

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2597

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7 AS INTRODUCED

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9 An Act relating to firearms; amending 21 O.S. 2011,
10 Section 1272, as last amended by Section 1, Chapter
68, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1272),
11 which relates to the unlawful carry of firearms;
adding exception to certain prohibited act; amending
12 21 O.S. 2011, Section 1277, as last amended by
Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp.
13 2018, Section 1277), which relates to the unlawful
carry of firearms in certain places; expanding scope
14 of crime to include certain persons; updating handgun
references; clarifying construing provision related
15 to the possession of firearms on certain property;
expanding scope of certain prohibited act on
16 university property; amending 21 O.S. 2011, Section
1283, as last amended by Section 1, Chapter 179,
17 O.S.L. 2014 (21 O.S. Supp. 2018, Section 1283), which
relates to penalties for unlawfully carrying firearms
by convicted felons and delinquents; making certain
18 act unlawful; providing penalties; amending 21 O.S.
2011, Sections 1289.6, as last amended by Section 1,
19 Chapter 268, O.S.L. 2016, 1289.7, as amended by
Section 12, Chapter 259, O.S.L. 2012, 1289.13, as
20 amended by Section 18, Chapter 259, O.S.L. 2012,
1289.13A, as amended by Section 19, Chapter 259,
21 O.S.L. 2012 and 1289.24, as last amended by Section
1, Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2018,
22 Sections 1289.6, 1289.7, 1289.13, 1289.13A and
1289.24), which relate to the Oklahoma Firearms Act
of 1971; clarifying manner by which firearms may be
23 lawfully carried; adding condition that allows for
firearms to be lawfully carried; deleting certain
24 conditions related to the carrying of unloaded

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

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

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

Section 1272.

UNLAWFUL CARRY

A. It shall be unlawful for any person to carry upon or about
his or her person, or in a purse or other container belonging to the
person, any pistol, revolver, shotgun or rifle whether loaded or

1 unloaded or any blackjack, loaded cane, hand chain, metal knuckles,
2 or any other offensive weapon, whether such weapon be concealed or
3 unconcealed, except this section shall not prohibit:

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

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

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

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

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

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

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

17 a. assault and battery pursuant to the provisions of
18 Section 644 of this title which caused serious
19 physical injury to the victim,

20 b. aggravated assault and battery pursuant to the
21 provisions of Section 646 of this title,

22 c. assault and battery that qualifies as domestic abuse
23 as defined in Section 644 of this title,

24

1 d. stalking pursuant to the provisions of Section 1173 of
2 this title,

3 e. a violation of an order issued under the Protection
4 from Domestic Abuse Act or a domestic abuse protection
5 order issued by another state, or

6 f. a violation relating to illegal drug use or possession
7 under the provisions of the Uniform Controlled
8 Dangerous Substances Act,

9 shall be prohibited from carrying a firearm under the provisions of
10 this paragraph. Any person who carries a firearm in the manner
11 provided for in this paragraph shall be prohibited from carrying the
12 firearm into any of the places prohibited in subsection A of Section
13 1277 of this title or any other place currently prohibited by law.
14 Nothing in this section shall modify or otherwise change where a
15 person may legally carry a firearm.

16 B. Any person convicted of violating the foregoing provision
17 shall be guilty of a misdemeanor punishable as provided in Section
18 1276 of this title.

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

22 Section 1277.

23 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

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

20 6. Any other place specifically prohibited by law.

21 B. For purposes of subsection A of this section, the prohibited
22 place does not include and specifically excludes the following
23 property:

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

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

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

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

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

22 Nothing contained in any provision of this subsection or
23 subsection C of this section shall be construed to authorize or
24 allow any person in control of any place described in subsection A

1 of this section to establish any policy or rule that has the effect
2 of prohibiting any person in lawful possession of a handgun license
3 ~~from or otherwise in lawful possession of a handgun allowable under~~
4 ~~such license in places~~ firearm from carrying or possessing the
5 firearm on the property described in this subsection.

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

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

1 personnel specifically designated by the board of education,
2 provided such personnel either:

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

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

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

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

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

1 ~~persons having a valid handgun license~~ to be college, university or
2 technology center school property:

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

10 2. Any property authorized for possession or use of ~~handguns~~
11 firearms by college, university or technology center school policy;
12 and

13 3. Any property authorized by the written consent of the
14 college or university president or technology center school
15 administrator, provided the written consent is carried with the
16 ~~handgun~~ firearm and the valid handgun license while on college,
17 university or technology center school property.

18 The college, university or technology center school may notify
19 the Oklahoma State Bureau of Investigation within ten (10) days of a
20 violation of any provision of this subsection by a licensee. Upon
21 receipt of a written notification of violation, the Bureau shall
22 give a reasonable notice to the licensee and hold a hearing. At the
23 hearing, upon a determination that the licensee has violated any
24 provision of this subsection, the licensee may be subject to an

1 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
2 have the handgun license suspended for three (3) months.

3 Nothing contained in any provision of this subsection shall be
4 construed to authorize or allow any college, university or
5 technology center school to establish any policy or rule that has
6 the effect of prohibiting any person in lawful possession of a
7 handgun license or any person in lawful possession of a firearm from
8 possession of a ~~handgun allowable under such license~~ firearm in
9 places described in paragraphs 1, 2 and 3 of this subsection.

10 Nothing contained in any provision of this subsection shall be
11 construed to limit the authority of any college, university or
12 technology center school in this state from taking administrative
13 action against any student for any violation of any provision of
14 this subsection.

15 G. The provisions of this section shall not apply to the
16 following:

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

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

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

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

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

22 6. The board of county commissioners of any county may
23 authorize certain employees of the county, who possess a valid
24 handgun license issued pursuant to the provisions of the Oklahoma

1 Self-Defense Act, to carry a concealed handgun when acting in the
2 course and scope of employment on county annex facilities or grounds
3 surrounding the county courthouse.

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

6 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1283, as
7 last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.
8 2018, Section 1283), is amended to read as follows:

9 Section 1283.

10 CONVICTED FELONS AND DELINQUENTS

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

20 B. Any person who has previously been convicted of a nonviolent
21 felony in any court of this state or of another state or of the
22 United States, and who has received a full and complete pardon from
23 the proper authority and has not been convicted of any other felony
24 offense which has not been pardoned, shall have restored the right

1 to possess any firearm or other weapon prohibited by subsection A of
2 this section, the right to apply for and carry a handgun, concealed
3 or unconcealed, pursuant to the Oklahoma Self-Defense Act or as
4 otherwise permitted by law, and the right to perform the duties of a
5 peace officer, gunsmith, ~~or~~ and for firearms repair.

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

16 D. It shall be unlawful for any person previously adjudicated
17 as a delinquent child or a youthful offender for the commission of
18 an offense, which would have constituted a felony offense if
19 committed by an adult, to have in the possession of the person or
20 under the immediate control of the person, or have in any vehicle
21 which he or she is driving or in which the person is riding as a
22 passenger, or at the residence of the person, any pistol, imitation
23 or homemade pistol, altered air or toy pistol, machine gun, sawed-
24 off shotgun or rifle, or any other dangerous or deadly firearm

1 within ten (10) years after such adjudication; provided, that
2 nothing in this subsection shall be construed to prohibit the
3 placement of the person in a home with a full-time duly appointed
4 peace officer who is certified by the Council on Law Enforcement
5 Education and Training (CLEET) pursuant to the provisions of Section
6 3311 of Title 70 of the Oklahoma Statutes.

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

19 F. Any person having been issued a handgun license pursuant to
20 the provisions of the Oklahoma Self-Defense Act and who thereafter
21 knowingly or intentionally allows a convicted felon or adjudicated
22 delinquent or a youthful offender as prohibited by the provisions of
23 subsection A, C, or D of this section to possess or have control of
24 any pistol authorized by the Oklahoma Self-Defense Act shall, upon

1 conviction, be guilty of a felony punishable by a fine not to exceed
2 Five Thousand Dollars (\$5,000.00). In addition, the person shall
3 have the handgun license revoked by the Oklahoma State Bureau of
4 Investigation after a hearing and determination that the person has
5 violated the provisions of this section.

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

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

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

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

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

22 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.6, as
23 last amended by Section 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp.
24 2018, Section 1289.6), is amended to read as follows:

1 Section 1289.6

2 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

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

7 1. When hunting animals or fowl;

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

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

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

23 5. During a practice for or a performance for entertainment
24 purposes;

1 6. As provided for in subsection A of Section 1272 of this
2 title; or

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

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

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

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

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

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

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

6 Section 1289.7

7 FIREARMS IN VEHICLES

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

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

24

1 rifle or shotgun ~~may be~~ is transported clip_ or magazine_loaded and,
2 not chamber_loaded ~~when transported,~~ and in an exterior locked
3 compartment of the vehicle or trunk of the vehicle or in the
4 interior compartment of the vehicle ~~notwithstanding the provisions~~
5 ~~of Section 1289.7 of this title when the person is in possession of~~
6 ~~a valid handgun license pursuant to the Oklahoma Self-Defense Act.~~

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

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

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

19 Section 1289.13A

20 IMPROPER TRANSPORTATION OF FIREARMS

21 A. Notwithstanding the provisions of Section 1272 or ~~1289.13~~
22 1289.7 of this title, any person stopped pursuant to a moving
23 traffic violation who is transporting a loaded pistol in the motor
24 vehicle without a valid handgun license authorized by the Oklahoma

1 Self-Defense Act or valid license from another state, or in
2 violation of any law related to the carrying or transporting of
3 firearms, whether the loaded firearm is concealed or unconcealed in
4 the vehicle, ~~shall~~ may be issued a traffic citation in the amount of
5 Seventy Dollars (\$70.00), plus court costs for transporting a
6 firearm improperly. In addition to the traffic citation provided in
7 this section, the person may also be arrested for any other
8 violation of law.

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

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

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

24

1 C. Nothing in this section shall be construed to require
2 confiscation of any firearm.

3 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1289.24, as
4 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.
5 2018, Section 1289.24), is amended to read as follows:

6 Section 1289.24

7 FIREARM REGULATION - STATE PREEMPTION

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

16 2. A municipality may adopt any ordinance:

- 17 a. relating to the discharge of firearms within the
18 jurisdiction of the municipality, and
- 19 b. allowing the municipality to issue a traffic citation
20 for transporting a firearm improperly as provided for
21 in Section 1289.13A of this title, provided, however,
22 that penalties contained for violation of any
23 ordinance enacted pursuant to the provisions of this
24

1 subparagraph shall not exceed the penalties
2 established in the Oklahoma Self-Defense Act.

3 3. As provided in the preemption provisions of this section,
4 the otherwise lawful ~~open~~ carrying or possession of a ~~handgun~~
5 firearm under the provisions of ~~the Oklahoma Self-Defense Act~~
6 Chapter 53 of this title shall not be punishable by any municipality
7 or other political subdivision of this state as disorderly conduct,
8 disturbing the peace or similar offense against public order.

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

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

19 C. Except as hereinafter provided, this section shall not
20 prohibit any order, ordinance, or regulation by any municipality
21 concerning the confiscation of property used in violation of the
22 ordinances of the municipality as provided for in Section 28-121 of
23 Title 11 of the Oklahoma Statutes. Provided, however, no municipal
24

1 ordinance relating to transporting a firearm or knife improperly may
2 include a provision for confiscation of property.

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

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

10 Section 1290.1

11 SHORT TITLE

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

14 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.7, as
15 last amended by Section 3, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
16 2018, Section 1290.7), is amended to read as follows:

17 Section 1290.7

18 CONSTRUING AUTHORITY OF LICENSE

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

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

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

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

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

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

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

15 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1290.8, as
16 last amended by Section 3, Chapter 68, O.S.L. 2018 (21 O.S. Supp.
17 2018, Section 1290.8), is amended to read as follows:

18 Section 1290.8

19 POSSESSION OF LICENSE REQUIRED

20 NOTIFICATION TO POLICE OF GUN

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

24

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.

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

22 C. The person shall be required to have possession of his or
23 her valid handgun license or valid military identification card as
24 provided for qualified persons in this section and a valid Oklahoma

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

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

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

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

1 issued a citation for an amount not exceeding One Hundred Dollars
2 (\$100.00).

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

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

13 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1290.22, as
14 last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp.
15 2018, Section 1290.22), is amended to read as follows:

16 Section 1290.22

17 BUSINESS OWNER'S RIGHTS

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

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

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

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

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

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

7 3. The fairgrounds during the Oklahoma State Fair or the Tulsa
8 State Fair; and

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

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

20 F. A person, property owner, tenant, employer, holder of an
21 event permit, place of worship or business entity that does or does
22 not prohibit any individual, except a convicted felon, from carrying
23 a loaded or unloaded, concealed or unconcealed weapon on property
24 that the person, property owner, tenant, employer, holder of an

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

15 G. It shall not be considered part of an employee's job
16 description or within the employee's scope of employment if an
17 employee is allowed to carry or discharge a weapon pursuant to this
18 section.

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

24

1 SECTION 13. This act shall become effective November 1, 2019.

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