

1 **SENATE FLOOR VERSION**

2 April 6, 2016

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 3098

6 By: Coody (Jeff), Park, Moore,
7 Bennett, Ritze, Johnson,
8 Murphey, Murdock,
9 Leewright, Faught, Kannady,
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12 McCall, Derby, Newell,
13 Calvey, Roberts (Sean),
14 O'Donnell, Coody (Ann),
15 Enns, Walker, Jordan,
16 Billy, Pfeiffer,
17 Wesselhoft, Joyner,
18 Christian, Scott, Rogers,
19 Cleveland, Lockhart,
20 Roberts (Dustin), Wallace,
21 Sanders, Denney, Echols,
22 Wood, Ownbey, Proctor,
23 Russ, Wright, Strohm and
24 McBride of the House

and

Dahm and Brecheen of the
Senate

18 COMMITTEE SUBSTITUTE

19 [firearms - authority to carry firearms - effective
20 date]

21
22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
23
24

1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
2 last amended by Section 1, Chapter 197, O.S.L. 2015 (21 O.S. Supp.
3 2015, Section 1272), is amended to read as follows:

4 Section 1272.

5 UNLAWFUL CARRY

6 A. It shall be unlawful for any person to carry upon or about
7 his or her person, or in a purse or other container belonging to the
8 person, any pistol, revolver, shotgun or rifle whether loaded or
9 unloaded or any dagger, bowie knife, dirk knife, sword cane,
10 blackjack, loaded cane, billy, hand chain, metal knuckles, or any
11 other offensive weapon, whether such weapon be concealed or
12 unconcealed, 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 unconcealed carrying of firearms pursuant to the
12 definitions provided for in Sections 1289.3, 1289.4, 1289.5 and
13 paragraph 2 of subsection A of Section 1290.2 of this title by a
14 person who is a legal resident, twenty-one (21) years of age or
15 older, is not a convicted felon or who is otherwise not disqualified
16 from possession of a firearm under state or federal law and is not
17 involved in a crime. 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 prescribed in subsection A of Section
20 1277 of this title.

21 B. Any person convicted of violating the foregoing provision
22 shall be guilty of a misdemeanor punishable as provided in Section
23 1276 of this title.

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1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
2 last amended by Section 1, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
3 2015, Section 1277), is amended to read as follows:

4 Section 1277.

5 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

13 2. Any prison, jail, detention facility or any facility used to
14 process, hold, or house arrested persons, prisoners or persons
15 alleged delinquent or adjudicated delinquent;

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

19 4. Any sports arena during a professional sporting event;

20 5. Any place where pari-mutuel wagering is authorized by law;

21 and

22 6. Any other place specifically prohibited by law.

23

24

1 B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A
2 of this section, the prohibited place does not include and
3 specifically excludes the following property:

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

7 2. Any property set aside for the use or parking of any
8 vehicle, whether attended or unattended, by any entity offering any
9 professional sporting event which is open to the public for
10 admission, or by any entity engaged in pari-mutuel wagering
11 authorized by law;

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

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

22 5. Any property set aside by a public or private elementary or
23 secondary school for the use or parking of any vehicle, whether
24 attended or unattended; provided, however, ~~said handgun~~ the firearm

1 shall be stored and hidden from view in a locked motor vehicle when
2 the motor vehicle is left unattended on school property.

3 Nothing contained in any provision of this subsection or
4 subsection C of this section shall be construed to authorize or
5 allow any person in control of any place described in paragraph 1,
6 2, 3, 4 or 5 of subsection A of this section to establish any policy
7 or rule that has the effect of prohibiting any person in lawful
8 possession of a ~~handgun~~-license firearm from possession of a ~~handgun~~
9 ~~allowable under such license~~ firearm in places described in
10 paragraph 1, 2, 3, 4 or 5 of this subsection.

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

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

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

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

13 E. Any person violating the provisions of subsection A of this
14 section shall, upon conviction, be guilty of a misdemeanor
15 punishable by a fine not to exceed Two Hundred Fifty Dollars
16 (\$250.00).

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

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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 any peace
13 officer or to any person authorized by law to carry a pistol in the
14 course of employment. District judges, associate district judges
15 and special district judges, who are in possession of a valid
16 handgun license issued pursuant to the provisions of the Oklahoma
17 Self-Defense Act and whose names appear on a list maintained by the
18 Administrative Director of the Courts, shall be exempt from this
19 section when acting in the course and scope of employment within the
20 courthouses of this state. Private investigators with a firearms
21 authorization shall be exempt from this section when acting in the
22 course and scope of employment.

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

1 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1289.3, is
2 amended to read as follows:

3 Section 1289.3

4 DEFINITIONS FOR FIREARMS ACT

5 "Pistols" or "handguns" as used in the Oklahoma Firearms Act of
6 1971, ~~Sections 1289.1 through 1289.17 of this title,~~ shall mean any
7 firearm capable of discharging a ~~projectile~~ single or multiple
8 projectiles from a single round of ammunition composed of any
9 material which may reasonably be expected to be able to cause lethal
10 injury, with a barrel or barrels less than sixteen (16) inches in
11 length, and using ~~either gunpowder, gas or any means of rocket~~
12 ~~propulsion~~ a combustible propellant charge, but not to include flare
13 guns, underwater fishing guns or blank pistols.

14 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.6, as
15 amended by Section 11, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
16 Section 1289.6), is amended to read as follows:

17 Section 1289.6

18 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

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

23 1. When hunting animals or fowl;

24

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

4 3. During participation in or in preparation for a military
5 function of the state military forces to be defined as the Oklahoma
6 Army or Air National Guard, Federal Military Reserve and active
7 military forces;

8 4. During participation in or in preparation for a recognized
9 police function of either a municipal, county or state government as
10 functioning police officials;

11 5. During a practice for or a performance for entertainment
12 purposes;

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

16 7. When carried unconcealed pursuant to the definitions
17 provided for in Sections 1289.3, 1289.4, 1289.5 and paragraph 2 of
18 subsection A of Section 1290.2 of this title by a person who is:

19 a. a legal resident,

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

21 c. not a convicted felon or who is otherwise not
22 disqualified from possession of a firearm under state
23 or federal law, and

24 d. not involved in a crime.

1 Any person who carries a firearm in the manner provided for in this
2 paragraph shall be prohibited from carrying the firearm into any of
3 the places prescribed in subsection A of Section 1277 of this title;
4 or

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

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

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

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

21 C. The provisions of this section shall not be construed to
22 prohibit educational or recreational activities, exhibitions,
23 displays or shows involving the use or display of rifles, shotguns

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1 or pistols or other weapons if the activity is approved by the
2 property owner and sponsor of the activity.

3 D. Except as otherwise prohibited by law, a person shall have
4 authority to carry an unconcealed firearm in this state. In the
5 absence of reasonable and articulable suspicion of other criminal
6 activity, a person carrying a firearm shall not be disarmed or
7 physically restrained. Nothing in this section shall be construed
8 to authorize a law enforcement officer to inspect any unconcealed
9 firearm without probable cause that a crime has been committed.

10 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1289.7, as
11 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
12 Section 1289.7), is amended to read as follows:

13 Section 1289.7

14 FIREARMS IN VEHICLES

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

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

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

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

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

2 a. contraband, or

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

5 C. Nothing in this section shall be construed to require
6 confiscation of any firearm.

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

10 Section 1289.24.

11 FIREARM REGULATION - STATE PREEMPTION

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

20 2. A municipality may adopt any ordinance:

21 a. relating to the discharge of firearms within the
22 jurisdiction of the municipality, and

23 b. allowing the municipality to issue a traffic citation
24 for transporting a firearm improperly as provided for

1 in Section 1289.13A of this title, provided however,
2 that penalties contained for violation of any
3 ordinance enacted pursuant to the provisions of this
4 subparagraph shall not exceed the penalties
5 established in the Oklahoma Self-Defense Act.

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

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

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

23 C. Except as hereinafter provided, this section shall not
24 prohibit any order, ordinance, or regulation by any municipality

1 concerning the confiscation of property used in violation of the
2 ordinances of the municipality as provided for in Section 28-121 of
3 Title 11 of the Oklahoma Statutes. Provided, however, no municipal
4 ordinance relating to transporting a firearm or knife improperly may
5 include a provision for confiscation of property.

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

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

13 Section 1290.1

14 SHORT TITLE

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

17 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1290.2, as
18 last amended by Section 2, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
19 2015, Section 1290.2), is amended to read as follows:

20 Section 1290.2

21 DEFINITIONS

22 A. As used in the Oklahoma Self-Defense Act:

23 1. "Concealed ~~handgun~~ firearm carry" means a loaded or unloaded
24 firearm, rifle, shotgun or pistol, ~~the presence of which is not~~

1 openly ~~discernible~~ visible to the ordinary observation of a
2 reasonable person;

3 2. "Unconcealed ~~handgun~~ firearm or open carry" means a loaded
4 or unloaded firearm, rifle, shotgun or pistol carried upon the
5 person in a ~~belt holster or shoulder~~ holster ~~that is wholly or~~
6 ~~partially~~ where the firearm is visible, or carried upon the person
7 ~~in~~ using a scabbard, sling or case designed for carrying firearms
8 ~~that is wholly or partially visible~~; and

9 3. "Pistol" or "handgun" means any derringer, revolver or
10 semiautomatic firearm which:

- 11 a. has an overall barrel or barrels length of less than
12 sixteen (16) inches,
- 13 b. is capable of discharging a ~~projectile~~ single or
14 multiple projectiles from a single round of ammunition
15 composed of any material which may reasonably be
16 expected to be able to cause lethal injury,
- 17 c. ~~is designed to~~ can be held and fired by the use of a
18 ~~single hand~~ one or both hands, and
- 19 d. uses ~~either gunpowder, gas or any means of rocket~~
20 ~~propulsion~~ a combustible propellant charge to
21 ~~discharge~~ propel the projectile or projectiles.

22 B. The definition of pistol or handgun for purposes of the
23 Oklahoma Self-Defense Act shall not apply to ~~homemade or~~ imitation
24 pistols, flare guns, underwater fishing guns or blank pistols.

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. 2015,
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, 2016, 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 prior to November 1,
14 2016, 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 1290.12, as
18 last amended by Section 1, Chapter 207, O.S.L. 2015 (21 O.S. Supp.
19 2015, Section 1290.12), is amended to read as follows:

20 Section 1290.12

21 PROCEDURE FOR APPLICATION

22 A. Except as provided in paragraph 11 of this subsection, the
23 procedure for applying for a handgun license and processing the
24 application shall be as follows:

1 1. An eligible person may request an application packet for a
2 handgun license from the Oklahoma State Bureau of Investigation or
3 the county sheriff's office either in person or by mail. The Bureau
4 may provide application packets to each sheriff not exceeding two
5 hundred packets per request. The Bureau shall provide the following
6 information in the application packet:

- 7 a. an application form,
- 8 b. procedures to follow to process the application form,
- 9 and
- 10 c. a copy of the Oklahoma Self-Defense Act with any
11 modifications thereto;

12 2. The person shall be required to successfully complete a
13 firearms safety and training course from a firearms instructor who
14 is approved and registered in this state as provided in Section
15 1290.14 of this title or from an interactive online firearms safety
16 and training course available electronically via the Internet
17 approved and certified by the Council on Law Enforcement Education
18 and Training, and the person shall be required to demonstrate
19 competency and qualification with a pistol authorized for concealed
20 or unconcealed carry by the Oklahoma Self-Defense Act. The original
21 certificate of successful completion of a firearms safety and
22 training course and an original certificate of successful
23 demonstration of competency and qualification to carry and handle a
24 pistol shall be submitted with the application for a handgun

1 license. No duplicate, copy, facsimile or other reproduction of the
2 certificate of training, certificate of competency and qualification
3 or exemption from training shall be acceptable as proof of training
4 as required by the provisions of the Oklahoma Self-Defense Act. A
5 person exempt from the training requirements as provided in Section
6 1290.15 of this title must show the required proof of such exemption
7 to the firearms instructor to receive an exemption certificate. The
8 original exemption certificate must be submitted with the
9 application for a handgun license when the person claims an
10 exemption from training and qualification;

11 3. The application form shall be completed and delivered by the
12 applicant, in person, to the sheriff of ~~the~~ any county ~~wherein the~~
13 ~~applicant resides~~ within the State of Oklahoma;

14 4. The person shall deliver to the sheriff at the time of
15 delivery of the completed application form a fee of One Hundred
16 Dollars (\$100.00) for processing the application through the
17 Oklahoma State Bureau of Investigation and processing the required
18 fingerprints through the Federal Bureau of Investigation. The
19 processing fee shall be in the form of:

- 20 a. a money order or a cashier's check made payable to the
21 Oklahoma State Bureau of Investigation,
22 b. by a nationally recognized credit card issued to the
23 applicant. For purposes of this paragraph,
24 "nationally recognized credit card" means any

1 instrument or device, whether known as a credit card,
2 credit plate, charge plate, or by any other name,
3 issued with or without fee by the issuer for the use
4 of the cardholder in obtaining goods, services, or
5 anything else of value on credit which is accepted by
6 over one thousand merchants in the state. The
7 Oklahoma State Bureau of Investigation shall determine
8 which nationally recognized credit cards will be
9 accepted by the Bureau, or

10 c. by electronic funds transfer.

11 The processing fee shall not be refundable in the event of a
12 denial of a handgun license or any suspension or revocation
13 subsequent to the issuance of a license. Persons making application
14 for a firearms instructor shall not be required to pay the
15 application fee as provided in this section, but shall be required
16 to pay the costs provided in paragraphs 6 and 8 of this subsection;

17 5. The completed application form shall be signed by the
18 applicant in person before the sheriff. The signature shall be
19 given voluntarily upon a sworn oath that the person knows the
20 contents of the application and that the information contained in
21 the application is true and correct. Any person making any false or
22 misleading statement on an application for a handgun license shall,
23 upon conviction, be guilty of perjury as defined by Section 491 of
24 this title. Any conviction shall be punished as provided in Section

1 500 of this title. In addition to a criminal conviction, the person
2 shall be denied the right to have a handgun license pursuant to the
3 provisions of Section 1290.10 of this title and the Oklahoma State
4 Bureau of Investigation shall revoke the handgun license, if issued;

5 6. Two passport-size photographs of the applicant shall be
6 submitted with the completed application. The cost of the
7 photographs shall be the responsibility of the applicant. The
8 sheriff is authorized to take the photograph of the applicant for
9 purposes of the Oklahoma Self-Defense Act and, if such photographs
10 are taken by the sheriff, the cost of the photographs shall not
11 exceed Ten Dollars (\$10.00) for the two photos. All money received
12 by the sheriff from photographing applicants pursuant to the
13 provisions of this paragraph shall be retained by the sheriff and
14 deposited into the Sheriff's Service Fee Account;

15 7. The sheriff shall witness the signature of the applicant and
16 review or take the photographs of the applicant and shall verify
17 that the person making application for a handgun license is the same
18 person in the photographs submitted and the same person who signed
19 the application form. Proof of a valid Oklahoma driver license with
20 a photograph of the applicant or an Oklahoma state photo
21 identification for the applicant shall be required to be presented
22 by the applicant to the sheriff for verification of the person's
23 identity;

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1 8. Upon verification of the identity of the applicant, the
2 sheriff shall take two complete sets of fingerprints of the
3 applicant. Both sets of fingerprints shall be submitted by the
4 sheriff with the completed application, certificate of training or
5 an exemption certificate, photographs and processing fee to the
6 Oklahoma State Bureau of Investigation within fourteen (14) days of
7 taking the fingerprints. The cost of the fingerprints shall be paid
8 by the applicant and shall not exceed Twenty-five Dollars (\$25.00)
9 for the two sets. All fees collected by the sheriff from taking
10 fingerprints pursuant to the provisions of this paragraph shall be
11 retained by the sheriff and deposited into the Sheriff's Service Fee
12 Account;

13 9. The sheriff shall submit to the Oklahoma State Bureau of
14 Investigation within the fourteen-day period, together with the
15 completed application, including the certificate of training,
16 certificate of competency and qualification or exemption
17 certificate, photographs, processing fee and legible fingerprints
18 meeting the Oklahoma State Bureau of Investigation's Automated
19 Fingerprint Identification System (AFIS) submission standards, and a
20 report of information deemed pertinent to an investigation of the
21 applicant for a handgun license. The sheriff shall make a
22 preliminary investigation of pertinent information about the
23 applicant and the court clerk shall assist the sheriff in locating
24 pertinent information in court records for this purpose. If no

1 pertinent information is found to exist either for or against the
2 applicant, the sheriff shall so indicate in the report;

3 10. The Oklahoma State Bureau of Investigation, upon receipt of
4 the application and required information from the sheriff, shall
5 forward one full set of fingerprints of the applicant to the Federal
6 Bureau of Investigation for a national criminal history records
7 search. The cost of processing the fingerprints nationally shall be
8 paid from the processing fee collected by the Oklahoma State Bureau
9 of Investigation;

10 11. Notwithstanding the provisions of the Oklahoma Self-Defense
11 Act, or any other provisions of law, any person who has been granted
12 a permanent victim's protective order by the court, as provided for
13 in the Protection from Domestic Abuse Act, may be issued a temporary
14 handgun license for a period not to exceed six (6) months. A
15 temporary handgun license may be issued if the person has
16 successfully passed the required weapons course, completed the
17 application process for the handgun license, passed the preliminary
18 investigation of the person by the sheriff and court clerk, and
19 provided the sheriff proof of a certified permanent victim
20 protection order and a valid Oklahoma state photo identification
21 card or driver license. The sheriff shall issue a temporary handgun
22 license on a form approved by the Oklahoma State Bureau of
23 Investigation, at no cost. Any person who has been issued a
24 temporary license shall carry the temporary handgun license and a

1 valid Oklahoma state photo identification on his or her person at
2 all times, and shall be subject to all the requirements of the
3 Oklahoma Self-Defense Act when carrying a handgun. The person may
4 proceed with the handgun licensing process. In the event the
5 victim's protection order is no longer enforceable, the temporary
6 handgun license shall cease to be valid;

7 12. The Oklahoma State Bureau of Investigation shall make a
8 reasonable effort to investigate the information submitted by the
9 applicant and the sheriff, to ascertain whether or not the issuance
10 of a handgun license would be in violation of the provisions of the
11 Oklahoma Self-Defense Act. The investigation by the Bureau of an
12 applicant shall include, but shall not be limited to: a statewide
13 criminal history records search, a national criminal history records
14 search, a Federal Bureau of Investigation fingerprint search, and if
15 applicable, an investigation of medical records or other records or
16 information deemed by the Bureau to be relevant to the application.

17 a. In the course of the investigation by the Bureau, it
18 shall present the name of the applicant along with any
19 known aliases, the address of the applicant and the
20 social security number of the applicant to the
21 Department of Mental Health and Substance Abuse
22 Services. The Department of Mental Health and
23 Substance Abuse Services shall respond within ten (10)

24

1 days of receiving such information to the Bureau as
2 follows:

3 (1) with a "Yes" answer, if the records of the
4 Department indicate that the person was
5 involuntarily committed to a mental institution
6 in Oklahoma,

7 (2) with a "No" answer, if there are no records
8 indicating the name of the person as a person
9 involuntarily committed to a mental institution
10 in Oklahoma, or

11 (3) with an "Inconclusive" answer if the records of
12 the Department suggest the applicant may be a
13 formerly committed person. In the case of an
14 inconclusive answer, the Bureau shall ask the
15 applicant whether he or she was involuntarily
16 committed. If the applicant states under penalty
17 of perjury that he or she has not been
18 involuntarily committed, the Bureau shall
19 continue processing the application for a
20 license.

21 b. In the course of the investigation by the Bureau, it
22 shall check the name of any applicant who is twenty-
23 eight (28) years of age or younger along with any
24 known aliases, the address of the applicant and the

1 social security number of the applicant against the
2 records in the Juvenile Online Tracking System (JOLTS)
3 of the Office of Juvenile Affairs. The Office of
4 Juvenile Affairs shall provide the Bureau direct
5 access to check the applicant against the records
6 available on JOLTS.

7 (1) If the Bureau finds a record on the JOLTS that
8 indicates the person was adjudicated a delinquent
9 for an offense that would constitute a felony
10 offense if committed by an adult within the last
11 ten (10) years the Bureau shall deny the license,

12 (2) If the Bureau finds no record on the JOLTS
13 indicating the named person was adjudicated
14 delinquent for an offense that would constitute a
15 felony offense if committed by an adult within
16 the last ten (10) years, or

17 (3) If the records suggest the applicant may have
18 been adjudicated delinquent for an offense that
19 would constitute a felony offense if committed by
20 an adult but such record is inconclusive, the
21 Bureau shall ask the applicant whether he or she
22 was adjudicated a delinquent for an offense that
23 would constitute a felony offense if committed by
24 an adult within the last ten (10) years. If the

1 applicant states under penalty of perjury that he
2 or she was not adjudicated a delinquent within
3 ten (10) years, the Bureau shall continue
4 processing the application for a license; and

5 13. If the background check set forth in paragraph 12 of this
6 subsection reveals no records pertaining to the applicant, the
7 Oklahoma State Bureau of Investigation shall either issue a handgun
8 license or deny the application within sixty (60) days of the date
9 of receipt of the applicant's completed application and the required
10 information from the sheriff. In all other cases, the Oklahoma
11 State Bureau of Investigation shall either issue a handgun license
12 or deny the application within ninety (90) days of the date of the
13 receipt of the applicant's completed application and the required
14 information from the sheriff. The Bureau shall approve an applicant
15 who appears to be in full compliance with the provisions of the
16 Oklahoma Self-Defense Act, if completion of the federal fingerprint
17 search is the only reason for delay of the issuance of the handgun
18 license to that applicant. Upon receipt of the federal fingerprint
19 search information, if the Bureau receives information which
20 precludes the person from having a handgun license, the Bureau shall
21 revoke the handgun license previously issued to the applicant. The
22 Bureau shall deny a license when the applicant fails to properly
23 complete the application form or application process or is
24 determined not to be eligible as specified by the provisions of

1 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall
2 approve an application in all other cases. If an application is
3 denied, the Bureau shall notify the applicant in writing of its
4 decision. The notification shall state the grounds for the denial
5 and inform the applicant of the right to an appeal as may be
6 provided by the provisions of the Administrative Procedures Act.
7 All notices of denial shall be mailed by first-class mail to the
8 address of the applicant listed in the application. Within sixty
9 (60) calendar days from the date of mailing a denial of application
10 to an applicant, the applicant shall notify the Bureau in writing of
11 the intent to appeal the decision of denial or the right of the
12 applicant to appeal shall be deemed waived. Any administrative
13 hearing on a denial which may be provided shall be conducted by a
14 hearing examiner appointed by the Bureau. The decision of the
15 hearing examiner shall be a final decision appealable to a district
16 court in accordance with the Administrative Procedures Act. When an
17 application is approved, the Bureau shall issue the license and
18 shall mail the license by first-class mail to the address of the
19 applicant listed in the application.

20 B. Nothing contained in any provision of the Oklahoma Self-
21 Defense Act shall be construed to require or authorize the
22 registration, documentation or providing of serial numbers with
23 regard to any firearm. For purposes of the Oklahoma Self-Defense
24

1 Act, the sheriff may designate a person to receive, fingerprint,
2 photograph or otherwise process applications for handgun licenses.

3 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1290.22, as
4 amended by Section 7, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015,
5 Section 1290.22), is amended to read as follows:

6 Section 1290.22.

7 BUSINESS OWNER'S RIGHTS

8 A. Except as provided in subsection B of this section, nothing
9 contained in any provision of the Oklahoma Self-Defense Act shall be
10 construed to limit, restrict or prohibit in any manner the existing
11 rights of any person, property owner, tenant, employer, place of
12 worship or business entity to control the possession of weapons on
13 any property owned or controlled by the person or business entity.

14 B. No person, property owner, tenant, employer, place of
15 worship or business entity shall be permitted to establish any
16 policy or rule that has the effect of prohibiting any person, except
17 a convicted felon, from transporting and storing firearms in a
18 locked vehicle on any property set aside for any vehicle.

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

1 D. The carrying of a concealed or unconcealed firearm ~~by a~~
2 ~~person who has been issued a handgun license~~ on property that has
3 signs prohibiting the carrying of firearms shall not be deemed a
4 criminal act but may subject the person to being denied entrance
5 onto the property or removed from the property. If the person
6 refuses to leave the property and a peace officer is summoned, the
7 person may be issued a citation for an amount not to exceed Two
8 Hundred Fifty Dollars (\$250.00).

9 E. A person, corporation, place of worship or any other
10 business entity that does or does not prohibit any individual except
11 a convicted felon from carrying a loaded or unloaded, concealed or
12 unconcealed weapon on property that the person, corporation, place
13 of worship or other business entity owns, or has legal control of,
14 is immune from any liability arising from that decision. Except for
15 acts of gross negligence or willful or wanton misconduct, an
16 employer who does or does not prohibit their employees from carrying
17 a concealed or unconcealed weapon is immune from any liability
18 arising from that decision. The provisions of this subsection shall
19 not apply to claims pursuant to the Workers' Compensation Code.

20 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1290.26, as
21 last amended by Section 18, Chapter 15, O.S.L. 2013 (21 O.S. Supp.
22 2015, Section 1290.26), is amended to read as follows:

23 Section 1290.26.

24 RECIPROCAL AGREEMENT AUTHORITY

1 The State of Oklahoma hereby recognizes any valid concealed or
2 unconcealed carry weapons permit or license issued by another state,
3 or if the state is a nonpermitting carry state, this state shall
4 reciprocate under the permitting law of that state.

5 A. Any person entering this state in possession of a firearm
6 authorized for concealed or unconcealed carry upon the authority and
7 license of another state is authorized to continue to carry a
8 concealed or unconcealed firearm and license in this state; provided
9 the license from the other state remains valid. The firearm must
10 either be carried unconcealed or concealed ~~from detection and view,~~
11 and upon coming in contact with any peace officer of this state, the
12 person must disclose the fact that he or she is in possession of a
13 concealed or unconcealed firearm pursuant to a valid concealed or
14 unconcealed carry weapons permit or license issued in another state.

15 B. Any person entering this state in possession of a firearm
16 authorized for concealed carry upon the authority of a state that is
17 a ~~nonpermitted~~ non-permitted carry state and the person is in
18 compliance with the Oklahoma Self-Defense Act, the person is
19 authorized to carry a concealed or unconcealed firearm in this
20 state. The firearm must be carried fully concealed ~~from detection~~
21 ~~and view,~~ or unconcealed and upon coming in contact with any peace
22 officer of this state, the person must disclose the fact that he or
23 she is in possession of a concealed or unconcealed firearm pursuant
24 to the ~~nonpermitting~~ non-permitting laws of the state in which he or

1 she is a legal resident. The person shall present proper
2 identification by a valid photo ID as proof that he or she is a
3 legal resident in such a non-permitting state. The Department of
4 Public Safety shall keep a current list of non-permitting states for
5 law enforcement officers to confirm that a state is ~~nonpermitting~~
6 non-permitting.

7 C. Any person who is twenty-one (21) years of age or older
8 having a valid firearm license from another state may apply for a
9 handgun license in this state immediately upon establishing a
10 residence in this state.

11 SECTION 14. This act shall become effective November 1, 2016.

12 COMMITTEE REPORT BY: COMMITTEE ON RULES
13 April 6, 2016 - DO PASS AS AMENDED
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