

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1001

By: Olsen

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5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2021,
8 Section 1272, which relates to the unlawful carry of
9 weapons; modifying certain age requirement; amending
10 21 O.S. 2021, Sections 1290.8 and 1290.9, which
11 relate to the Oklahoma Self-Defense Act; modifying
12 certain age requirements; and declaring an emergency.

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

14 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1272, is
15 amended to read as follows:

Section 1272.

16 UNLAWFUL CARRY

17 A. Notwithstanding any other provision of law, it shall be
18 unlawful for any person to carry upon or about his or her person, or
19 in a purse or other container belonging to the person, any pistol,
20 revolver, shotgun or rifle whether loaded or unloaded or any
21 blackjack, loaded cane, hand chain, metal knuckles, or any other
22 offensive weapon, whether such weapon be concealed or unconcealed,
23 except this section shall not prohibit:
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1 1. The proper use of guns and knives for self-defense, hunting,
2 fishing, educational or recreational purposes;

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

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

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

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

23 6. The transporting by vehicle on a public roadway or the
24 carrying of a firearm, concealed or unconcealed, loaded or unloaded,

1 by a person who is ~~twenty one (21) years of age or older or by a~~
2 ~~person who is~~ eighteen (18) years of age ~~but not yet twenty one (21)~~
3 ~~years of age~~ and the person is a member or veteran of the United
4 States Armed Forces, Reserves or National Guard or was discharged
5 under honorable conditions from the United States Armed Forces,
6 Reserves or National Guard, or meets the age requirement provided in
7 the provisions of Section 1 of Article III of the Oklahoma
8 Constitution and the person is otherwise not disqualified from the
9 possession or purchase of a firearm under state or federal law and
10 is not carrying the firearm in furtherance of a crime.

11 Except as provided in subsection B of Section 1283 of this
12 title, a person who has been convicted of any one of the following
13 offenses in this state or a violation of the equivalent law of
14 another state:

- 15 a. assault and battery pursuant to the provisions of
16 Section 644 of this title which caused serious
17 physical injury to the victim,
- 18 b. aggravated assault and battery pursuant to the
19 provisions of Section 646 of this title,
- 20 c. assault and battery that qualifies as domestic abuse
21 as defined in Section 644 of this title,
- 22 d. stalking pursuant to the provisions of Section 1173 of
23 this title,

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- e. a violation of an order issued under the Protection from Domestic Abuse Act or a domestic abuse protection order issued by another state, or
- f. a violation relating to illegal drug use or possession under the provisions of the Uniform Controlled Dangerous Substances Act,

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

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

SECTION 2. AMENDATORY 21 O.S. 2021, Section 1290.8, is amended to read as follows:

Section 1290.8

POSSESSION OF LICENSE REQUIRED

NOTIFICATION TO POLICE OF GUN

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

1 1. The person has been issued a handgun license from the
2 Oklahoma State Bureau of Investigation pursuant to the provisions of
3 the Oklahoma Self-Defense Act, provided the person is in compliance
4 with the provisions of the Oklahoma Self-Defense Act, and the
5 license has not expired or been subsequently suspended or revoked;

6 ~~or~~

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

9 a. active military, or

10 b. a member of the Reserve or National Guard to include
11 Drill Status Guard and Reserve, Active Guard Reserves
12 or Military Technicians,

13 and presents a valid military identification card that shall be
14 considered a valid handgun license issued pursuant to the Oklahoma
15 Self-Defense Act; or

16 3. The person meets the age requirement provided in the
17 provisions of Section 1 of Article III of the Oklahoma Constitution.

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

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

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

1 violation of Section 1272 of this title upon payment of court costs,
2 if proof of a valid handgun license and other required
3 identification is shown to the court within ten (10) days of the
4 arrest of the person. The court shall report a dismissal of a
5 charge to the Bureau for consideration of administrative proceedings
6 against the licensee.

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

22 E. Any law enforcement officer coming in contact with a person
23 whose handgun license is suspended, revoked, or expired, or who is
24 in possession of a handgun license which has not been lawfully

1 issued to that person, shall confiscate the license and return it to
2 the Oklahoma State Bureau of Investigation for appropriate
3 administrative proceedings against the licensee when the license is
4 no longer needed as evidence in any criminal proceeding.

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

8 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1290.9, is
9 amended to read as follows:

10 Section 1290.9

11 ELIGIBILITY

12 The following requirements shall apply to any person making
13 application to the Oklahoma State Bureau of Investigation for a
14 handgun license pursuant to the provisions of the Oklahoma Self-
15 Defense Act. The person must:

- 16 1. Be a citizen of the United States with established residency
17 in ~~the State of Oklahoma~~ this state; ~~or~~
- 18 2. Be a lawful permanent resident in the United States and have
19 established residency in ~~the State of Oklahoma~~ this state.

20 For purposes of the Oklahoma Self-Defense Act:

- 21 a. the term "residency" shall apply to any person who
22 either possesses a valid Oklahoma driver license or
23 state photo identification card, and physically
24 maintains a residence in this state or to any person,

1 including the spouse of such person, who has permanent
2 military orders within this state and possesses a
3 valid driver license from another state where such
4 person and spouse of such person claim residency, and

5 b. the term "lawful permanent resident" shall mean a
6 noncitizen who is lawfully authorized to live
7 permanently within the United States;

8 3. Be at least:

9 a. ~~twenty-one (21) years of age, or~~

10 b. ~~eighteen (18) years of age but not yet twenty-one (21)~~
11 ~~years of age and the person is~~ a member or veteran of
12 the United States Armed Forces, the Reserves or
13 National Guard, or ~~the person was~~ discharged under
14 honorable conditions from the United States Armed
15 Forces, Reserves or National Guard;

16 4. Meet the age requirement provided in the provisions of
17 Section 1 of Article III of the Oklahoma Constitution;

18 5. Complete a firearms safety and training course and
19 demonstrate competence and qualifications with the type of pistol to
20 be carried by the person as provided in Section 1290.14 of this
21 title, and submit proof of training and qualification or an
22 exemption for training and qualification as authorized by Section
23 1290.14 of this title;

1 ~~5.~~ 6. Submit the required fee and complete the application
2 process as provided in Section 1290.12 of this title; and

3 ~~6.~~ 7. Comply in good faith with the provisions of the Oklahoma
4 Self-Defense Act.

5 SECTION 4. It being immediately necessary for the preservation
6 of the public peace, health or safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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