

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2951

By: Coody

4  
5  
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,  
8 Sections 1272, as last amended by Section 1, Chapter  
9 217, O.S.L. 2016, 1277, as last amended by Section 1,  
10 Chapter 165, O.S.L. 2017 and 1283, as last amended by  
11 Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.  
12 2017, Sections 1272, 1277 and 1283), which relate to  
13 the manner in which firearms may be carried;  
14 expanding scope of certain exception; adding  
15 exception that allows certain persons to carry  
16 firearms under specified conditions; prohibiting the  
17 carrying of rifles or shotguns into certain places;  
18 removing handgun license reference in certain  
19 construing provision; prohibiting the carrying of  
20 rifles or shotguns on college campuses; making  
21 certain acts unlawful; providing penalty; amending 21  
22 O.S. 2011, Sections 1289.6, as last amended by  
23 Section 1, Chapter 268, O.S.L. 2016, 1289.7, as  
24 amended by Section 12, Chapter 259, O.S.L. 2012,  
1289.13A, as amended by Section 19, Chapter 259,  
O.S.L. 2012, 1289.23, as last amended by Section 5,  
Chapter 210, O.S.L. 2016 and 1289.24, as last amended  
by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.  
2017, Sections 1289.6, 1289.7, 1289.13A, 1289.23 and  
1289.24), which relate to the Oklahoma Firearms Act  
of 1971; authorizing certain persons to carry loaded  
and unloaded shotguns, rifles and pistols; clarifying  
manner in which certain persons may transport loaded  
or unloaded pistols or handguns in motor vehicles;  
making certain acts unlawful; providing penalty;  
making issuance of citation for improper  
transportation of firearms optional; modifying  
firearm confiscation requirements; allowing full-time  
and reserve police officers to carry personal rifles  
or shotguns under certain conditions; adding  
statutory reference for certain state preemption

1 requirement; amending 21 O.S. 2011, Sections 1290.1,  
2 1290.3, as amended by Section 24, Chapter 259, O.S.L.  
3 2012 and 1290.22, as last amended by Section 1,  
4 Chapter 358, O.S.L. 2017 (21 O.S. Supp. 2017,  
5 Sections 1290.3 and 1290.22), which relate to the  
6 Oklahoma Self-Defense Act; updating statutory  
7 citations; recognizing legality of handgun licenses  
8 issued prior to certain date; deleting handgun  
9 license reference in private property prohibition;  
10 and providing an effective date.

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

12 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as  
13 last amended by Section 1, Chapter 217, O.S.L. 2016 (21 O.S. Supp.  
14 2017, Section 1272), is amended to read as follows:

15 Section 1272.

16 UNLAWFUL CARRY

17 A. It shall be unlawful for any person to carry upon or about  
18 his or her person, or in a purse or other container belonging to the  
19 person, any pistol, revolver, shotgun or rifle whether loaded or  
20 unloaded or any blackjack, loaded cane, billy, hand chain, metal  
21 knuckles, or any other offensive weapon, whether such weapon be  
22 concealed or unconcealed, except this section shall not prohibit:

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

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

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

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

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

19           6. The carrying of pistols, handguns, rifles and shotguns as  
20 such terms are defined in Sections 1289.3, 1289.4, 1289.5 and  
21 subsection A of Section 1290.2 of this title, by a person who is a  
22 legal resident, twenty-one (21) years of age or older, not a  
23 convicted felon, not otherwise disqualified from the possession or  
24 legal purchase of a firearm under state or federal law and not

1 involved in a crime. Any person who carries a firearm in the manner  
2 provided for in this paragraph shall be prohibited from carrying the  
3 firearm into any of the places prohibited in subsection A of Section  
4 1277 of this title. In addition, any person that has been expelled  
5 or dishonorably discharged from any military organization of this  
6 state, of another state or of the United States, indicted for or  
7 charged by information with a felony offense or convicted of the  
8 following offenses in this state or another state:

- 9       a. assault and battery pursuant to the provisions of  
10           Section 644 of this title which caused serious  
11           physical injury to the victim or any second or  
12           subsequent conviction of assault and battery,
- 13       b. aggravated assault and battery pursuant to the  
14           provisions of Section 646 of this title,
- 15       c. stalking pursuant to the provisions of Section 1173 of  
16           this title, or a similar law of another state,
- 17       d. violating any provision of the Protection from  
18           Domestic Abuse Act or violating a victim protection  
19           order issued by a court of another state,
- 20       e. illegal drug use or illegal possession of a controlled  
21           dangerous substance pursuant to the provisions of the  
22           Uniform Controlled Dangerous Substances Act, or
- 23       f. domestic abuse pursuant to the provisions of Section  
24           644 of this title or a similar law of another state,

1 shall be prohibited from carrying a firearm under the provisions of  
2 this paragraph. Persons who have been deemed mentally incompetent  
3 pursuant to the provisions of the Oklahoma Mental Health Law or an  
4 adjudication of incompetency in another state pursuant to the  
5 provisions of law of that state, who have been involuntarily  
6 committed for a mental illness, condition or disorder pursuant to  
7 the provisions of Section 5-410 of Title 43A of the Oklahoma  
8 Statutes or any involuntary commitment in another state pursuant to  
9 the provisions of law of that state, or who have been precluded from  
10 possessing a firearm under state or federal law, shall also be  
11 prohibited from carrying a firearm under the provisions of this  
12 paragraph.

13 B. Any person convicted of violating the foregoing provision  
14 shall be guilty of a misdemeanor punishable as provided in Section  
15 1276 of this title.

16 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as  
17 last amended by Section 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp.  
18 2017, Section 1277), is amended to read as follows:

19 Section 1277.

20 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

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

16           6. Any other place specifically prohibited by law.

17           B. For purposes of subsection A of this section, the prohibited  
18 place does not include and specifically excludes the following  
19 property:

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

23

24

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

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

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

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

19           Nothing contained in any provision of this subsection or  
20 subsection C of this section shall be construed to authorize or  
21 allow any person in control of any place described in subsection A  
22 of this section to establish any policy or rule that has the effect  
23 of prohibiting any person in lawful possession of a ~~handgun~~-license  
24

1 firearm from possession of a ~~handgun allowable under such license~~  
2 firearm in places described in this subsection.

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

18 D. Notwithstanding paragraph 3 of subsection A of this section,  
19 a board of education of a school district may adopt a policy  
20 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to  
21 authorize the carrying of a handgun onto school property by school  
22 personnel specifically designated by the board of education,  
23 provided such personnel either:  
24



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

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

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

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

24

1           1. Any property set aside for the use or parking of any  
2 vehicle, whether attended or unattended, provided the handgun is  
3 carried or stored as required by law and the handgun is not removed  
4 from the vehicle without the prior consent of the college or  
5 university president or technology center school administrator while  
6 the vehicle is on any college, university or technology center  
7 school property;

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

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

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

24

1        Nothing contained in any provision of this subsection shall be  
2 construed to authorize or allow any college, university or  
3 technology center school to establish any policy or rule that has  
4 the effect of prohibiting any person in lawful possession of a  
5 handgun license from possession of a handgun allowable under such  
6 license in places described in paragraphs 1, 2 and 3 of this  
7 subsection. Nothing contained in any provision of this subsection  
8 shall be construed to limit the authority of any college, university  
9 or technology center school in this state from taking administrative  
10 action against any student for any violation of any provision of  
11 this subsection.

12        G. The provisions of this section shall not apply to the  
13 following:

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

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

22        3. Private investigators with a firearms authorization when  
23 acting in the course and scope of employment; and  
24

1 4. Elected officials of a county, who are in possession of a  
2 valid handgun license issued pursuant to the provisions of the  
3 Oklahoma Self-Defense Act, may carry a concealed handgun when acting  
4 in the performance of their duties within the courthouses of the  
5 county in which he or she was elected. The provisions of this  
6 paragraph shall not allow the elected county official to carry the  
7 handgun into a courtroom.

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

10 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1283, as  
11 last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.  
12 2017, Section 1283), is amended to read as follows:

13 Section 1283.

14 CONVICTED FELONS AND DELINQUENTS

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

24

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

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

21 D. It shall be unlawful for any person previously adjudicated  
22 as a delinquent child or a youthful offender for the commission of  
23 an offense, which would have constituted a felony offense if  
24 committed by an adult, to have in the possession of the person or

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

12 E. It shall be unlawful for any person who is not lawfully  
13 present in the United States to have in the possession of the person  
14 or under the immediate control of the person, or in any vehicle the  
15 person is operating or in which the person is riding as a passenger,  
16 or at the residence where the person resides, any pistol, imitation  
17 or homemade pistol, altered air or toy pistol, shotgun, rifle or any  
18 other dangerous or deadly firearm. Any person who violates the  
19 provisions of this subsection shall, upon conviction, be guilty of a  
20 misdemeanor punishable by a fine of Two Hundred Fifty Dollars  
21 (\$250.00).

22 F. Any person having been issued a handgun license pursuant to  
23 the provisions of the Oklahoma Self-Defense Act and who thereafter  
24 knowingly or intentionally allows a convicted felon or adjudicated

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

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

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

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

18 ~~I.~~ J. For purposes of this section, "altered air pistol" shall  
19 mean any air pistol manufactured to propel projectiles by air  
20 pressure which has been altered from its original manufactured  
21 state.

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

1 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.6, as  
2 last amended by Section 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp.  
3 2017, Section 1289.6), is amended to read as follows:

4 Section 1289.6

5 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

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

10 1. When hunting animals or fowl;

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

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

22 4. During participation in or in preparation for a recognized  
23 police function of either a municipal, county or state government as  
24 functioning police officials;



1 5. During a practice for or a performance for entertainment  
2 purposes;

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

6 7. When carried by a person who is:

7 a. a legal resident,

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

9 c. not a convicted felon or otherwise disqualified from  
10 the possession or legal purchase of a firearm under  
11 state or federal law, and

12 d. not involved in a crime.

13 Any person who carries a firearm pursuant to the provisions of this  
14 paragraph shall be prohibited from carrying the firearm into any of  
15 the places described in subsection A of Section 1277 of this title;  
16 or

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

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

24

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

8 2. For any legitimate purpose not in violation of the Oklahoma  
9 Firearms Act of 1971.

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

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

18 Section 1289.7

19 FIREARMS IN VEHICLES

20 A. Any person twenty-one (21) years of age or older, except a  
21 convicted felon, may transport in a motor vehicle a ~~rifle, shotgun~~  
22 ~~or pistol~~ or handgun, ~~open and loaded or unloaded, at any time. For~~  
23 ~~purposes of this section "open" means the firearm is transported in~~  
24 ~~plain view, in a case designed for carrying firearms, which case is~~

1 ~~wholly or partially visible, in a gun rack mounted in the vehicle,~~  
2 ~~in an exterior locked compartment or a trunk of a vehicle~~ for the  
3 purpose of self-defense, provided the person is not involved in a  
4 crime.

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

13 C. It shall be unlawful for any person to fail or refuse to  
14 identify the fact that the person is in actual possession of a  
15 firearm pursuant to the authority of the Oklahoma Self-Defense Act  
16 when the person comes into contact with any law enforcement officer  
17 of this state or its political subdivisions or a federal law  
18 enforcement officer during the course of any arrest, detainment or  
19 routine traffic stop. Disclosure of information to the law  
20 enforcement officer regarding the firearm shall be made at the first  
21 opportunity. Any person who violates the provisions of this  
22 subsection shall, upon conviction, be guilty of a misdemeanor  
23 punishable by a fine not to exceed One Hundred Dollars (\$100.00).  
24

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

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

11       Section 1289.13A

12                           IMPROPER TRANSPORTATION OF FIREARMS

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

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

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

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

14 a. contraband, or

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

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

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

22 Section 1289.23

23 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER  
24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22           H. Any off-duty peace officer who carries any weapon in  
23 violation of the provisions of this section shall be deemed to be in  
24



1 violation of Section 1272 of this title and may be prosecuted as  
2 provided by law for a violation of that section.

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

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

- 12 a. an official letter from his or her employing agency  
13 confirming the officer's employment and status as a  
14 full-time commissioned peace officer or an active  
15 reserve peace officer,
- 16 b. a fee of Twenty-five Dollars (\$25.00) for the handgun  
17 license, and
- 18 c. two passport-size photographs of the peace officer  
19 applicant;

20 2. Upon receiving the required information, CLEET shall  
21 determine whether the peace officer is in good standing, has CLEET  
22 certification and training, and is otherwise eligible for a handgun  
23 license. Upon verification of the officer's eligibility, CLEET  
24 shall send the information to the Oklahoma State Bureau of

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

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

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

1 letter verifying employment and status as a full-time commissioned  
2 or reserve peace officer;

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

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

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

13 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1289.24, as  
14 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.  
15 2017, Section 1289.24), is amended to read as follows:

16 Section 1289.24

17 FIREARM REGULATION - STATE PREEMPTION

18 A. 1. The State Legislature hereby occupies and preempts the  
19 entire field of legislation in this state touching in any way  
20 firearms, knives, components, ammunition, and supplies to the  
21 complete exclusion of any order, ordinance, or regulation by any  
22 municipality or other political subdivision of this state. Any  
23 existing or future orders, ordinances, or regulations in this field,

24

1 except as provided for in paragraph 2 of this subsection and  
2 subsection C of this section, are null and void.

3 2. A municipality may adopt any ordinance:

4 a. relating to the discharge of firearms within the  
5 jurisdiction of the municipality, and

6 b. allowing the municipality to issue a traffic citation  
7 for transporting a firearm improperly as provided for  
8 in Section 1289.13A of this title, provided however,  
9 that penalties contained for violation of any  
10 ordinance enacted pursuant to the provisions of this  
11 subparagraph shall not exceed the penalties  
12 established in the Oklahoma Self-Defense Act.

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

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

22 B. No municipality or other political subdivision of this state  
23 shall adopt any order, ordinance, or regulation concerning in any  
24 way the sale, purchase, purchase delay, transfer, ownership, use,

1 keeping, possession, carrying, bearing, transportation, licensing,  
2 permit, registration, taxation other than sales and compensating use  
3 taxes, or other controls on firearms, knives, components,  
4 ammunition, and supplies.

5 C. Except as hereinafter provided, this section shall not  
6 prohibit any order, ordinance, or regulation by any municipality  
7 concerning the confiscation of property used in violation of the  
8 ordinances of the municipality as provided for in Section 28-121 of  
9 Title 11 of the Oklahoma Statutes. Provided, however, no municipal  
10 ordinance relating to transporting a firearm or knife improperly may  
11 include a provision for confiscation of property.

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

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

19 Section 1290.1

20 SHORT TITLE

21 Sections ~~4~~ 1290.1 through ~~25~~ 1290.27 of this ~~act~~ title shall be  
22 known and may be cited as the "Oklahoma Self-Defense Act".  
23  
24

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

4 Section 1290.3

5 AUTHORITY TO ISSUE LICENSE

6 ~~The~~ On or after November 1, 2018, the Oklahoma State Bureau of  
7 Investigation is hereby authorized to license an eligible person to  
8 carry a concealed or unconcealed handgun as provided by the  
9 provisions of the Oklahoma Self-Defense Act. The authority of the  
10 Bureau shall be limited to the provisions specifically provided in  
11 the Oklahoma Self-Defense Act. The Bureau shall promulgate rules,  
12 forms and procedures necessary to implement the provisions of the  
13 Oklahoma Self-Defense Act. Any license issued after November 1,  
14 2018, shall remain in full force and effect until such time as the  
15 license is subject to renewal, suspension or revocation pursuant to  
16 the provisions of Section 1290.17 of this title.

17 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1290.22, as  
18 last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp.  
19 2017, Section 1290.22), is amended to read as follows:

20 Section 1290.22

21 BUSINESS OWNER'S RIGHTS

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

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

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

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

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

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

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

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

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

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

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 a  
4 loaded or unloaded, concealed or unconcealed weapon on property that  
5 the person, property owner, tenant, employer, holder of an event  
6 permit, place of worship or business entity owns, or has legal  
7 control of, is immune from any liability arising from that decision.  
8 Except for acts of gross negligence or willful or wanton misconduct,  
9 an employer who does or does not prohibit their employees from  
10 carrying a concealed or unconcealed weapon is immune from any  
11 liability arising from that decision. A person, property owner,  
12 tenant, employer, holder of an event permit, place of worship or  
13 business entity that does not prohibit persons from carrying a  
14 concealed or unconcealed weapon pursuant to subsection D of this  
15 section shall be immune from any liability arising from the carrying  
16 of a concealed or unconcealed weapon, 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 shall prevent an employer,  
2 employee or person who has suffered loss resulting from the  
3 discharge of a weapon to seek redress or damages of the person who  
4 discharged the weapon or used the weapon outside the provisions of  
5 the Oklahoma Self-Defense Act.

6 SECTION 12. This act shall become effective November 1, 2018.

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