ~~handgun~~
17 firearm, machete, blackjack, loaded cane, hand chain or metal
18 knuckles is carried or stored as required by law and the ~~handgun~~
19 firearm, machete, blackjack, loaded cane, hand chain or metal
20 knuckles is not removed from the vehicle without the prior consent
21 of the college or university president or technology center school
22 administrator while the vehicle is on any college, university or
23 technology center school property;

24

1 2. Any property authorized for possession or use of ~~handguns~~
2 firearms, machetes, blackjacks, loaded canes, hand chains or metal
3 knuckles by college, university or technology center school policy;
4 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~~ firearm, machete, blackjack, loaded cane, hand chain or
9 metal knuckles and the valid handgun license while on college,
10 university or technology center school property.

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

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

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

10 G. The provisions of this section shall not apply to the
11 following:

12 1. Any peace officer or any person authorized by law to carry a
13 ~~pistol~~ firearm in the course of employment;

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

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

22 4. Elected officials of a county, who are in possession of a
23 valid handgun license issued pursuant to the provisions of the
24 Oklahoma Self-Defense Act, may carry a concealed handgun when acting

1 in the performance of their duties within the courthouses of the
2 county in which he or she was elected. The provisions of this
3 paragraph shall not allow the elected county official to carry the
4 handgun into a courtroom;

5 5. The sheriff of any county may authorize certain employees of
6 the county, who possess a valid handgun license issued pursuant to
7 the provisions of the Oklahoma Self-Defense Act, to carry a
8 concealed handgun when acting in the course and scope of employment
9 within the courthouses in the county in which the person is
10 employed. Nothing in this act shall prohibit the sheriff from
11 requiring additional instruction or training before receiving
12 authorization to carry a concealed handgun within the courthouse.
13 The provisions of this paragraph and of paragraph 6 of this
14 subsection shall not allow the county employee to carry the handgun
15 into a courtroom, sheriff's office, adult or juvenile jail or any
16 other prisoner detention area; and

17 6. The board of county commissioners of any county may
18 authorize certain employees of the county, who possess a valid
19 handgun license issued pursuant to the provisions of the Oklahoma
20 Self-Defense Act, to carry a concealed handgun when acting in the
21 course and scope of employment on county annex facilities or grounds
22 surrounding the county courthouse.

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

1 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1283, as
2 last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.
3 2018, Section 1283), is amended to read as follows:

4 Section 1283.

5 CONVICTED FELONS AND DELINQUENTS

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

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

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

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

1 Education and Training (CLEET) pursuant to the provisions of Section
2 3311 of Title 70 of the Oklahoma Statutes.

3 E. It shall be unlawful for any person who is an alien
4 illegally or unlawfully in the United States to have in the
5 possession of the person or under the immediate control of the
6 person, or in any vehicle the person is operating, or at the
7 residence where the person resides, any pistol, imitation or
8 homemade pistol, altered air or toy pistol, shotgun, rifle or any
9 other dangerous or deadly firearm; provided, that nothing in this
10 subsection applies to prohibit the transport or detention of the
11 person by law enforcement officers or federal immigration
12 authorities. Any person who violates the provisions of this
13 subsection shall, upon conviction, be guilty of a misdemeanor
14 punishable by a fine of Two Hundred Fifty Dollars (\$250.00).

15 F. Any person having been issued a handgun license pursuant to
16 the provisions of the Oklahoma Self-Defense Act and who thereafter
17 knowingly or intentionally allows a convicted felon or adjudicated
18 delinquent or a youthful offender as prohibited by the provisions of
19 subsection A, C, or D of this section to possess or have control of
20 any pistol authorized by the Oklahoma Self-Defense Act shall, upon
21 conviction, be guilty of a felony punishable by a fine not to exceed
22 Five Thousand Dollars (\$5,000.00). In addition, the person shall
23 have the handgun license revoked by the Oklahoma State Bureau of
24

1 Investigation after a hearing and determination that the person has
2 violated the provisions of this section.

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

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

9 ~~H.~~ I. For purposes of this section, "altered toy pistol" shall
10 mean any toy weapon which has been altered from its original
11 manufactured state to resemble a real weapon.

12 ~~I.~~ J. For purposes of this section, "altered air pistol" shall
13 mean any air pistol manufactured to propel projectiles by air
14 pressure which has been altered from its original manufactured
15 state.

16 ~~J.~~ K. For purposes of this section, "alternative court program"
17 shall mean any drug court, Anna McBride or mental health court, DUI
18 court or veterans court.

19 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.6, as
20 last amended by Section 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp.
21 2018, Section 1289.6), is amended to read as follows:

22 Section 1289.6

23 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

24

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

5 1. When hunting animals or fowl;

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

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

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

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

23 6. As provided for in subsection A of Section 1272 of this
24 title; or

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

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

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

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

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

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

1 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1289.7, as
2 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018,
3 Section 1289.7), is amended to read as follows:

4 Section 1289.7

5 FIREARMS IN VEHICLES

6 A. Any person, ~~except a convicted felon,~~ who is not otherwise
7 prohibited by law from possessing a firearm may transport in a motor
8 vehicle a ~~rifle, shotgun or pistol~~ or handgun, ~~open and loaded or~~
9 ~~unloaded, at any time. For purposes of this section "open" means~~
10 ~~the firearm is transported in plain view, in a case designed for~~
11 ~~carrying firearms, which case is wholly or partially visible, in a~~
12 ~~gun rack mounted in the vehicle, in an exterior locked compartment~~
13 ~~or a trunk of a vehicle.~~

14 B. Any person, ~~except a convicted felon,~~ who is not otherwise
15 prohibited by law from possessing a firearm may transport in a motor
16 vehicle a rifle or shotgun open or ~~concealed behind a seat of the~~
17 ~~vehicle or within the interior of the vehicle,~~ provided the rifle or
18 shotgun is ~~not clip, magazine or chamber loaded. The authority to~~
19 ~~transport a clip or magazine loaded rifle or shotgun shall be~~
20 transported pursuant to the requirements of Section 1289.13 of this
21 title.

22 C. Any person who is the operator of a motor vehicle or is a
23 passenger in any motor vehicle wherein another person who is
24 licensed pursuant to the Oklahoma Self-Defense Act or is otherwise

1 permitted by law to carry a handgun, concealed or unconcealed, and
2 is carrying a handgun or has the handgun in such vehicle, shall not
3 be deemed in violation of the provisions of this section provided
4 the licensee or person permitted by law is in or near the motor
5 vehicle.

6 D. It shall be unlawful for any person transporting a firearm
7 in a motor vehicle to fail or refuse to identify that the person is
8 in actual possession of a firearm when asked to do so by a law
9 enforcement officer of this state during any arrest, detainment or
10 routine traffic stop. Any person who violates the provisions of
11 this subsection may be issued a citation for an amount not to exceed
12 One Hundred Dollars (\$100.00).

13 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.13, as
14 amended by Section 18, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018,
15 Section 1289.13), is amended to read as follows:

16 Section 1289.13

17 TRANSPORTING A LOADED FIREARM

18 Except as otherwise provided by ~~the provisions of the Oklahoma~~
19 ~~Self-Defense Act or another provision of law~~, it shall be unlawful
20 to transport a loaded ~~pistol~~, rifle or shotgun in a landborne motor
21 vehicle over a public highway or roadway. ~~However, a~~ unless the
22 rifle or shotgun ~~may be~~ is transported clip- or magazine-loaded ~~and,~~
23 not chamber-loaded ~~when transported,~~ and in an exterior locked
24 compartment of the vehicle or trunk of the vehicle or in the

1 interior compartment of the vehicle ~~notwithstanding the provisions~~
2 ~~of Section 1289.7 of this title when the person is in possession of~~
3 ~~a valid handgun license pursuant to the Oklahoma Self-Defense Act.~~

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

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

13 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
14 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018,
15 Section 1289.13A), is amended to read as follows:

16 Section 1289.13A

17 IMPROPER TRANSPORTATION OF FIREARMS

18 A. Notwithstanding the provisions of Section 1272 or ~~1289.13~~
19 1289.7 of this title, any person stopped pursuant to a moving
20 traffic violation who is transporting a loaded pistol in the motor
21 vehicle without a valid handgun license authorized by the Oklahoma
22 Self-Defense Act or valid license from another state, or in
23 violation of any law related to the carrying or transporting of
24 firearms, whether the loaded firearm is concealed or unconcealed in

1 the vehicle, ~~shall~~ may be issued a traffic citation in the amount of
2 Seventy Dollars (\$70.00), plus court costs for transporting a
3 firearm improperly. In addition to the traffic citation provided in
4 this section, the person may also be arrested for any other
5 violation of law.

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

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

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

21 C. Nothing in this section shall be construed to require
22 confiscation of any firearm.

23

24

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 2018, 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 or possession of a handgun
3 firearm under the provisions of ~~the Oklahoma Self-Defense Act~~
4 Chapter 53 of this title shall not be punishable by any municipality
5 or other 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 1290.7, as
13 last amended by Section 3, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
14 2018, Section 1290.7), is amended to read as follows:

15 Section 1290.7

16 CONSTRUING AUTHORITY OF LICENSE

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

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

23 2. Carry or possess any pistol in any manner or in any place
24 otherwise prohibited by law;

1 3. Carry or possess any prohibited ammunition or any illegal,
2 imitation or homemade pistol;

3 4. Carry or possess any pistol when the person is prohibited by
4 state or federal law from carrying or possessing any firearm; or

5 5. Point, discharge or use the pistol in any manner not
6 otherwise authorized by law.

7 B. The availability of a license to carry pursuant to the
8 provisions of the Oklahoma Self-Defense Act shall not be construed
9 to prohibit the lawful transport or carrying of a handgun or pistol
10 in a vehicle or on or about the person whether concealed or
11 unconcealed, loaded or unloaded, and without a valid handgun license
12 as permitted by law.

13 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1290.8, as
14 last amended by Section 3, Chapter 68, O.S.L. 2018 (21 O.S. Supp.
15 2018, Section 1290.8), is amended to read as follows:

16 Section 1290.8

17 POSSESSION OF LICENSE REQUIRED

18 NOTIFICATION TO POLICE OF GUN

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

22 1. The person has been issued a handgun license from the
23 Oklahoma State Bureau of Investigation pursuant to the provisions of
24 the Oklahoma Self-Defense Act, provided the person is in compliance

1 with the provisions of the Oklahoma Self-Defense Act, and the
2 license has not expired or been subsequently suspended or revoked;
3 or

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

6 a. active military, or

7 b. a member of the Reserve or National Guard to include
8 Drill Status Guard and Reserve, Active Guard Reserves
9 or Military Technicians,

10 and presents a valid military identification card that shall be
11 considered a valid handgun license issued pursuant to the Oklahoma
12 Self-Defense Act.

13 B. A person in possession of a valid handgun license or who
14 meets the criteria and presents a valid military identification card
15 as provided for in this section and in compliance with the
16 provisions of the Oklahoma Self-Defense Act shall be authorized to
17 carry such concealed or unconcealed handgun while scouting as it
18 relates to hunting or fishing or while hunting or fishing.

19 C. The person shall be required to have possession of his or
20 her valid handgun license or valid military identification card as
21 provided for qualified persons in this section and a valid Oklahoma
22 driver license or an Oklahoma State photo identification at all
23 times when in possession of an authorized pistol. The person shall
24 display the handgun license or a valid military identification card

1 as provided for qualified persons in this section on demand of a law
2 enforcement officer; provided, however, that in the absence of
3 reasonable and articulable suspicion of other criminal activity, an
4 individual carrying an unconcealed or concealed handgun shall not be
5 disarmed or physically restrained unless the individual fails to
6 display a valid handgun license or a valid military identification
7 card as provided for qualified persons in this section in response
8 to that demand. Any violation of the provisions of this subsection
9 may be punishable as a criminal offense as authorized by Section
10 1272 of this title or pursuant to any other applicable provision of
11 law. ~~Any second or subsequent violation of the provisions of this~~
12 ~~subsection shall be grounds for the Bureau to suspend the handgun~~
13 ~~license for a period of six (6) months, in addition to any other~~
14 ~~penalty imposed.~~

15 Upon the arrest of any person for a violation of the provisions
16 of this subsection, the person may show proof to the court that a
17 valid handgun license and the other required identification has been
18 issued to such person and the person may state any reason why the
19 handgun license, a valid military identification card as provided
20 for qualified persons in this section or the other required
21 identification was not carried by the person as required by the
22 Oklahoma Self-Defense Act. The court shall dismiss an alleged
23 violation of Section 1272 of this title upon payment of court costs,
24 if proof of a valid handgun license and other required

1 identification is shown to the court within ten (10) days of the
2 arrest of the person. The court shall report a dismissal of a
3 charge to the Bureau for consideration of administrative proceedings
4 against the licensee.

5 D. It shall be unlawful for any person to fail or refuse to
6 identify the fact that the person is in actual possession of a
7 concealed or unconcealed ~~handgun~~ firearm pursuant to the authority
8 of the Oklahoma Self-Defense Act ~~when the person comes into contact~~
9 ~~with any law enforcement officer of this state or its political~~
10 ~~subdivisions or a federal law enforcement officer~~ during the course
11 of any arrest, detainment, or routine traffic stop. Said
12 identification to the law enforcement officer shall be ~~made at~~
13 required upon the first opportunity demand of the law enforcement
14 officer. No person shall be required to identify himself or herself
15 as a handgun licensee or as lawfully in possession of any other
16 firearm if the law enforcement officer does not demand the
17 information. No person shall be required to identify himself or
18 herself as a handgun licensee when no handgun is in the possession
19 of the person or in any vehicle in which the person is driving or is
20 a passenger. Any ~~violation~~ violation of the provisions of this
21 subsection shall, ~~upon conviction,~~ may be a misdemeanor punishable
22 ~~by a fine~~ issued a citation for an amount not exceeding One Hundred
23 Dollars (\$100.00).

24

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

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

11 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1290.22, as
12 last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp.
13 2018, Section 1290.22), is amended to read as follows:

14 Section 1290.22

15 BUSINESS OWNER'S RIGHTS

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

23 B. No person, property owner, tenant, employer, holder of an
24 event permit, place of worship or business entity shall be permitted

1 to establish any policy or rule that has the effect of prohibiting
2 any person, except a convicted felon, from transporting and storing
3 firearms in a locked vehicle on any property set aside for any
4 vehicle.

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

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

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

23 2. Any public property sports field, including any adjacent
24 seating or adjacent area set aside for viewing a sporting event,

1 where an elementary or secondary school, collegiate, or professional
2 sporting event or an International Olympic Committee or organization
3 or any committee subordinate to the International Olympic Committee
4 event is being held;

5 3. The fairgrounds during the Oklahoma State Fair or the Tulsa
6 State Fair; and

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

10 E. The otherwise lawful carrying of a concealed or unconcealed
11 firearm by a person ~~who has been issued a handgun license on~~
12 property that has signs prohibiting the carrying of firearms shall
13 ~~not be deemed a criminal act but may~~ subject the person to being
14 denied entrance onto the property or removed from the property. If
15 the person ~~refuses~~:

16 1. Has been informed by the property owner, business entity or
17 manager of the business that the person is in violation of a policy
18 that prohibits firearms on the property; and

19 2. Refuses to leave the property and a peace officer is
20 summoned,
21 the person may be ~~issued a citation for an amount not to exceed Two~~
22 ~~Hundred Fifty Dollars (\$250.00)~~ be punished as provided in Section
23 1276 of this title.

24

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

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

24

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

6 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1290.24, as
7 last amended by Section 3, Chapter 18, O.S.L. 2016 (21 O.S. Supp.
8 2018, Section 1290.24), is amended to read as follows:

9 Section 1290.24

10 IMMUNITY

11 A. The state or any political subdivision of the state, as
12 defined in Section 152 of Title 51 of the Oklahoma Statutes, and its
13 officers, agents and employees shall be immune from liability
14 resulting or arising from:

15 1. Failure to prevent the licensing of an individual for whom
16 the receipt of the license is unlawful pursuant to the provisions of
17 the Oklahoma Self-Defense Act or any other provision of law of this
18 state;

19 2. Any action or misconduct with a ~~pistol~~ firearm committed by a
20 person ~~to whom a license to carry a concealed or unconcealed handgun~~
21 ~~has been issued~~ pursuant to the provisions of the Oklahoma Self-
22 Defense Act or by any person who obtains a ~~pistol from a licensee~~
23 firearm;

24

1 3. Any injury to any person during a handgun training course
2 conducted by a firearms instructor certified by the Council on Law
3 Enforcement Education and Training to conduct training under the
4 Oklahoma Self-Defense Act, or injury from any misfire or malfunction
5 of any handgun on a training course firing range supervised by a
6 certified firearms instructor under the provisions of the Oklahoma
7 Self-Defense Act, or any injury resulting from carrying a concealed
8 or unconcealed handgun pursuant to a handgun license; and

9 4. Any action or finding pursuant to a hearing conducted in
10 accordance with the Administrative Procedures Act as required in the
11 Oklahoma Self-Defense Act.

12 B. Firearms instructors certified by the Council on Law
13 Enforcement Education and Training to conduct training for the
14 Oklahoma Self-Defense Act shall be immune from liability to third
15 persons resulting or arising from any claim based on an act or
16 omission of a trainee.

17 C. The provisions of this subsection shall not apply to claims
18 pursuant to the Administrative Workers' Compensation Act.

19 SECTION 14. This act shall become effective November 1, 2019.

20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
21 February 20, 2019 - DO PASS

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23
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