

ENROLLED HOUSE
BILL NO. 1131

By: Thornbrugh, Caldwell and
Breckinridge of the
House

and

Herbert of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 1991, Sections 1272, 1273, 1277, as amended by Section 1, Chapter 170, O.S.L. 1992, 1278, 1280, as amended by Section 2, Chapter 170, O.S.L. 1992, 1289.6 and 1289.8 (21 O.S. Supp. 1992, Sections 1277 and 1280), which relate to carrying of certain weapons; providing for certain exemptions for carrying weapons; providing for recreational and educational exemptions in certain circumstances; providing for penalties under certain circumstances; modifying amount of certain monetary penalties; modifying certain conditions under which firearms may be carried; providing for certain exemptions for carrying concealed weapons; amending 29 O.S. 1991, Section 5-204, which relates to weapons; modifying certain terms; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1272, is amended to read as follows:

Section 1272. It shall be unlawful for any person to carry upon or about his person, or in his portfolio or purse, any pistol, revolver, dagger, bowie knife, dirk knife, switchblade knife, spring-type knife, sword cane, knife having a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, blackjack, loaded cane, billy, hand chain, metal knuckles, or any other offensive weapon, except an unloaded firearm in a locked container and as in this article provided in this article. Provided further, that this section shall not prohibit the proper use of guns and knives for hunting, fishing, educational or recreational purposes, nor shall this section be construed to prohibit the carrying or any use of weapons in a manner otherwise permitted by statute. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1273, is amended to read as follows:

Section 1273. It shall be unlawful for any person within this state, to sell or give to any minor any of the arms or weapons designated, in the two preceding sections Section 1272 of this title; provided, the provisions of this section shall not prohibit a parent from giving his or her minor child a rifle or shotgun for participation in hunting animals or fowl, hunter safety classes, target shooting, skeet, trap or other recognized sporting events.

SECTION 3. AMENDATORY 21 O.S. 1991, Section 1277, as amended by Section 1, Chapter 170, O.S.L. 1992 (21 O.S. Supp. 1992, Section 1277), is amended to read as follows:

Section 1277. It shall be unlawful for any person, except a peace officer, to carry into any church or religious assembly or any other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ballroom, or to any social party or social gathering, or to any election, or to any political convention, or to any other public assembly, any of the weapons designated in Section 1272 of this title; provided, the provisions of this section shall not prohibit educational or recreational activities involving the use of rifles or shotguns if the activity is approved by the principal or chief administrative officer in the case of a school, or the sponsor of the activity in any other case, nor shall this section prohibit the display of unloaded rifles or shotguns at any location if the display is approved by the owner or operator of such location.

SECTION 4. AMENDATORY 21 O.S. 1991, Section 1278, is amended to read as follows:

Section 1278. ~~It shall be unlawful for any~~ Any person in this state to carry or wear who carries or wears any deadly weapons or dangerous instrument whatsoever, openly or secretly, with the intent or for the avowed purpose of unlawfully injuring his fellow man another person, upon conviction, shall be guilty of a felony. The mere possession of such a weapon or dangerous instrument, without more, however, shall not be sufficient to establish intent as required by this section.

SECTION 5. AMENDATORY 21 O.S. 1991, Section 1280, as amended by Section 2, Chapter 170, O.S.L. 1992 (21 O.S. Supp. 1992, Section 1280), is amended to read as follows:

Section 1280. Any person violating the provisions of Sections 1277, ~~1278 and~~ or 1279 of this title ~~shall~~, upon conviction, shall be punished by a fine of not less than Fifty Dollars (\$50.00) One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00) One Thousand Dollars (\$1,000.00) and shall be imprisoned in the county jail for not less than three (3) nor more than twelve (12) months.

SECTION 6. AMENDATORY 21 O.S. 1991, Section 1289.6, is amended to read as follows:

Section 1289.6 A person shall be permitted to carry shotguns, rifles or pistols, open and not concealed, or in a locked container, under the following conditions:

1. When going to, during participation in or coming from hunting animals or fowl, including moving from place to place by vehicle. However, a rifle or shotgun may be carried in a landborne motor vehicle over a public highway or roadway when clip or magazine loaded and not chamber loaded when carried in a locked compartment of the vehicle, such as the trunk of an automobile;

2. When going to, during competition in or practicing or coming from a safety or hunter safety class, target shooting, skeet, trap or other recognized sporting events;

3. When unloaded, going to or coming from a gunsmith;

4. When unloaded, going to or coming from a store for purposes of repair, trade, barter or sale;

5. Going to or coming from a military function of the state military forces to be defined as the Oklahoma Army or Air National Guard, Federal Military Reserve and active military forces;

6. Going to or coming from a recognized police function of either a municipal, county or state government as functioning police officials;

7. When unloaded, going to or coming from a place of publicly-recognized firearms display such as a "gun show" where the public is invited;

8. When unloaded, going to or coming from a point of private trade for purposes of transferring a firearm to another private citizen in exchange for monies, payment for services or trade;

9. When going to, coming from and during a performance for entertainment purposes; or

10. For any legitimate purpose not in violation of this code or any legislative enactment regarding the use, ownership and control of firearms.

SECTION 7. AMENDATORY 21 O.S. 1991, Section 1289.8, is amended to read as follows:

Section 1289.8 A. It shall be unlawful for any person, except a law enforcement officer, a registered security officer or a person employed by an armored car firm licensed by the Corporation Commission, to carry a concealed weapon other than ~~permitted by provided for in this act.~~

B. Subsection A of this section shall not apply to:

1. An unloaded firearm in a case designed for carrying firearms, which case is wholly or partially visible; or

2. An unloaded firearm in a locked container; or

3. An unloaded firearm, other than a rifle or shotgun, in the trunk of an automobile; or

4. A rifle or shotgun that is either unloaded or is clip or magazine loaded, but not chamber loaded, when carried in a locked compartment of a motor vehicle, such as the trunk of an automobile.

SECTION 8. AMENDATORY 29 O.S. 1991, Section 5-204, is amended to read as follows:

Section 5-204. A. No person may hunt, pursue game or ~~use~~ discharge firearms within four hundred and forty (440) yards of any church, schoolhouse, or other public place where people may assemble, so as to disturb such assemblage.

B. No person may shoot from or across a public road or highway, or railroad right-of-way.

C. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00), or by imprisonment in the county jail for thirty (30) days, or by both imprisonment and fine.

D. The provisions of this section shall not apply to any peace officer in the performance of his duties.

SECTION 9. This act shall become effective September 1, 1993.

Passed the House of Representatives the 10th day of May, 1993.

Speaker of the House of
Representatives

Passed the Senate the 21st day of May, 1993.

President of the Senate