

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3010

By: Gann

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5  
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,  
8 Section 1272, as last amended by Section 1, Chapter  
9 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1272),  
10 which relates to the unlawful carry of firearms;  
11 clarifying scope of certain prohibited act; amending  
12 21 O.S. 2011, Section 1289.2, which relates to the  
13 Oklahoma Firearms Act of 1971; modifying legislative  
14 findings for firearms; amending 21 O.S. 2011,  
15 Sections 1290.2, as last amended by Section 4,  
16 Chapter 63, O.S.L. 2019, 1290.4, as amended by  
17 Section 25, Chapter 259, O.S.L. 2012, 1290.6, as  
18 amended by Section 27, Chapter 259, O.S.L. 2012,  
19 1290.7, as last amended by Section 10, Chapter 1,  
20 O.S.L. 2019, 1290.8, as last amended by Section 4,  
21 Chapter 406, O.S.L. 2019, 1290.25, as amended by  
22 Section 43, Chapter 259, O.S.L. 2012 and 1290.26, as  
23 last amended by Section 4, Chapter 298, O.S.L. 2017  
24 (21 O.S. Supp. 2019, Sections 1290.2, 1290.4, 1290.6,  
1290.7, 1290.8, 1290.25 and 1290.26), which relate to  
the Oklahoma Self-Defense Act; clarifying definitions  
and providing statutory references; removing  
references to handguns; specifying persons authorized  
to carry firearms; modifying scope of certain  
prohibited act; removing administrative fine for  
certain violation; clarifying construing provisions  
related to the carrying of firearms; providing  
statutory references; specifying persons eligible to  
carry firearms in the state; requiring possession of  
certain license or identification when carrying or  
possessing firearms; modifying legislative intent  
regarding the issuance of licenses; clarifying  
reciprocity requirements of the state; requiring  
persons to disclose possession of firearm upon  
request of law enforcement; removing requirement that  
the Department of Public Safety keep a list of

1 nonpermitting states for law enforcement reference;  
2 and providing an effective date.

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

6 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as  
7 last amended by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp.  
8 2019, Section 1272), is amended to read as follows:

9 Section 1272.

10 UNLAWFUL CARRY

11 A. Notwithstanding any other provision of law, it shall be  
12 unlawful for any person to carry upon or about his or her person, or  
13 in a purse or other container belonging to the person, any pistol,  
14 revolver, shotgun or rifle whether loaded or unloaded or any  
15 blackjack, loaded cane, hand chain, metal knuckles, or any other  
16 ~~offensive~~ weapon used for an offensive threat or attack, whether  
17 such weapon be concealed or unconcealed, except this section shall  
18 not prohibit:

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

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

23 3. The carrying, possession and use of any weapon by a peace  
24 officer or other person authorized by law to carry a weapon in the

1 performance of official duties and in compliance with the rules of  
2 the employing agency;

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

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

17 6. The carrying of a firearm, concealed or unconcealed, loaded  
18 or unloaded, by a person who is twenty-one (21) years of age or  
19 older or by a person who is eighteen (18) years of age but not yet  
20 twenty-one (21) years of age and the person is a member or veteran  
21 of the United States Armed Forces, Reserves or National Guard or was  
22 discharged under honorable conditions from the United States Armed  
23 Forces, Reserves or National Guard, and the person is otherwise not  
24 disqualified from the possession or purchase of a firearm under

1 state or federal law and is not carrying the firearm in furtherance  
2 of a crime.

3 Except as provided in subsection B of Section 1283 of this  
4 title, a person who has been convicted of any one of the following  
5 offenses in this state or a violation of the equivalent law of  
6 another state:

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

22 shall be prohibited from carrying a firearm under the provisions of  
23 this paragraph. Any person who carries a firearm in the manner  
24 provided for in this paragraph shall be prohibited from carrying the

1 firearm into any of the places prohibited in subsection A of Section  
2 1277 of this title or any other place currently prohibited by law.  
3 Nothing in this section shall modify or otherwise change where a  
4 person may legally carry a firearm.

5 B. Any person convicted of violating the foregoing provision  
6 shall be guilty of a misdemeanor punishable as provided in Section  
7 1276 of this title.

8 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.2, is  
9 amended to read as follows:

10 Section 1289.2

11 LEGISLATIVE FINDINGS FOR FIREARMS ACT

12 The Legislature finds ~~as a matter of public policy and fact that~~  
13 ~~it is necessary for~~ the safe and lawful use of firearms ~~to curb and~~  
14 ~~prevent crime wherein weapons are used by enacting legislation~~  
15 ~~having the purpose of controlling the use of firearms, and of~~  
16 ~~prevention of their use, without unnecessarily denying their lawful~~  
17 ~~use~~ when used in defense self-defense of an individual citizen's  
18 life, defense of a private home and or personal, business or real  
19 property, and ~~their~~ the use of firearms by the United States or  
20 state military organizations, law enforcement agencies and other  
21 agencies as may otherwise be provided by law, including ~~their~~ the  
22 use and transportation ~~for~~ of firearms, is a lawful purposes  
23 purpose.

24

1 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.2, as  
2 last amended by Section 4, Chapter 63, O.S.L. 2019 (21 O.S. Supp.  
3 2019, Section 1290.2), is amended to read as follows:

4 Section 1290.2

5 DEFINITIONS

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

7 1. "Concealed handgun" means a loaded or unloaded pistol or  
8 handgun, not openly visible to the ordinary observation of a  
9 reasonable person;

10 2. "Unconcealed handgun" or "open carry" means a firearm that  
11 is loaded or unloaded ~~pistol or handgun~~ and is carried upon the  
12 person in a holster, scabbard or sling where the firearm is visible,  
13 ~~or carried upon the person using a scabbard, sling.~~ When carrying  
14 the firearm, the firearm shall be carried in a general vertical  
15 position with the barrel of the firearm safely pointed in a general  
16 up or down direction or in a case designed for carrying firearms;  
17 and

18 3. "Pistol" or "handgun" shall have the same definition as  
19 provided in ~~the Oklahoma Firearms Act of 1971, defined in Section~~  
20 1289.3 of this title;

21 4. "Rifle" shall have the same definition as provided in  
22 Section 1289.4 of this title; and

23 5. "Shotgun" shall have the same definition as provided for in  
24 Section 1289.5 of this title.

1 B. The definition of pistol or handgun for purposes of the  
2 Oklahoma Self-Defense Act shall not apply to imitation pistols,  
3 flare guns, underwater fishing guns or blank pistols.

4 C. Pistols, handguns, rifles, shotguns and all other lawful  
5 firearms mentioned in the Oklahoma Self-Defense Act may collectively  
6 be referred to as "firearms".

7 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.4, as  
8 amended by Section 25, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,  
9 Section 1290.4), is amended to read as follows:

10 Section 1290.4

11 ~~UNLAWFUL~~ LAWFUL CARRY OF A FIREARM

12 ~~As~~ Except as provided by Section 1272 of this title, it is  
13 ~~unlawful~~ lawful for ~~any person~~ a citizen or permanent resident, who  
14 can lawfully purchase or possess a firearm under state and federal  
15 law, to carry or transport a concealed or unconcealed ~~handgun~~  
16 firearm in this state, ~~except~~ as hereby authorized by the provisions  
17 of the Oklahoma Self-Defense Act or as may otherwise be provided by  
18 law.

19 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1290.6, as  
20 amended by Section 27, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,  
21 Section 1290.6), is amended to read as follows:

22 Section 1290.6

23 PROHIBITED AMMUNITION

24

1 Any concealed or unconcealed ~~handgun~~ firearm when carried in a  
2 manner authorized by the provisions of the Oklahoma Self-Defense Act  
3 and when loaded with any ammunition which is either a restricted  
4 bullet as defined by Section 1289.19 of this title ~~or is larger than~~  
5 ~~.45 caliber~~ or is otherwise prohibited by law shall be deemed a  
6 prohibited weapon for purposes of the Oklahoma Self-Defense Act.  
7 Any person violating the provisions of this section shall be  
8 punished for a criminal offense as provided by Section 1272 of this  
9 title or any other applicable provision of law. ~~In addition to any~~  
10 ~~criminal prosecution for a violation of the provisions of this~~  
11 ~~section, the licensee shall be subject to an administrative fine of~~  
12 ~~Five Hundred Dollars (\$500.00), upon a hearing and determination by~~  
13 ~~the Oklahoma State Bureau of Investigation that the person is in~~  
14 ~~violation of the provisions of this section.~~

15 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1290.7, as  
16 last amended by Section 10, Chapter 1, O.S.L. 2019 (21 O.S. Supp.  
17 2019, Section 1290.7), is amended to read as follows:

18 Section 1290.7

19 CONSTRUING AUTHORITY ~~OF LICENSE~~

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

24



1 1. Carry or possess any weapon other than an authorized ~~pistol~~  
2 firearm as defined by the provisions of Section ~~1290.2~~ 1289.3,  
3 1289.4 or 1289.5 of this title, or carry or possess any weapon in  
4 violation of federal law;

5 2. Carry or possess any ~~pistol~~ firearm in any manner or in any  
6 place otherwise prohibited by law;

7 3. Carry or possess any prohibited ammunition or any illegal,  
8 ~~imitation or homemade pistol~~ firearm by definition of state or  
9 federal law;

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

13 5. Point, discharge or use the ~~pistol~~ firearm in any manner not  
14 otherwise authorized by law.

15 B. The ~~availability of a license~~ ability to carry pursuant to  
16 the provisions of the Oklahoma Self-Defense Act shall not be  
17 construed to prohibit the lawful transport or carrying of a ~~handgun~~  
18 ~~or pistol~~ firearm in a vehicle or on or about the person whether  
19 concealed or unconcealed, loaded or unloaded, ~~and without a valid~~  
20 ~~handgun license~~ as permitted by law.

21 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1290.8, as  
22 last amended by Section 4, Chapter 406, O.S.L. 2019 (21 O.S. Supp.  
23 2019, Section 1290.8), is amended to read as follows:

24 Section 1290.8

1 ~~POSSESSION OF LICENSE REQUIRED~~

2 NOTIFICATION TO POLICE OF GUN

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

6 1. ~~The person has been issued a handgun license from the~~  
7 ~~Oklahoma State Bureau of Investigation pursuant to the provisions of~~  
8 ~~the Oklahoma Self-Defense Act, provided the person is in compliance~~  
9 ~~with the provisions of the Oklahoma Self-Defense Act, and the~~  
10 ~~license has not expired or been subsequently suspended or revoked;~~

11 or

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

14 a. ~~active military, or~~

15 b. ~~a member of the Reserve or National Guard to include~~  
16 ~~Drill Status Guard and Reserve, Active Guard Reserves~~  
17 ~~or Military Technicians,~~

18 ~~and presents a valid military identification card that shall be~~  
19 ~~considered a valid handgun license issued pursuant to the Oklahoma~~  
20 ~~Self-Defense Act authorized pursuant to the provisions of Section~~  
21 ~~1272 of this title.~~

22 B. A person in possession of a valid state photo identification  
23 card, driver license or valid handgun license or who ~~meets the~~  
24 ~~criteria~~ and presents a valid military identification card as

1 ~~provided for in this section~~ and in compliance with the provisions  
2 of the Oklahoma Self-Defense Act shall be authorized to carry such  
3 concealed or unconcealed ~~handgun~~ firearm while scouting as it  
4 relates to hunting or fishing or while hunting or fishing.

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

24

1        Upon the arrest of any person for a violation of the provisions  
2 of this subsection, the person may show proof to the court that a  
3 valid handgun license ~~and the other required identification~~, valid  
4 military identification card, valid driver license or state photo  
5 identification card has been issued to such person and the person  
6 may state any reason why the handgun license, ~~a~~ valid military  
7 identification card, valid driver license or state photo  
8 identification card as provided for qualified persons in this  
9 section ~~or the other required identification~~ was not carried by the  
10 person as required by the Oklahoma Self-Defense Act. The court  
11 shall dismiss an alleged violation of Section 1272 of this title  
12 upon payment of court costs, if proof of a valid handgun license  
13 ~~and~~, valid military identification card, valid driver license or  
14 state photo identification card ~~other required identification~~ is  
15 shown to the court within ten (10) days of the arrest of the person.  
16 ~~The court shall report a dismissal of a charge to the Bureau for~~  
17 ~~consideration of administrative proceedings against the licensee.~~

18        D. It shall be unlawful for any person to fail or refuse to  
19 identify the fact that the person is in actual possession of a  
20 concealed or unconcealed firearm pursuant to the authority of the  
21 Oklahoma Self-Defense Act during the course of any arrest,  
22 detainment, or routine traffic stop. Said identification to the law  
23 enforcement officer shall be required upon the demand of the law  
24 enforcement officer. No person shall be required to identify

1 himself or herself ~~as a handgun licensee or~~ as lawfully in  
2 possession of any other firearm if the law enforcement officer does  
3 not demand the information. No person shall be required to identify  
4 himself or herself ~~as a handgun licensee~~ as an owner of a firearm  
5 when no ~~handgun~~ firearm is in the possession of the person or in any  
6 vehicle in which the person is driving or is a passenger. Any  
7 violator of the provisions of this subsection may be issued a  
8 citation for an amount not exceeding One Hundred Dollars (\$100.00).

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

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

19 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1290.25, as  
20 amended by Section 43, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,  
21 Section 1290.25), is amended to read as follows:

22 Section 1290.25

23 LEGISLATIVE INTENT

24

1       The Legislature finds as a matter of public policy and fact that  
2 it is necessary to provide statewide uniform standards ~~for issuing~~  
3 ~~licenses to carry~~ for carrying concealed or unconcealed ~~handguns~~  
4 firearms for lawful self-defense and self-protection, and further  
5 finds it necessary to occupy the field of regulation of the bearing  
6 of concealed or unconcealed ~~handguns~~ firearms to ensure that no  
7 honest, law-abiding citizen who qualifies pursuant to the provisions  
8 of the Oklahoma Self-Defense Act is subjectively or arbitrarily  
9 denied his or her rights. The Legislature does not delegate to the  
10 Oklahoma State Bureau of Investigation any authority to regulate or  
11 restrict the issuing of handgun licenses except as provided by the  
12 provisions of this act. Subjective or arbitrary actions or rules  
13 which encumber the issuing process by placing burdens on the  
14 applicant beyond those requirements detailed in the provisions of  
15 the Oklahoma Self-Defense Act or which create restrictions beyond  
16 those specified in this act are deemed to be in conflict with the  
17 intent of this act and are hereby prohibited. The Oklahoma Self-  
18 Defense Act shall be liberally construed to carry out the  
19 constitutional right to bear arms for self-defense and self-  
20 protection. The provisions of the Oklahoma Self-Defense Act are  
21 cumulative to existing rights to bear arms and nothing in the  
22 Oklahoma Self-Defense Act shall impair or diminish those rights.

23       However, the conditions that mandate the administrative actions  
24 of license denial, suspension, revocation or an administrative fine

1 are intended to protect the health, safety and public welfare of the  
2 citizens of this state. The restricting conditions specified in the  
3 Oklahoma Self-Defense Act generally involve the criminal history,  
4 mental state, alcohol or substance abuse of the applicant or  
5 licensee, a hazard of domestic violence, a danger to police  
6 officers, or the ability of the Oklahoma State Bureau of  
7 Investigation to properly administer the Oklahoma Self-Defense Act.  
8 The restricting conditions that establish a risk of injury or harm  
9 to the public are tailored to reduce the risks to the benefit of the  
10 citizens of this state.

11 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1290.26, as  
12 last amended by Section 4, Chapter 298, O.S.L. 2017 (21 O.S. Supp.  
13 2019, Section 1290.26), is amended to read as follows:

14 Section 1290.26

15 RECIPROCAL AGREEMENT AUTHORITY

16 A. The State of Oklahoma shall hereby ~~recognizes~~ recognize any  
17 valid concealed or unconcealed carry weapons permit, valid military  
18 identification card, as provided for qualified persons in Section  
19 1290.8 of this title, or license issued by another state, or if the  
20 state is or is not a nonpermitting carry state, this state shall  
21 reciprocate under the permitting law of that state.

22 ~~A.~~ B. Any person entering this state in possession of a firearm  
23 authorized for concealed or unconcealed carry upon the authority and  
24 license of another state or a valid military identification card, as

1 provided for qualified persons in Section 1290.8 of this title, is  
2 authorized to continue to carry a concealed or unconcealed firearm  
3 and license in this state; provided the license from the other state  
4 or valid military identification card, as provided for qualified  
5 persons in Section 1290.8 of this title, remains valid. The firearm  
6 must either be carried unconcealed or concealed, and upon coming in  
7 contact with any peace officer of this state, the person must  
8 disclose the fact that he or she is in possession of a concealed or  
9 unconcealed firearm pursuant to a valid concealed or unconcealed  
10 carry weapons permit, license or a valid military identification  
11 card, as provided for qualified persons in Section 1290.8 of this  
12 title, issued in another state.

13 ~~B.~~ C. Any person entering this state in possession of a firearm  
14 authorized for concealed carry upon the authority of a state that is  
15 a nonpermitted carry state and the person is in compliance with the  
16 Oklahoma Self-Defense Act, the person is authorized to carry a  
17 concealed or unconcealed firearm in this state. The firearm must be  
18 carried fully concealed, or unconcealed, and upon coming in contact  
19 with any peace officer of this state, the person must disclose the  
20 fact that he or she is in possession of a concealed or unconcealed  
21 firearm only upon the request of a law enforcement officer pursuant  
22 to the nonpermitting laws of the state in which he or she is a legal  
23 resident. The person shall present proper identification by a valid  
24 photo ID as proof that he or she is a legal resident in such a



1 nonpermitting state. ~~The Department of Public Safety shall keep a~~  
2 ~~current list of non-permitting states for law enforcement officers~~  
3 ~~to confirm that a state is nonpermitting.~~

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

8 SECTION 10. This act shall become effective November 1, 2020.

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10 57-2-9741 GRS 01/06/20

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