

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

2ND CONFERENCE COMMITTEE
SUBSTITUTE FOR ENGROSSED
SENATE BILL NO. 3

By: Shurden, Martin,
Campbell, Capps, Kerr,
Stipe, Maddox, Snyder and
Long (Lewis) of the
Senate

and

Leist, Stanley, Pope
(Tim), Bonny, Beutler,
Adkins, Smith (Bill),
Mitchell, Adair, Stanley,
Widener, Glover, Johnson,
Thomas, Hefner, Webb,
Holt, Sullivan (Leonard),
Kirby, Satterfield,
Weese, Perry,
Breckinridge, Thornbrugh,
Pettigrew and Dunlap of
the House

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to firearms; creating the Oklahoma Self-Defense Act, providing short title; defining terms; authorizing the Oklahoma State Bureau of Investigation to issue a concealed handgun license to certain eligible persons; restricting certain authority; requiring the Bureau to promulgate certain rules, forms and procedures; recognizing existing law prohibiting concealed handguns; providing exception; stating term of license and renewal; prohibiting certain handgun carry in certain circumstances; prohibiting certain ammunition; stating authority for criminal prosecution; authorizing administrative penalty; limiting authority and scope of concealed handgun license; requiring possession of certain identification with the concealed handgun license and weapon; providing criminal and administrative penalty; providing for second or subsequent violations; authorizing proof of concealed handgun license to dismiss certain charge within certain time period; requiring court to notify the Oklahoma State Bureau of Investigation of certain dismissal; requiring notification to law enforcement officer of concealed handgun and license; providing penalty for violation; stating eligibility; stating mandatory preclusion; stating temporary preclusion; providing term of certain preclusion; providing application procedures; directing the Bureau to provide certain application information; requiring certain training or exemption; requiring submission of application to sheriff; stating certain fee for processing application; requiring verification of identity; requiring photographs and fingerprinting; setting penalty for falsification of application;

authorizing sheriff to retain certain fees; requiring certain report from sheriff; directing the sheriff to submit certain information within certain time; stating procedure for the Bureau in processing certain applications; requiring either denial or issue of license within certain time; providing for certain appeal; directing license be mailed to sheriff; construing certain provision; requiring automatic listing of licenses; making certain information available to law enforcement; requiring other information be kept; specifying training and qualification course contents; directing the Council on Law Enforcement Education and Training to establish course content and approve firearms instructors for teaching certain course; requiring certain firearms instructors pay certain fees and meet eligibility standards; requiring certain registration; directing CLEET and OSBI to promulgate certain rules; setting maximum course fee; providing for certificate of training and exemption certificates; restricting certain semiautomatic rating; creating the Firearms Instructors Revolving Fund; requiring certain deposits; authorizing certain expenditures; stating certain exemptions from certain training and qualification; directing CLEET to establish certain criteria for proving exemptions; limiting certain fee; providing certain exemptions for retired law enforcement officers upon certain conditions; construing certain provisions relating to law enforcement officers and certain CLEET certified persons; requiring an annual statistical report; providing for revocation and suspension of handgun licenses; providing criminal penalties for certain failure to return a suspended or revoked license; providing certain administrative penalties; stating application contents; providing certain penalty for falsification of information; providing for license form; criminalizing certain failure of sheriff; providing penalty; providing for replacement licenses; requiring certain fee for replacement; criminalizing certain carrying of pistol with certain license; providing felony penalty; authorizing any make or model of the type of pistol to be carried; providing for additional training for additional types of pistols; construing property and business owners rights to prohibit certain weapons; directing certain deposit of funds; granting certain immunity; stating legislative intent; amending 21 O.S. 1991, Sections 1272, as amended by Section 1, Chapter 309, O.S.L. 1993 (21 O.S. Supp. 1994, Section 1272), which relates to unlawful carry of weapons, modifying and deleting language; adding shotgun and rifle; amending 21 O.S. 1991, Section 1272.1, which relates to carrying firearms where liquor is consumed; modifying and deleting language; providing exception for licensee; amending 21 O.S. 1991, Section 1272.2, which relates to penalty for carrying firearm in certain establishments; providing exception for licensee; amending 21 O.S. 1991, Section 1273, as last amended by Section 52, Chapter 290, O.S.L. 1994 (21 O.S. Supp. 1994, Section 1273), which relates to allowing minors to possess firearms; modifying language; providing for administrative penalty for licensee; amending 21 O.S. 1991, Section 1276, which relates to certain penalty; increasing fines; providing administrative fine and term of suspension for licensee; amending 21 O.S. 1991, Section 1277, as last amended by Section 3, Chapter 264, O.S.L. 1993 (21 O.S. Supp. 1994, Section 1277), which

relates to unlawful carry of weapons in certain places; deleting language; making criminal provision for licensee to carry pistol in certain places; providing misdemeanor penalty; requiring administrative fine and revocation of license upon conviction; 21 O.S. 1991, Section 1278, as amended by Section 4, Chapter 264, O.S.L. 1993 (21 O.S. Supp. 1994, Section 1278), which relates to unlawful intent when carrying weapon; providing felony penalty; providing administrative fine and revocation of license upon conviction; amending 21 O.S. 1991, Section 1279, which relates to pointing a firearm; providing exception to prosecution; modifying language; providing administrative penalty; amending 21 O.S. 1991, Section 1280, as last amended by Section 5, Chapter 264, O.S.L. 1993 (21 O.S. Supp. 1994, Section 1280), which relates to certain penalty; modifying language; providing administrative penalty for conviction; amending Section 3, Chapter 170, O.S.L. 1992, as amended by Section 2, Chapter 286, O.S.L. 1992 (21 O.S. Supp. 1994, Section 1280.1), which relates to possession of firearms on school property; providing administrative penalty; amending 21 O.S. 1991, Section 1283, as last amended by Section 53, Chapter 290, O.S.L. 1994 (21 O.S. Supp. 1994, Section 1283), which relates to convicted felons and delinquents; providing criminal penalty for violation by licensee; amending 21 O.S. 1991, Section 1284, which relates to penalty for convicted felon in possession of weapon; providing administrative penalty; modifying language; amending 21 O.S. 1991, Section 1287, which relates to use of a firearm while committing a felony; modifying language; providing administrative penalty; amending 21 O.S. 1991, Section 1289.1, which relates to the short title for the Oklahoma Firearms Act of 1971; modifying reference; amending 21 O.S. 1991, Section 1289.2, which relates to legislative findings; modifying language; amending 21 O.S. 1991, Sections 1289.3, 1289.4 and 1289.5, which relate to definitions; citing reference; amending 21 O.S. 1991, Section 1289.6, as amended by Section 6, Chapter 264, O.S.L. 1993 (21 O.S. Supp. 1994, Section 1289.6), which relates to condition which firearms may be carried; deleting and modifying language; providing for loaded and unloaded firearms; construing provisions; amending 21 O.S. 1991, Section 1289.7, which relates to firearms in vehicles; defining term; construing authority; amending 21 O.S. 1991, Section 1289.8, as last amended by Section 2, Chapter 169, O.S.L. 1994 (21 O.S. Supp. 1994, Section 1289.8), which relates to carrying concealed weapons; deleting language; authorizing certain retired law enforcement officers to carry concealed pistol; requiring certain compliance; amending 21 O.S. 1991, Section 1289.9, which relates to carrying firearms under influence of alcohol; providing administrative penalty for licensee; amending 21 O.S. 1991, Section 1289.10, which relates to furnishing firearm to incompetent persons; providing administrative penalty for licensee; amending 21 O.S. 1991, Section 1289.11, which relates to reckless conduct; providing administrative penalty; requiring revocation of license; amending 21 O.S. 1991, Section 1289.12, which relates to giving firearms to convicted persons, including adjudicated delinquent; providing administrative penalty; 21 O.S. 1991, Section 1289.13, which relates to transporting loaded firearms; providing certain exception for licensee; modifying language;

providing administrative penalty; amending 21 O.S. 1991, Section 1289.15, which relates to certain penalties; modifying references; 21 O.S. 1991, Section 1289.16, which relates to felony pointing a firearm; providing administrative penalty; amending 21 O.S. 1991, Section 1289.17, which relates to penalty for pointing firearm; modifying reference; amending 21 O.S. 1991, Section 1289.23, as amended by Section 1, Chapter 307, O.S.L. 1994 (21 O.S. Supp. 1994, Section 1289.23), which relates to off-duty peace officer; authorizing off-duty peace officer to carry a concealed pistol pursuant to the Oklahoma Self-Defense Act; amending 21 O.S. 1991, Section 1289.24, which relates to preemption rights; modifying reference; amending 21 O.S. 1991, Section 1289.25, which relates to deadly force against intruder; construing provision; amending 21 O.S. 1991, Section 1364, which relates to discharging firearm; providing administrative penalty for licensee; repealing 21 O.S. 1991, Section 1286, which relates to reckless conduct definition of a previously repealed section; providing for codification; and providing effective dates.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

SHORT TITLE

Sections 1 through 25 of this act shall be known and may be cited as the "Oklahoma Self-Defense Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.2 of Title 21, unless there is created a duplication in numbering, reads as follows:

DEFINITIONS

As used in Sections 1 through 25 of this act:

1. "Concealed handgun" means a loaded or unloaded pistol carried hidden from the detection and view of another person either upon or about the person, in a purse or other container belonging to the person, or in a vehicle which is operated by the person or in which the person is riding as a passenger; and

2. "Pistol" means any derringer, revolver or semiautomatic firearm which:

- a. has an overall length of less than sixteen (16) inches and is able to be fully concealed from detection and view,
- b. is capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury,
- c. is designed to be held and fired by the use of a single hand, and
- d. uses either gunpowder, gas or any means of rocket propulsion to discharge the projectile.

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

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.3 of Title 21, unless there is created a duplication in numbering, reads as follows:

AUTHORITY TO ISSUE LICENSE

The Oklahoma State Bureau of Investigation is hereby authorized to license an eligible person to carry a concealed handgun as provided by the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act. The Bureau's authority shall be limited to the provisions specifically provided in the Oklahoma Self-Defense Act. The Bureau shall promulgate rules, forms and procedures necessary to implement the provisions of the Oklahoma Self-Defense Act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.4 of Title 21, unless there is created a duplication in numbering, reads as follows:

UNLAWFUL CARRY

As provided by Section 1272 of Title 21 of the Oklahoma Statutes, it is unlawful for any person to carry a concealed handgun in this state, except as hereby authorized by the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, or as may otherwise be provided by law.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.5 of Title 21, unless there is created a duplication in numbering, reads as follows:

TERM OF LICENSE AND RENEWAL

A concealed handgun license when issued shall authorize the person to whom the license is issued to carry a loaded or unloaded concealed handgun as authorized by the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, and any future modifications thereto. The license shall be valid in this state for a period of four (4) years, unless subsequently suspended or revoked as provided by law.

A license may be renewed in the same manner provided for issuing an original license, except the training requirements of Section 14 of this act shall not apply to a renewal. The person shall have no authority to continue to carry a concealed handgun in this state pursuant to the Oklahoma Self-Defense Act when a license is allowed to expire or when a license has been suspended or revoked for any reason.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.6 of Title 21, unless there is created a duplication in numbering, reads as follows:

PROHIBITED AMMUNITION

Any concealed handgun when carried in a manner authorized by the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, when loaded with any ammunition which is either a restricted bullet as defined by Section 1289.19 of Title 21 of the Oklahoma Statutes or is larger than .45 caliber or is otherwise prohibited by law shall be deemed a prohibited weapon for purposes of the Oklahoma Self-Defense Act. Any person violating the provisions of this section shall be punished for a criminal offense as provided by Section 1272 of Title 21 of the Oklahoma Statutes or any other applicable provision of law. In addition to any criminal prosecution for a violation of the provisions of this section, the licensee shall be subject to an administrative fine of Five Hundred Dollars (\$500.00), upon a hearing and determination by the Oklahoma State Bureau of

Investigation that the person is in violation of the provisions of this section.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.7 of Title 21, unless there is created a duplication in numbering, reads as follows:

CONSTRUING AUTHORITY OF LICENSE

The authority to carry a concealed handgun pursuant to a valid handgun license as authorized by the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall not be construed to authorize any person to:

1. Carry or possess any weapon other than an authorized pistol as defined by the provisions of Section 2 of this act;
 2. Carry or possess any pistol in any manner or in any place otherwise prohibited by law;
 3. Carry or possess any prohibited ammunition or any illegal, imitation or homemade pistol;
 4. Carry or possess any pistol when the person is prohibited by state or federal law from carrying or possessing any firearm;
- or
5. Point, discharge, intentionally display the pistol, or use the pistol in any manner not otherwise authorized by law.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.8 of Title 21, unless there is created a duplication in numbering, reads as follows:

POSSESSION OF LICENSE REQUIRED

NOTIFICATION TO POLICE OF GUN

A. Except as otherwise prohibited by law, an eligible person shall have authority to carry a concealed handgun in this state when the person has been issued a handgun license from the Oklahoma State Bureau of Investigation pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, provided the person is in compliance with the provisions of the Oklahoma Self-Defense Act, and the license has not expired or been subsequently suspended or revoked.

B. The person shall be required to have possession of his or her valid handgun license and a valid Oklahoma driver license or

an Oklahoma State photo identification at all times when in possession of an authorized pistol. Any violation of the provisions of this subsection may be punishable as a criminal offense as authorized by Section 1272 of Title 21 of the Oklahoma Statutes or any other applicable provision of law. In addition to any criminal prosecution which may result from not carrying the handgun license with the authorized pistol as required by the provisions of this subsection, the person may be subject to an administrative fine for violation of the provisions of this subsection. The administrative fine shall be Fifty Dollars (\$50.00) and shall be assessed by the Oklahoma State Bureau of Investigation after a hearing and determination that the licensee is in violation of the provisions of this subsection. Any second or subsequent violation of the provisions of this subsection shall be grounds for the Bureau to suspend the handgun license for a period of six (6) months, in addition to any other penalty imposed.

The person may show proof to the court that a valid handgun license has been issued to such person and may state any reason why the license was not carried by the person as required by the Oklahoma Self-Defense Act. The court shall dismiss an alleged violation of Section 1272 of Title 21 of the Oklahoma Statutes upon payment of court costs, if proof of a valid handgun license is shown to the court within ten (10) days of the arrest of the person. The court shall report a dismissal of a charge to the Bureau for consideration of administrative proceedings against the licensee.

C. It shall be unlawful for any person to fail or refuse to identify the fact that the person is in actual possession of a concealed handgun pursuant to the authority of the Oklahoma Self-Defense Act when the person first comes into contact with any law enforcement officer of this state or its political subdivisions or a federal law enforcement officer during the course of any arrest, detainment or routine traffic stop. Any violation of the provisions of this subsection shall, upon conviction, be a misdemeanor punishable by a fine not exceeding Five Hundred

Dollars (\$500.00), by imprisonment in the county jail for a period not to exceed ninety (90) days), or by both such fine and imprisonment. In addition to any criminal prosecution for a violation of the provisions of this subsection, the licensee shall be subject to an administrative fine of Fifty Dollars (\$50.00), upon a hearing and determination by the Bureau that the person is in violation of the provisions of this subsection.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.9 of Title 21, unless there is created a duplication in numbering, reads as follows:

ELIGIBILITY

The following requirements shall apply to any person making application to the Oklahoma State Bureau of Investigation for a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act. The person must:

1. Be a citizen of the United States;
2. Be a current resident of the State of Oklahoma and have been a resident for at least six (6) consecutive months immediately preceding the date of submitting the application for a handgun license;
3. Be at least twenty-three (23) years of age;
4. Complete a firearms safety and training course and demonstrate competence and qualifications with the type of pistol to be carried by the person as provided in Section 14 of this act, and submit proof of training and qualification or an exemption for training and qualification as authorized by Section 14 of this act;
5. Submit the required fee and complete the application process as provided in Section 12 of this act; and
6. Comply in good faith with the provisions of the Oklahoma Self-Defense Act.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.10 of Title 21, unless there is created a duplication in numbering, reads as follows:

MANDATORY PRECLUSIONS

In addition to the requirements stated in Section 9 of this act, the conditions stated in this section shall preclude a person from eligibility for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act. The occurrence of any one of the following conditions shall deny the person the right to have a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. Prohibited conditions are:

1. Ineligible to possess a pistol due to any felony conviction or adjudication as a delinquent as provided by Section 1283 of Title 21 of the Oklahoma Statutes;
2. Any felony conviction in another state or a federal felony conviction pursuant to any provision of law of that state or the United States Code;
3. Adjudication as an incompetent person pursuant to the provisions of the Oklahoma Mental Health Law, Section 1-101 et seq. of Title 43A of the Oklahoma Statutes or an adjudication of incompetency entered in another state pursuant to any provision of law of that state;
4. Any conviction for a false or misleading statement on the application for a handgun license as provided by paragraph 5 of Section 12 of this act;
5. Conviction of any one of the following misdemeanor offenses in this state:
 - a. any assault and battery which caused serious physical injury to the victim,
 - b. any aggravated assault and battery,
 - c. stalking pursuant to Section 1173 of Title 21 of the Oklahoma Statutes,
 - d. a conviction of any provision of the Protection from Domestic Abuse Act, Section 60 et seq. of Title 22 of the Oklahoma Statutes, or
 - e. any conviction relating to illegal drug use or possession;

6. An attempted suicide or other condition relating to or indicating mental instability;

7. Significant character defects of the applicant as evidenced by a criminal record indicating habitual criminal activity; and

8. Ineligible to possess a pistol due to any provision of law of this state or the United States Code.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.11 of Title 21, unless there is created a duplication in numbering, reads as follows:

OTHER PRECLUSIONS

The following conditions shall preclude a person from being eligible for a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, for a period of three (3) years from the date of the occurrence of the condition or until the condition has been removed:

1. An arrest for an alleged commission of a felony offense or a felony charge pending in this state, another state or pursuant to the United States Code;

2. The person is subject to the provisions of a deferred sentence or deferred prosecution in this state or another state or pursuant to federal authority for the commission of a felony offense;

3. Any involuntary commitment for a mental illness or condition pursuant to the provisions of Section 5-401 of Title 43A of the Oklahoma Statutes or any involuntary commitment in another state pursuant to any provisions of law of that state;

4. Currently undergoing treatment for a mental illness, condition or disorder which requires medication or supervision;

5. Inpatient treatment for substance abuse;

6. Two or more convictions of public intoxication pursuant to Section 8 of Title 37 of the Oklahoma Statutes;

7. Two or more convictions relating to intoxication or driving under the influence of an intoxicating substance or alcohol;

8. Upon the entry of a court order for a Victim Protection Order against the applicant, as authorized by Section 60 et seq. of Title 22 of the Oklahoma Statutes;

9. An adjudicated delinquent or convicted felon residing in the residence of the applicant which may be a violation of Section 1283 of Title 21 of the Oklahoma Statutes; or

10. An arrest for an alleged commission of, a charge pending for, or the person is subject to the provisions of a deferred sentence or a deferred prosecution for any one or more of the following misdemeanor offenses in this state:

- a. any assault and battery which caused serious physical injury to the victim,
- b. any aggravated assault and battery,
- c. stalking pursuant to Section 1173 of Title 21 of the Oklahoma Statutes,
- d. a violation of the Protection from Domestic Abuse Act, Section 60 et seq. of Title 22 of the Oklahoma Statutes, or
- e. any violation relating to illegal drug use or possession.

Nothing in this section shall be construed to require a full investigation of the applicant by the Oklahoma State Bureau of Investigation.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.12 of Title 21, unless there is created a duplication in numbering, reads as follows:

PROCEDURE FOR APPLICATION

The procedure for applying for a concealed handgun license and processing the application shall be as follows:

1. An eligible person may request an application packet for a concealed handgun license from the Oklahoma State Bureau of Investigation either in person or by mail on and after January 1, Req. No. 1418Page 12

1996. The Bureau shall provide the following information in the application packet:

- a. an application form,
- b. procedures to follow to process the application form,
- c. a list of registered approved firearms instructors in this state where the required training and qualification certificate or exemption from training may be obtained, and
- d. a copy of this act;

2. The person shall be required to successfully complete a firearms safety and training course from a firearms instructor who is approved and registered in this state as provided in Section 15 of this act, and the person shall be required to demonstrate competency and qualification with a pistol authorized for concealed carry by the Oklahoma Self-Defense Act. The original certificate of training shall be submitted with the application for a handgun license. No duplicate, copy, facsimile or other reproduction of the certificate of training or exemption from training shall be acceptable as proof of training as required by the provisions of the Oklahoma Self-Defense Act. A person exempt from the training requirements as provided in Section 15 of this act must show the required proof of such exemption to the firearms instructor to receive an exemption certificate. The exemption certificate must be submitted with the application for a handgun license when the person claims an exemption from training and qualification;

3. The application form shall be completed and delivered by the applicant in person to the sheriff of the county wherein the applicant resides;

4. The person shall deliver to the sheriff at the time of delivery of the completed application form a one-hundred-dollar fee for processing the application through the Oklahoma State Bureau of Investigation and processing the required fingerprints through the Federal Bureau of Investigation except as otherwise provided in subsection C of Section 15 of this act. The

processing fee shall be in the form of a money order or a cashier's check made payable to the Oklahoma State Bureau of Investigation. The processing fee shall not be refundable in the event of a denial of a handgun license or any suspension or revocation subsequent to the issuance of a license;

5. The completed application form shall be signed by the applicant in person before the sheriff. The signature shall be given voluntarily upon a sworn oath that the person knows the contents of the application and that the information is true and correct. Any person making any false or misleading statement on an application for a handgun license shall, upon conviction, be guilty of perjury as defined by Section 491 of Title 21 of the Oklahoma Statutes. Any conviction shall be punished as provided in Section 500 of Title 21 of the Oklahoma Statutes. In addition to a criminal conviction, the person shall be denied the right to have a concealed handgun license pursuant to the provisions of Section 10 of this act and the Oklahoma State Bureau of Investigation shall revoke the handgun license;

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

7. The sheriff shall witness the signature of the applicant and review or take the photographs of the applicant and shall verify that the person making application for a handgun license is the same person in the photographs submitted and the same person who signed the application form. Proof of a valid Oklahoma driver license with a photograph of the applicant or an Oklahoma State photo identification for the applicant shall be required to be

presented by the applicant to the sheriff for verification of the person's identity;

8. Upon verification of the identity of the applicant, the sheriff shall take two complete sets of fingerprints of the applicant. Both sets of fingerprints shall be submitted by the sheriff with the completed application, certificate of training or an exemption certificate, photographs and processing fee to the Oklahoma State Bureau of Investigation within fourteen (14) days of taking the fingerprints. The cost of the fingerprints shall be paid by the applicant and shall not exceed Twenty-Five Dollars (\$25.00) for the two sets except as otherwise provided in subsection C of Section 15 of this act. All fees collected by the sheriff from taking fingerprints pursuant to the provisions of this paragraph shall be retained by the sheriff and deposited into the Sheriff's Service Fee Account;

9. The sheriff shall submit to the Oklahoma State Bureau of Investigation within the fourteen-day period, together with the completed application, certificate of training or exemption certificate, photographs, processing fee and fingerprints, a report of information deemed pertinent to an investigation of the applicant for a handgun license. If no information is found to exist either for or against the applicant, the sheriff shall so indicate in the report;

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

11. The Oklahoma State Bureau of Investigation shall make a reasonable effort to investigate the applicant and ascertain whether or not the issuance of a handgun license would be in violation of the provisions of the Oklahoma Self-Defense Act. The Bureau's investigation of an applicant shall include but shall not be limited to: a statewide criminal history records search, a

national criminal history records search based upon a Federal Bureau of Investigation fingerprint search, and if applicable, an investigation of medical records or other records or information deemed by the Bureau to be relevant to the application;

12. The Oklahoma State Bureau of Investigation shall either issue a concealed handgun license or deny the application within ninety (90) days of the date of receipt of the required information from the sheriff. The Bureau shall deny a license when the applicant fails to properly complete the application form or application process or is determined not to be eligible as specified by the provisions of Section 9, 10 or 11 of this act. The Bureau shall approve an application in all other cases. If an application is denied, the Bureau shall notify the applicant in writing of its decision. The notification shall state the grounds for the denial and inform the applicant of the right to an appeal as may be provided by the provisions of the Oklahoma Administrative Procedures Act. When an application is approved, the Bureau shall issue the license and mail it to the sheriff of the county wherein the applicant resides. The applicant may pick up the concealed handgun license from the sheriff's office.

Nothing contained in any provision of the Oklahoma Self-Defense Act shall be construed to require or authorize the registration, documentation or providing of serial numbers with regard to any firearm. For purposes of the Oklahoma Self-Defense Act, the sheriff may designate a person to receive, fingerprint, photograph or otherwise process applications for concealed handgun licenses.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.13 of Title 21, unless there is created a duplication in numbering, reads as follows:

AUTOMATIC LISTING OF LICENSES

The Oklahoma State Bureau of Investigation shall maintain an automated listing of all persons issued a concealed handgun license in this state pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, and all

subsequent suspended or revoked licenses. Information from the automated listing shall be available to any law enforcement officer or law enforcement agency upon request. The Bureau shall also maintain for each applicant the original application or a copy of the original application form and any subsequent renewal application forms together with the photographs, fingerprints and other pertinent information on the applicant which shall be confidential, except to law enforcement officers or law enforcement agencies.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.14 of Title 21, unless there is created a duplication in numbering, reads as follows:

SAFETY AND TRAINING COURSE

A. Each applicant must successfully complete a firearms safety and training course in this state conducted by a registered and approved firearms instructor as provided by the provisions of this section. The applicant must further demonstrate competence and qualification with an authorized pistol of the type or types that the applicant desires to carry as a concealed handgun pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, except certain persons may be exempt from such training requirement as provided by the provisions of Section 15 of this act.

B. The Council on Law Enforcement Education and Training (CLEET) shall establish criteria for approving firearms instructors for purposes of training and qualifying individuals for a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. All firearms instructors shall be required to meet the eligibility requirements for a concealed handgun license as provided in Sections 9, 10, and 11 of this act and, in addition, each instructor shall have a national and state criminal history records search and be fingerprinted by the Oklahoma State Bureau of Investigation. A firearms instructor shall be required to pay a one-hundred-dollar fee to CLEET each year when applying for an approval pursuant to the provisions of

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the Oklahoma Self-Defense Act. The fee shall be retained by CLEET and shall be deposited into the Firearms Instructors Revolving Fund. CLEET shall promulgate the rules, forms and procedures necessary to implement the approval of firearms instructors as authorized by the provisions of this subsection. CLEET shall periodically review each approved instructor during a training and qualification course to assure compliance with the rules and course contents. Any violation of the rules may result in the approval being revoked or suspended.

C. All firearms instructors approved by CLEET to train and qualify individuals for a concealed handgun license shall be required to register annually with the Oklahoma State Bureau of Investigation and shall display their approval and registration credentials during each training and qualification course. Each approved firearms instructor shall complete a registration form provided by the Bureau and shall pay a one-hundred-dollar registration fee to the Bureau at the time of each registration. The Bureau shall maintain a current listing of all registered and approved firearms instructors in this state and the list shall be made available to each applicant in the application packet provided by the Bureau.

D. The required firearms safety and training course and the actual demonstration of competency and qualification required of the applicant shall be designed and conducted in such a manner to be completed by the applicant within an eight-hour period. CLEET shall establish the course content and promulgate rules, procedures and forms necessary to implement the provisions of this subsection. For the training and qualification course, an applicant may be charged a fee not to exceed Sixty Dollars (\$60.00). The instructor to student ratio should be not more than ten students to any one instructor. CLEET may establish criteria for assistant instructors, maximum class size and any other requirements deemed necessary to conduct a safe and effective training and qualification course. The course content shall include a safety inspection of the firearm to be used by the applicant in the training course; instruction on pistol handling,

safety and storage; dynamics of ammunition and firing; methods or positions for firing a pistol; information about the criminal provisions of the Oklahoma law relating to firearms; the requirements of the Oklahoma Self-Defense Act as it relates to the applicant; self-defense and the use of appropriate force; a practice shooting session; and a familiarization course. The firearms instructor shall refuse to train or qualify any person when the pistol to be used or carried by the person is either deemed unsafe or unfit for firing or is a weapon not authorized by the Oklahoma Self-Defense Act. The course shall provide an opportunity for the applicant to qualify on either a derringer, a revolver, a semiautomatic pistol or any combination of a derringer, a revolver and a semiautomatic pistol, provided the pistol is capable of firing no larger than .45 caliber ammunition. Any applicant who successfully trains and qualifies with a semiautomatic pistol may be approved by the firearms instructor on the training certificate for a semiautomatic pistol, a revolver and a derringer upon request but any person who qualifies on a derringer or revolver shall not be eligible for a semiautomatic rating until the person has demonstrated competence and qualifications on a semiautomatic pistol. Upon successful completion of the training and qualification course, a certificate shall be issued to each applicant who successfully completes the course. The certificate of training shall comply with the form established by CLEET and shall be submitted with an application for a concealed handgun license pursuant to the provisions of paragraph 2 of Section 12 of this act.

E. There is hereby created a revolving fund for the Council on Law Enforcement Education and Training (CLEET), to be designated the "Firearms Instructors Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all funds received for approval of firearms instructors for purposes of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act. All funds received shall be deposited to the fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended

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by the Council on Law Enforcement Education and Training, for implementation of the training and qualification course contents, approval of firearms instructors and any other CLEET requirement pursuant to the provisions of the Oklahoma Self-Defense Act or as may otherwise be deemed appropriate by CLEET. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.15 of Title 21, unless there is created a duplication in numbering, reads as follows:

PERSONS EXEMPT FROM TRAINING COURSE

A. The following individuals may be exempt from all or part of the required training and qualification course established pursuant to the provisions of Section 14 of this act:

1. A CLEET certified firearms instructor;
2. A law enforcement officer or a retired law enforcement officer authorized by this state or any of its political subdivisions or authorized by the federal government to carry a firearm;
3. A CLEET certified armed security officer, armed guard, correctional officer, or any other person having a CLEET certification;
4. A person on active military duty, National Guard duty or regular military reserve duty who is trained and qualified in the use of handguns;
5. A person honorably discharged from active military duty, National Guard duty or military reserves within three (3) years preceding the date of the application for a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act and who has been trained and qualified in the use of handguns; and
6. Any person who is otherwise deemed qualified as a firearms instructor by CLEET.

Provided, however, persons applying for an exemption pursuant to paragraph 4 or 5 of this subsection shall be required to successfully complete the classroom portion of the training course. The classroom portion of the training course shall not exceed a thirty-dollar fee. In all other cases, the person applying for an exemption shall not be required to complete the training and qualification course upon proper proof of an exemption.

B. The Council on Law Enforcement Education and Training (CLEET) shall establish criteria for providing proof of an exemption. Before any person shall be considered exempt from all or part of the required training and qualification pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, each person shall present the required proof of exemption to a registered and approved firearms instructor. Each person determined to be exempt from training or qualification as provided in this subsection shall receive an exemption certificate from the registered and approved firearms instructor. The rules promulgated by CLEET to implement the provisions of this section and Section 14 of this act may require that a fee not to exceed Two Dollars (\$2.00) be charged for processing an exemption certificate. The exemption certificate must be submitted with an application for a handgun license as provided in paragraph 2 of Section 12 of this act. No person who is determined to be exempt from training or qualification may carry a concealed firearm pursuant to the authority of the Oklahoma Self-Defense Act until issued a valid handgun license.

C. A law enforcement officer who is retired from length of service and who is receiving retirement benefits upon proper proof of such facts shall be exempt from the training and qualification requirements required by Section 14 of this act and shall be exempt from the application processing fee, fingerprint fee, fingerprinting and criminal history records search, but shall be required to complete the other provisions of the application process and submit the required photographs. The Oklahoma State Bureau of Investigation shall issue the concealed handgun license

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upon receipt of the completed application and photographs within the ninety-day requirement. The provisions of this subsection shall not apply to any other law enforcement officer.

D. Nothing contained in any provision of the Oklahoma Self-Defense Act shall be construed to prohibit any police or peace officer certified by the Council on Law Enforcement Education and Training, any federal law enforcement officer, any correctional officer or any other person authorized by law to carry a pistol during the course of their employment or upon retirement from such employment from carrying any pistol in any manner otherwise authorized by law.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.16 of Title 21, unless there is created a duplication in numbering, reads as follows:

STATISTICAL REPORT

By January 15, 1997, and by January 15 of each year thereafter, the Bureau shall submit a statistical report for the preceding calendar year to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives, including, but not limited to, data on the numbers of handgun licenses approved and issued and the numbers of licenses suspended, revoked or denied in the following categories: age, sex, race, county and any other category deemed relevant by the Bureau.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.17 of Title 21, unless there is created a duplication in numbering, reads as follows:

SUSPENSION AND REVOCATION OF LICENSE

A. The Oklahoma State Bureau of Investigation shall have authority pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, and any other provision of law to suspend or revoke any concealed handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act.

After a concealed handgun license has been issued, the discovery

of or the occurrence of any condition which directly affects a person's eligibility for a handgun license as provided by the provisions of Section 9 or 10 of this act shall require a revocation of the license by the Bureau. The discovery of or the occurrence of any condition pursuant to Section 11 of this act, after a license has been issued, shall cause a suspension of the handgun license for three (3) years or until the condition is removed. Any provision of law that requires a revocation of a concealed handgun license upon a conviction shall cause the Bureau to suspend the concealed handgun license upon the discovery of the arrest of the person for such offense until a determination of the criminal case at which time the Bureau shall proceed with the appropriate administrative action.

B. Any concealed handgun license which is subsequently suspended or revoked shall be immediately returned to the Oklahoma State Bureau of Investigation upon notification. Any person refusing or failing to return a license after notification of its suspension or revocation shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not exceeding Five Hundred Dollars (\$500.00), by imprisonment in the county jail for not exceeding six (6) months, or by both such fine and imprisonment. In addition, the person shall be subject to an administrative fine of Five Hundred Dollars (\$500.00), upon a hearing and determination by the Bureau that the person is in violation of the provisions of this subsection.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.18 of Title 21, unless there is created a duplication in numbering, reads as follows:

APPLICATION FORM CONTENTS

The application shall be completed upon the sworn oath of the applicant as provided in paragraph 5 of Section 12 of this act. The application form shall be provided by the Oklahoma State Bureau of Investigation and shall contain the following information in addition to any other information deemed relevant by the Bureau:

1. Applicant's full legal name;
2. Applicant's birth name, alias names or nicknames;
3. Maiden name, if applicable;
4. County of residence;
5. Length of residency at the current address;
6. Previous addresses for the preceding three (3) years;
7. Place of birth;
8. Date of birth;
9. Declaration of citizenship and date United States citizenship was acquired, if applicable;
10. Race;
11. Weight;
12. Height;
13. Sex;
14. Color of eyes;
15. Social Security number;
16. Current driver license number;
17. Military service number, if applicable;
18. Law enforcement identification numbers, if applicable;
19. Current occupation;
20. Authorized type or types of pistol for which the applicant qualified as stated on the certificate of training or exemption of training which shall be stated as either derringer, revolver, semiautomatic pistol, or some combination of derringer, revolver and semiautomatic pistol and the maximum ammunition capacity of the firearm shall be .45 caliber;
21. An acknowledgment that the applicant desires a concealed handgun license as a means of lawful self-defense and self-protection and for no other intent or purpose;
22. A statement that the applicant has never been convicted of any felony offense in this state, another state or pursuant to any federal offense;
23. A statement that the applicant has none of the conditions which would preclude the issuing of a concealed handgun license pursuant to any of the provisions of Sections 10 and 11 of this

act and that the applicant further meets all of the eligibility criteria required by Section 9 of this act;

24. An authorization for the Oklahoma State Bureau of Investigation to investigate the applicant and any or all records relating to the applicant for purposes of approving or denying a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act;

25. An acknowledgment that the applicant has been furnished a copy of the Oklahoma Self-Defense Act and is knowledgeable about its provisions;

26. A statement that the applicant is the identical person who completed the firearms training course for which the original training certificate is submitted as part of the application or a statement that the applicant is the identical person who is exempt from firearms training for which the original exemption certificate is submitted as part of the application, whichever is applicable to the applicant;

27. A conspicuous warning that the application is executed upon the sworn oath of the applicant and that any false or misleading answer to any question or the submission of any false information or documentation by the applicant is punishable by criminal penalty as provided in paragraph 5 of Section 12 of this act;

28. A signed verification that the contents of the application are known to the applicant and are true and correct;

29. Two separate places for the original signature of the applicant;

30. A place for attachment of a passport size photograph of the applicant; and

31. A place for the signature and verification of the identity of the applicant by the sheriff or the sheriff's designee.

Information provided by the person on an application for a concealed handgun license shall be confidential except to law enforcement officers or law enforcement agencies.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.19 of Title 21, unless there is created a duplication in numbering, reads as follows:

LICENSE FORM

The concealed handgun license shall be on a form prescribed by the Oklahoma State Bureau of Investigation and shall contain the following information in addition to any other information deemed relevant by the Bureau:

1. The person's full name;
2. Current address;
3. County of residence;
4. Date of birth;
5. Weight;
6. Height;
7. Sex;
8. Race;
9. Color of eyes;
10. Handgun license identification number;
11. Expiration date of the handgun license; and
12. Authorized pistol to be either: (D) derringer, (R)

revolver, (S) semiautomatic pistol, or some combination of derringer, revolver and semiautomatic pistol as may be authorized by the Oklahoma Self-Defense Act for which the person demonstrated qualification pursuant to the certificate of training or an exemption certificate.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.20 of Title 21, unless there is created a duplication in numbering, reads as follows:

PENALTY FOR REFUSAL TO SUBMIT OR FALSIFICATION

It shall be unlawful for any sheriff or designee to fail or refuse to accept an application for a concealed handgun license as authorized by the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, or to fail or refuse to process or submit the completed application to the Oklahoma State Bureau

of Investigation within the time prescribed by paragraph 8 of Section 12 of this act, or to falsify or knowingly allow any person to falsify any information, documentation, fingerprint or photograph submitted with a concealed handgun application. Any violation shall, upon conviction, be a misdemeanor. There is a presumption that the sheriff has acted in good faith to comply with the provisions of the Oklahoma Self-Defense Act and any alleged violation of the provisions of this section shall require proof beyond a reasonable doubt.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.21 of Title 21, unless there is created a duplication in numbering, reads as follows:

REPLACEMENT LICENSE

A. In the event a concealed handgun license becomes missing, lost, stolen or destroyed, the license shall be invalid, and the person to whom the license was issued shall notify the Oklahoma State Bureau of Investigation within thirty (30) days of the discovery of the fact that the license is not in the possession of the licensee. The person may obtain a substitute license upon furnishing a notarized statement to the Bureau that the license is missing, lost, stolen or destroyed and paying a fifteen-dollar replacement fee. During any period when a license is missing, lost, stolen or destroyed, the person shall have no authority to carry a concealed handgun pursuant to the provisions of the Oklahoma Self-Defense Act. The Bureau shall, upon receipt of the notarized statement and fee from the licensee, issue a substitute license with the same expiration date within ten (10) days of the receipt of the notarized statement and fee.

B. Any person who knowingly or intentionally carries a concealed handgun pursuant to a concealed handgun license authorized and issued pursuant to the provisions of the Oklahoma Self-Defense Act which is either stolen or belongs to another person shall, upon conviction, be guilty of a felony punishable by a fine of Five Thousand Dollars (\$5,000.00).

C. Any person having a valid concealed handgun license pursuant to the Oklahoma Self-Defense Act may carry any make or model of an authorized pistol listed on the license, provided the type of pistol shall not be other than the type or types listed on the license. A person may complete additional firearms training for an additional type of pistol during any license period and upon successful completion of the training may request the additional type of pistol be included on the license. The person shall submit to the Bureau a fifteen-dollar replacement fee, the original certificate of training and qualification for the additional type of firearm, and a statement requesting the license be updated to include the additional type of pistol. The Bureau shall issue an updated license with the same expiration date within ten (10) days of the receipt of the request. The person shall have no authority to carry any additional type of pistol pursuant to the provisions of the Oklahoma Self-Defense Act until the updated license has been received by the licensee. The original license shall be destroyed upon receipt of an updated handgun license.

D. A person may request during any license period an update for a change of address or change of name by submitting to the Bureau a fifteen-dollar replacement fee, and a notarized statement that the address or name of the licensee has changed. The Bureau shall issue an updated license with the same expiration date within ten (10) days of receipt of the request. The original license shall be destroyed upon the receipt of the updated handgun license.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.22 of Title 21, unless there is created a duplication in numbering, reads as follows:

BUSINESS OWNER'S RIGHTS

Nothing contained in any provision of the Oklahoma Self-Defense Act shall be construed to limit, restrict or prohibit in any manner the existing rights of any person, property owner, tenant, employer or other entity to control the possession of

weapons on any property owned or controlled by the person or entity.

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.23 of Title 21, unless there is created a duplication in numbering, reads as follows:

DEPOSIT OF FEES BY OSBI

All money submitted by the sheriffs to the Oklahoma State Bureau of Investigation as processing fees for applications submitted for concealed handgun licenses shall be deposited in the Oklahoma State Bureau of Investigation Revolving Fund and shall be expended for purposes of implementing the provisions of the Oklahoma Self-Defense act or as otherwise provided by law.

SECTION 24. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.24 of Title 21, unless there is created a duplication in numbering, reads as follows:

IMMUNITY

The state, its officers, agents and employees shall be immune from liability resulting or arising from:

1. Failure to prevent the licensing of an individual for whom the receipt of the license is unlawful pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act or any other provision of law of this state; or

2. Any action or misconduct with a pistol committed by a person to whom a license to carry a concealed handgun has been issued or by any person who obtains a pistol from a licensee.

SECTION 25. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.25 of Title 21, unless there is created a duplication in numbering, reads as follows:

LEGISLATIVE INTENT

The Legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed handguns for lawful self-defense and self-protection, and further finds it necessary to

occupy the field of regulation of the bearing of concealed handguns to ensure that no honest, law-abiding citizen who qualifies pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, is subjectively or arbitrarily denied their rights. The Legislature does not delegate to the Oklahoma State Bureau of Investigation any authority to regulate or restrict the issuing of licenses except as provided by the provisions of this act. Subjective or arbitrary actions or rules which encumber the issuing process by placing burdens on the applicant beyond those requirements detailed in the provisions of the Oklahoma Self-Defense Act or which create restrictions beyond those specified in this act are deemed to be in conflict with the intent of this act and are hereby prohibited. The Oklahoma Self-Defense Act shall be liberally construed to carry out the constitutional right to bear arms for self-defense and self-protection. The provisions of the Oklahoma Self-Defense Act are cumulative to existing rights to bear arms and nothing in Sections 1 through 25 of this act shall impair or diminish those rights.

SECTION 26. AMENDATORY 21 O.S. 1991, Section 1272, as amended by Section 1, Chapter 309, O.S.L. 1993 (21 O.S. Supp. 1994, Section 1272), is amended to read as follows:

Section 1272.

UNLAWFUL CARRY

It shall be unlawful for any person to carry upon or about his or her person, or in ~~his portfolio or~~ a purse or other container belonging to the person, any pistol, revolver, shotgun or rifle whether loaded or unloaded or any 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, whether such weapon be concealed or unconcealed, ~~except as an unloaded firearm in a locked container and otherwise 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~~ and shall ~~this section be construed to not~~ prohibit the carrying or any use of weapons in a manner otherwise permitted by statute or as may be authorized by the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, when the person possesses a valid handgun license. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor punishable as provided in Section 1276 of this title.

SECTION 27. AMENDATORY 21 O.S. 1991, Section 1272.1, is amended to read as follows:

Section 1272.1

CARRYING FIREARMS WHEN LIQUOR IS CONSUMED

It shall be unlawful for any person, ~~except a peace officer, as defined in Section 99 of this title, when in the county or counties of his employment or residence, or the owner or proprietor of the establishment being entered,~~ to carry into or to possess in any establishment where beer or alcoholic beverages are consumed any ~~firearm or any~~ of the weapons designated in Section 1272 of this title, except this provision shall not apply to a peace officer as defined in Section 99 of this title. Provided however, a person possessing a valid concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act may carry the concealed handgun into any restaurant or other establishment licensed to dispense beer or alcoholic beverages where the sale of such beer or alcoholic beverages does not constitute the primary purpose of the business.

Provided however, nothing in this ~~act~~ section shall be interpreted to authorize such peace officer in actual physical possession of a weapon to consume beer or alcoholic beverages, except in the authorized line of duty as an undercover officer. Any person violating the provisions of this section shall be punished as provided in Section 1272.2 of this title.

SECTION 28. AMENDATORY 21 O.S. 1991, Section 1272.2, is amended to read as follows:

Section 1272.2

PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

Any person who intentionally, ~~or~~ knowingly ~~or~~ recklessly carries on his or her person any weapon in violation of Section ~~4 above~~ 1272.1 of this title, shall, upon conviction, be guilty of a felony punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment in the State Penitentiary for a period not to exceed two (2) years or both such fine and imprisonment.

Any person convicted of violating the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-defense Act, Sections 1 through 25 of this act, shall have the license revoked by the Oklahoma State Bureau of Investigation after a hearing and determination that the person is in violation of Section 1272.1 of this title.

SECTION 29. AMENDATORY 21 O.S 1991, Section 1273, as last amended by Section 52, Chapter 290, O.S.L. 1994 (21 O.S. Supp. 1994, Section 1273), is amended to read as follows:

Section 1273.

ALLOWING MINORS TO POSSESS FIREARMS

A. It shall be unlawful for any person within this state to sell or give to any ~~minor~~ child any of the arms or weapons designated in 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, except as provided in subsection B of this section.

B. It shall be unlawful for any parent or guardian to intentionally, knowingly, or recklessly permit his or her ~~minor~~ child to possess any of the arms or weapons designated in Section 1272 of this title, including any rifle or shotgun, if such parent is aware of a substantial risk that ~~such minor~~ the child will use the weapon to commit a ~~felony~~ criminal offense or if the ~~minor~~ child has either been adjudicated a delinquent or has been convicted as an adult for ~~a felony listed as an exception to the~~

~~definition of a nonviolent any criminal offense in Section 571 of Title 57 of the Oklahoma Statutes.~~

C. It shall be unlawful for any ~~minor~~ child to possess any of the arms or weapons designated in Section 1272 of this title, except rifles or shotguns used for participation in hunting animals or fowl, hunter safety classes, target shooting, skeet, trap or other recognized sporting event. Provided, the possession of rifles or shotguns authorized by this section shall not authorize the possession of such weapons by a ~~minor~~ any person who is subject to the provisions of Section 1283 of this title.

D. Any person violating the provisions of this section shall, upon conviction, be ~~punishable~~ punished as provided in Section 1276 of this title, ~~provided and,~~ any ~~minor~~ child violating the provisions of this section shall be subject to adjudication as a delinquent. In addition, any ~~adult or minor~~ person violating the provisions of this section shall be liable for civil damages for any injury or death to any person and for any damage to property resulting from being shot by a minor any discharge of a firearm or use of any other weapon. Any person convicted of violating the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, may be liable for an administrative violation as provided in Section 1276 of this title.

E. As used in this section, ~~"minor"~~ "child" means a person under eighteen (18) years of age.

SECTION 30. AMENDATORY 21 O.S. 1991, Section 1276, is amended to read as follows:

Section 1276.

PENALTY FOR 1272 AND 1273

Any person violating the provisions of ~~any one of the foregoing sections,~~ Section 1272 or 1273 shall ~~on the,~~ upon a first conviction, be adjudged guilty of a misdemeanor and the party offending shall be punished by a fine of not less than ~~Twenty-five Dollars (\$25.00)~~ One Hundred Dollars (\$100.00) nor more than ~~Fifty Dollars (\$50.00)~~ Two Hundred Fifty Dollars

(\$250.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days or both at the discretion of the court such fine and imprisonment. On the second and every subsequent ~~conviction violation,~~ the party offending shall ~~on,~~ upon conviction, be ~~fined~~ punished by a fine of not less than ~~Fifty Dollars (\$50.00)~~ Two Hundred Fifty Dollars (\$250.00) nor more than ~~Two Hundred Fifty Dollars (\$250.00)~~ Five Hundred Dollars (\$500.00), or ~~be imprisoned by imprisonment~~ in the county jail for a period not less than thirty (30) days nor more than three (3) months, or by both, ~~at the discretion of the court~~ such fine and imprisonment.

Any person convicted of violating the provisions of Section 1272 or 1273 after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall have the license suspended for a period of six (6) months and shall be liable for an administrative fine of Fifty Dollars (\$50.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 31. AMENDATORY 21 O.S. 1991, Section 1277, as last amended by Section 3, Chapter 264, O.S.L. 1993 (21 O.S. Supp. 1994, Section 1277), is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

A. It shall be unlawful for any person, ~~except a peace officer,~~ having a valid concealed handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, to carry any concealed handgun 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 of the following places:~~

1. Any city hall, county courthouse, state offices or buildings or federal offices or buildings;

2. Any meeting of any municipal, county, state or federal officials or any meeting of school board members, legislative members or any meeting of other elected or appointed officials which is open to the public;

3. Any prison, jail, detention facility or any facility used to hold or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent;

4. Any college or university facility. Provided, however a person may carry a concealed handgun pursuant to a valid license as authorized by the Oklahoma Self-Defense Act with the permission of the president of the college or university; or

5. Any other place specifically prohibited by law.

Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Five Hundred Dollars (\$500.00), by imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment. Any person convicted of violating the provisions of this section shall have the concealed handgun license permanently revoked and shall be liable for an administrative fine of Five Hundred Dollars (\$500.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

B. The provisions of subsection A of this section shall not apply to any law enforcement officer or to any person authorized by law to carry a pistol in the course of their employment.

SECTION 32. AMENDATORY 21 O.S. 1991, Section 1278, as amended by Section 4, Chapter 264, O.S.L. 1993 (21 O.S. Supp. 1994, Section 1278), is amended to read as follows:

Section 1278.

UNLAWFUL INTENT TO CARRY

Any person in this state 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 another person, upon conviction, shall be guilty of a felony punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), by imprisonment for a period not exceeding two (2) years, or by both such fine and imprisonment. 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.

Any person convicted of violating the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall have the license permanently revoked and shall be liable for an administrative fine of One Thousand Dollars (\$1,000.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 33. AMENDATORY 21 O.S. 1991, Section 1279, is amended to read as FOLLOWS:

Section 1279.

MISDEMEANOR POINTING A FIREARM

~~It~~ Except for an act of self-defense, it shall be unlawful for any person to point any pistol or any other deadly weapon whether loaded or not, at any other person or persons either in anger or otherwise. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable as provided in Section 1280 of this title.

Any person convicted of violating the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act,

Sections 1 through 25 of this act, may be subject to an administrative violation as provided in Section 1280 of this title.

SECTION 34. AMENDATORY 21 O.S. 1991, Section 1280, as last amended by Section 5, Chapter 264, O.S.L. 1993 (21 O.S. Supp. 1994, Section 1280), is amended to read as follows:

Section 1280.

PENALTY FOR 1277 and 1279

Any person violating the provisions of ~~Sections 1277 or~~ Section 1279 of this title, upon conviction, shall be guilty of a misdemeanor. The person offending shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and shall be imprisoned in the county jail for a period not less than three (3) nor more than twelve (12) months. Any person convicted of violating the provisions of Section 1279 of this title after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall have the handgun license permanently revoked and shall be liable for an administrative fine of Fifty Dollars (\$50.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 35. AMENDATORY Section 3, Chapter 170, O.S.L. 1992, as amended by Section 2, Chapter 286, O.S.L. 1992 (21 O.S. Supp. 1994, Section 1280.1), is amended to read as follows:

Section 1280.1

POSSESSION OF FIREARM ON SCHOOL PROPERTY

A. It shall be unlawful for any person, except a peace officer or other person authorized by the board of education of that district or governing body for any public or private school, to have in his or her possession on any public or private school property or while in any school bus or vehicle used by any school for transportation of students or teachers any firearm or weapon designated in Section 1272 of this title.

B. "School property" means any publicly or privately owned property held for purposes of elementary, secondary or vocational-

technical education, and shall not include property owned by public school districts or private educational entities where such property is leased or rented to an individual or corporation and used for purposes other than educational.

C. A gun or knife designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law shall not be in violation of the provisions of this act section, provided such vehicle containing said gun or knife is driven onto school property only to transport a student to and from school and such vehicle does not remain unattended on school property. However, for the purposes of participating in the Oklahoma Department of Wildlife certified hunter training education course, the principal or chief administrator of any public or private school where said course is offered may authorize firearms or other weapons to be brought onto school property and used in such training course.

D. Any person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), and imprisonment for not more than ~~one (1) year~~ two (2) years. Any person convicted of violating the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall have the license permanently revoked and shall be liable for an administrative fine of One Hundred Dollars (\$100.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 36. AMENDATORY 21 O.S 1991, Section 1283, as last amended by Section 53, Chapter 290, O.S.L. 1994 (21 O.S. Supp. 1994, Section 1283), is amended to read as follows:

Section 1283.

CONVICTED FELONS AND DELINQUENTS

A. It shall be unlawful for any person convicted of any felony in any court of this state or of another state or of the United States to have in his or her possession or under his or her

immediate control, or in any vehicle which ~~he~~ the person is operating, or in which ~~he~~ the person is riding as a passenger, or at the residence where the convicted person resides, any pistol, imitation or homemade pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm which could be easily concealed on the person, in personal effects or in an automobile; ~~provided any.~~

B. Any person elected or appointed as a peace officer who has previously been convicted of any felony in any court of a state or of the United States, and who has received a full and complete pardon from the proper authority and has been subsequently certified by the Oklahoma Council on Law Enforcement Education and Training, pursuant to Section 3311 of Title 70 of the Oklahoma Statutes, and is actively employed as a full-time peace officer on ~~the effective date of this act~~ May 8, 1989, shall be permitted to possess a weapon specified in this section for the sole purpose of performing duties of a peace officer. ~~For the purposes of this section, "sawed-off shotgun or rifle" shall mean any shotgun or rifle which has been shortened to any length.~~

~~B.~~ C. Any person who has previously been convicted of a nonviolent felony in any court in the State of Oklahoma, and who has received a full and complete pardon from the proper authority shall be permitted to possess a weapon specified in this section to the extent necessary for the pursuit of gunsmithing or firearm repair, provided such person has graduated from a gunsmithing school conducted by an institution whose accreditation is recognized by the Oklahoma State Regents for Higher Education and who is engaged in the occupation of gunsmithing or firearm repair on September 1, 1992.

~~C.~~ D. In addition to the prohibitions of subsection A of this section, it shall be unlawful for any person supervised by the Department of Corrections or any division thereof to have in his or her possession or under his or her immediate control, or ~~in~~ at his or her residence, or in any passenger vehicle which ~~he~~ the supervised person is operating or ~~in which he~~ is riding as a passenger, any ~~firearm~~ pistol, shotgun or rifle, including any

imitation or homemade ~~firearm~~ pistol, shotgun or rifle, while such person is ~~under~~ subject to supervision, probation, parole or inmate status.

~~D.~~ E. It shall be unlawful for any person previously adjudicated as a delinquent child for the commission of an offense, which would have constituted a felony offense ~~of burglary or arson or a felony offense involving the use of force, violence or a deadly weapon, or an attempt or conspiracy to commit any such offense~~ if committed by an adult, to have in said person's possession or under the person's immediate control, or have in any vehicle which he or she is driving or in which said person is riding as a passenger, or at the person's residence, any pistol, imitation or homemade pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm which could be easily concealed on the person, in personal effects or in an automobile, within ten (10) years after such adjudication.

F. Any person having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, and who thereafter knowingly or intentionally allows a convicted felon or adjudicated delinquent to possess or have control of any pistol authorized by the Oklahoma Self-Defense Act shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00). In addition, the person shall have the handgun license revoked by the Oklahoma State Bureau of Investigation after a hearing and determination that the person has violated the provisions of this section.

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

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

SECTION 37. AMENDATORY 21 O.S. 1991, Section 1284, is amended to read as follows:

Section 1284.

PENALTY FOR 1283

Any previously convicted or adjudicated person who violates any provision of ~~this act~~ Section 1283 of this title shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in the State Penitentiary for a period not less than one (1) year nor more than ten (10) years.

SECTION 38. AMENDATORY 21 O.S. 1991, Section 1287, is amended to read as follows:

Section 1287.

USE OF FIREARM WHILE COMMITTING A FELONY

Any person who, while committing or attempting to commit a felony, possesses a ~~firearm~~ pistol, shotgun or rifle or any other offensive weapon in such commission or attempt, whether the ~~firearm~~ pistol, shotgun or rifle is loaded or not, or who possesses a blank or imitation ~~firearm~~ pistol, shotgun or rifle capable of raising in the mind of one threatened with such device a fear that it is a real ~~firearm~~ pistol, shotgun or rifle, or who possesses an air gun or carbon dioxide or other gas-filled weapon, electronic dart gun, knife, dagger, dirk, switchblade knife, blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in addition to the penalty provided by statute for the felony committed or attempted, upon conviction shall be guilty of a felony for possessing such weapon or device, which shall be a separate offense, ~~and shall be~~ punishable by imprisonment in the ~~penitentiary~~ State Penitentiary for a period of not less than two (2) years nor for more than ten (10) years for the first offense, and for a period of not less than ten (10) years nor for more than thirty (30) years for any second or subsequent offense.

Any person convicted of violating the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall have the license permanently revoked and shall be liable for an administrative fine of One Thousand Dollars (\$1,000.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 39. AMENDATORY 21 O.S. 1991, Section 1289.1,
is amended to read as follows:

Section 1289.1

OKLAHOMA FIREARMS ACT OF 1971

~~This act~~ Sections 1289.1 through 1289.17 of this title may be known and cited as the "Oklahoma Firearms Act of 1971".

SECTION 40. AMENDATORY 21 O.S. 1991, Section 1289.2,
is amended to read as follows:

Section 1289.2

LEGISLATIVE FINDINGS FOR FIREARMS ACT

The Legislature finds as a matter of public policy and fact that it is necessary for ~~promotion of~~ the safe and lawful use of firearms to curb and prevent crime wherein weapons are used by enacting legislation having the purpose of ~~control of~~ controlling the use of firearms, and of prevention of their use, without unnecessarily denying their lawful use in defense of life, home and property, and their use by the United States or state military organizations and as may otherwise be provided by law, including their use and transportation for lawful purposes.

SECTION 41. AMENDATORY 21 O.S. 1991, Section 1289.3,
is amended to read as follows:

Section 1289.3

DEFINITIONS FOR FIREARMS ACT

"Pistols" as used ~~herein~~ in the Oklahoma Firearms Act of 1971, Sections 1289.1 through 1289.17 of this title, shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include flare guns, underwater fishing guns or blank pistols.

SECTION 42. AMENDATORY 21 O.S. 1991, Section 1289.4,
is amended to read as follows:

Section 1289.4

DEFINITIONS FOR FIREARMS ACT

"Rifles" as used ~~herein~~ in the Oklahoma Firearms Act of 1971, Sections 1289.1 through 1289.17 of this title, shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle".

SECTION 43. AMENDATORY 21 O.S. 1991, Section 1289.5, is amended to read as follows:

Section 1289.5

DEFINITIONS FOR FIREARMS ACT

"Shotguns" as used ~~herein~~ in the Oklahoma Firearms Act of 1971, Sections 1289.1 through 1289.17 of this title, shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than eighteen (18) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include any weapon so designed with a barrel less than eighteen (18) inches in length. In addition, any "shotgun" capable of firing single projectiles but primarily designed to fire multiple projectiles such as "shot" will be regarded as a "shotgun".

SECTION 44. AMENDATORY 21 O.S. 1991, Section 1289.6, as amended by Section 6, Chapter 264, O.S.L. 1993 (21 O.S. Supp. 1994, Section 1289.6), is amended to read as follows:

Section 1289.6

CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

A. A person shall be permitted to carry loaded and unloaded shotguns, rifles ~~or~~ and pistols, open and not concealed, ~~or in a locked container, under the following conditions~~ and without a handgun license as authorized by the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, pursuant to 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 During competition in or practicing or coming from in 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 During participation in or in preparation for 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 4. During participation in or in preparation for 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 5. During a practice for or a performance for entertainment purposes; or~~

~~10. 6. For any legitimate purpose not in violation of ~~this code~~ the Oklahoma Firearms Act of 1971, Sections 1289.1 through 1289.17 of this title or any legislative enactment regarding the use, ownership and control of firearms.~~

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

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

2. For any legitimate purpose not in violation of the Oklahoma Firearms Act of 1971, Sections 1289.1 through 1289.17 of this title.

C. The provisions of this section shall not be construed to prohibit educational or recreational activities, exhibitions, displays or shows involving the use or display of rifles, shotguns or pistols or other weapons if the activity is approved by the property owner and sponsor of the activity.

SECTION 45. AMENDATORY 21 O.S. 1991, Section 1289.7, is amended to read as follows:

Section 1289.7

FIREARMS IN VEHICLES

A person may ~~carry or~~ transport in a motor vehicle a rifle, shotgun or pistol, open and unloaded, at any time. For purposes of this section "open" means the firearm is transported in plain view, in a case designed for carrying firearms, which case is wholly or partially visible, in a gun rack mounted in the vehicle, in an exterior locked compartment or a trunk of a vehicle.

Any person who is the operator of a vehicle or is a passenger in any vehicle wherein another person who is licensed pursuant to the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, to carry a concealed handgun and is carrying a concealed handgun or has concealed the handgun in such vehicle, shall not be deemed in violation of the provisions of this section provided the licensee is in or near the vehicle.

SECTION 46. AMENDATORY 21 O.S. 1991, Section 1289.8, as last amended by Section 2, Chapter 169, O.S.L. 1994 (21 O.S. Supp. 1994, Section 1289.8), is amended to read as follows:

Section 1289.8

CARRYING CONCEALED WEAPON

~~A. It shall be unlawful for any person, except a law enforcement officer, a retired state, county, municipal or federal peace officer as provided in subsection C of this section, 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 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.~~

~~C. Any retiring state, county, municipal or federal peace officer retired due to length of service and who is receiving retirement benefits may carry a concealed sidearm upon written approval from the Commissioner of Public Safety, provided such officer has no physical or mental disability which would prevent the proper handling of the sidearm.~~

~~Such persons must have been C.L.E.E.T.-certified or certified by a law enforcement training program recognized by C.L.E.E.T. Such persons must then qualify annually by a C.L.E.E.T.-approved firearms training program at their own expense. The Commissioner of Public Safety shall promulgate rules, regulations and procedures relating to application and approval to carry a sidearm upon retirement pistol pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act. The person shall be required to comply with the provisions of Section 15 of this act and the Oklahoma Self-Defense Act, Sections 1 through 25 of this act.~~

SECTION 47. AMENDATORY 21 O.S. 1991, Section 1289.9,
is amended to read as follows:

Section 1289.9

CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

It shall be unlawful for any person to carry or use shotguns, rifles or pistols ~~under~~ in any circumstances while under the influence of beer, intoxicating liquors or any hallucinogenic, or any unlawful or unprescribed drug, ~~nor~~ and it shall be unlawful for any person ~~be permitted~~ to carry or use shotguns, rifles or pistols when under the influence of any drug prescribed by a licensed physician if the aftereffects of such consumption affect mental, emotional or physical processes to a degree that would result in abnormal behavior. Any person convicted of a violation of the provisions of this section shall be punished as provided in Section 1289.15 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall have the license suspended for a term of six (6) months and shall be subject to an administrative fine of Fifty Dollars (\$50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 48. AMENDATORY 21 O.S. 1991, Section 1289.10, is amended to read as follows:

Section 1289.10

FURNISHING FIREARMS TO INCOMPETENT PERSONS

It shall be unlawful for any person to knowingly transmit, transfer, sell, lend or furnish any shotgun, rifle or pistol to any person who is under an adjudication of mental incompetency, or to any person who is a moron, idiot or is insane. Any person convicted of a violation of the provisions of this section shall be punished as provided in Section 1289.15 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall have the license suspended for a term of six (6) months and shall be subject to an

administrative fine of Fifty Dollars (\$50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 49. AMENDATORY 21 O.S. 1991, Section 1289.11, is amended to read as follows:

Section 1289.11

RECKLESS CONDUCT

It shall be unlawful for any person to engage in reckless conduct while having in his or her possession any shotgun, rifle or pistol, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another, and demonstrating a conscious disregard for the safety of another person. Any person convicted of violating the provisions of this section shall be punished as provided in Section 1289.15 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a concealed handgun license pursuant to the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall have the license revoked and shall be subject to an administrative fine of One Thousand Dollars (\$1,000.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 50. AMENDATORY 21 O.S. 1991, Section 1289.12, is amended to read as follows:

Section 1289.12

GIVING FIREARMS TO CONVICTED PERSONS

It shall be unlawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of rifles, shotguns or pistols to any convicted felon or an adjudicated delinquent, ~~nor~~ and it shall ~~it~~ be ~~lawful~~ unlawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of any shotgun, rifle or pistol to any individual who is under the influence of alcohol or drugs or is mentally or emotionally unbalanced or disturbed. All persons who engage in selling, trading or otherwise transferring

firearms will display this section prominently in full view at or near the point of normal firearms sale, trade or transfer. Any person convicted of violating the provisions of this section shall be punished as provided in Section 1289.15 of this title.

Any person convicted of a violation of this section after having been issued a concealed handgun license pursuant to the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall have the license suspended for six (6) months and shall be liable for an administrative fine of Fifty Dollars (\$50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 51. AMENDATORY 21 O.S 1991, Section 1289.13, is amended to read as follows:

Section 1289.13

TRANSPORTING A LOADED FIREARM

Except as otherwise provided by the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, or another provision of law of this state, it shall be unlawful to transport a loaded ~~firearm~~ pistol, rifle or shotgun in a landborne motor vehicle over a public highway or roadway. However, a rifle or shotgun may be transported when clip or magazine loaded and not chamber loaded when transported in ~~a~~ an exterior locked compartment of the vehicle, ~~such as the~~ or trunk of ~~an automobile~~ the vehicle.

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

Any person who is the operator of a vehicle or is a passenger in any vehicle wherein another person who is licensed pursuant to the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, to carry a concealed handgun and is carrying a concealed handgun or has concealed the handgun in such vehicle, shall not be deemed in violation of the provisions of this section provided the licensee is in or near the vehicle.

SECTION 52. AMENDATORY 21 O.S. 1991, Section 1289.15, is amended to read as follows:

Section 1289.15

PENALTY FOR FIREARMS ACT OF 1971

Any person adjudged guilty of violating ~~the preceding sections~~ any provision of Section 1289.9, 1289.10, 1289.11, 1289.12 or 1289.13 of this title shall, upon conviction, be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or imprisonment in the county jail for not less than ten (10) days nor more than six (6) months, or by both such fine and imprisonment.

SECTION 53. AMENDATORY 21 O.S. 1991, Section 1289.16, is amended to read as follows:

Section 1289.16

FELONY POINTING FIREARMS

It shall be unlawful for any person to willfully or without lawful cause point a shotgun, rifle or pistol, or any deadly weapon, whether loaded or not, at any person or persons for the purpose of threatening or with the intention of discharging the firearm or with any malice or for any purpose of injuring, either through physical injury or mental or emotional intimidation or for purposes of whimsy, humor or prank, or in anger or otherwise, but not to include the pointing of shotguns, rifles or pistols by law enforcement authorities in the performance of their duties, members of the state military forces ~~in the form of the Oklahoma Army or Air National Guard~~ in the performance of their duties, members of the federal military reserve and active military components in the performance of their duties, or any federal government law enforcement officer in the performance of ~~his~~ any duty, or in the performance of a play on stage, rodeo, television or on film, or in defense of ~~one's~~ any person, one's home or property. Any person convicted of a violation of the provisions of this section shall be punished as provided in Section 1289.17 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a concealed handgun license pursuant to the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall have the license revoked and shall be subject

to an administrative fine of One Thousand Dollars (\$1,000.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 54. AMENDATORY 21 O.S. 1991, Section 1289.17, is amended to read as follows:

Section 1289.17

PENALTIES FOR 1289.16

Any violation of Section ~~16~~ 1289.16 of this ~~act, or of the provisions of 21 O.S. 1961, Section 1283,~~ title shall constitute a felony, for which a person convicted thereof shall be sentenced to imprisonment in the State Penitentiary for not less than one (1) year nor more than ten (10) years.

SECTION 55. AMENDATORY 21 O.S. 1991, Section 1289.23, as amended by Section 1, Chapter 307, O.S.L. 1994 (21 O.S. Supp. 1994, Section 1289.23), is amended to read as follows:

Section 1289.23

CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

A. A full-time duly appointed peace officer who is certified by the Council on Law Enforcement Education and Training, pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes, is hereby authorized to carry a weapon certified and approved by ~~his~~ the employing agency during periods when ~~he~~ the officer is not on active duty.

B. When an off-duty officer carries a certified weapon, the officer shall be in law enforcement uniform prescribed by the employing agency or when not wearing the prescribed law enforcement uniform shall be required:

1. To have ~~his~~ the official peace officers badge, Commission Card and C.L.E.E.T. Certification Card on his or her person at all times when carrying a weapon certified and approved by the employing agency; and

2. To keep the authorized weapon concealed from view at all times except when the weapon is used within the guidelines, rules and regulations established by the employing agency.

C. Nothing in this section shall be construed to alter or amend the provisions of Section 1272.1 of this title or expand the duties, authority or jurisdiction of any peace officer.

D. A reserve peace officer who has satisfactorily completed a basic police course of not less than one hundred twenty (120) hours of accredited instruction for reserve police officers and reserve deputies from the Council on Law Enforcement Education and Training or a course of study approved by the Council may carry a certified weapon when such officer is off duty provided:

1. The officer has been granted written authorization signed by the director of the employing agency; and

2. The employing agency shall maintain a current list of any officers authorized to carry a certified weapon while said officers are off duty, and shall provide a copy of such list to the Council on Law Enforcement Education and Training. Any change to said list shall be made in writing and mailed to the Council on Law Enforcement Education and Training within five (5) days.

E. When an off-duty reserve peace officer carries a certified weapon, the officer shall be in law enforcement uniform prescribed by the employing agency or when not wearing the prescribed law enforcement uniform shall be required:

1. To have his or her official peace officer's badge, Commission Card, C.L.E.E.T. Certification Card and written authorization on his person at all times when carrying a weapon certified and approved by the employing agency; and

2. To keep the authorized weapon concealed from view at all times except when the weapon is used within the guidelines, rules and regulations established by the employing agency.

F. Nothing in subsection D of this section shall be construed to alter or amend the provisions of Section 1750.2 of Title 59 of the Oklahoma Statutes or expand the duties or authority of any reserve peace officer.

G. Any law enforcement officer authorized by the provisions of this section to carry a concealed weapon may carry a concealed handgun as provided by the provisions of the Oklahoma Self-Defense

Act, Sections 1 through 25 of this act, notwithstanding the provisions of this section.

SECTION 56. AMENDATORY 21 O.S. 1991, Section 1289.24, is amended to read as follows:

Section 1289.24

FIREARM REGULATION - STATE PREEMPTION

A. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way firearms, components, ammunition, and supplies to the complete exclusion of any order, ordinance, or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances, or regulations in this field except as provided for in subsection C of this section are null and void. Provided however, a municipality may adopt any ordinance relating to the discharge of firearms within the jurisdiction of the municipality.

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

C. 1. Nothing contained in this section shall prohibit any ordinance of any municipality which conforms exactly, except for penalty provisions, with any of the provisions of Sections 1272 through 1289.23 of Title 21 of the Oklahoma Statutes and Sections 1 through 25 of this act.

2. Nothing contained in this section shall prohibit any order, ordinance, or regulation by any municipality concerning the confiscation of property used in violation of the ordinances of the municipality as provided for in Section 28-121 of Title 11 of the Oklahoma Statutes.

SECTION 57. AMENDATORY 21 O.S. 1991, Section 1289.25, is amended to read as follows:

Section 1289.25

PHYSICAL OR DEADLY FORCE AGAINST INTRUDER

A. The Legislature hereby recognizes that the citizens of the State of Oklahoma have a right to expect absolute safety within their own homes.

B. Any occupant of a dwelling is justified in using any degree of physical force, including but not limited to deadly force, against another person who has made an unlawful entry into that dwelling, and when the occupant has a reasonable belief that such other person might use any physical force, no matter how slight, against any occupant of the dwelling.

C. Any occupant of a dwelling using physical force, including but not limited to deadly force, pursuant to the provisions of subsection B of this section, shall have an affirmative defense in any criminal prosecution for an offense arising from the reasonable use of such force and shall be immune from any civil liability for injuries or death resulting from the reasonable use of such force.

D. The provisions of this section and the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall not be construed to require any person using a pistol pursuant to the provisions of this section to be licensed in any manner.

SECTION 58. AMENDATORY 21 O.S. 1991, Section 1364, is amended to read as follows:

DISCHARGING FIREARM

Section 1364. Every person who willfully discharges any ~~species of firearm~~ pistol, rifle, shotgun, airgun or other weapon, or throws any other missile in any public place, or in any place where there is any person to be endangered thereby, although no injury to any person shall ensue, is guilty of a misdemeanor. Any person convicted of a violation of the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall have the license suspended for a period of six (6) months and shall be subject to an administrative fine of Fifty Dollars (\$50.00), upon a hearing and determination

by the Oklahoma State Bureau of Investigation that the person is
in violation of the provisions of this section.

SECTION 59. REPEALER 21 O.S. 1991, Section 1286, is
hereby repealed.

SECTION 60. Section 46 of this act shall become effective
April 1, 1996.

SECTION 61. This act shall become effective September 1,
1995.

45-1-1418 NP