

SHORT TITLE: Oklahoma Self-Defense Act; providing for lifetime license; allowing certain concealed handgun on school property; lowering age of eligibility; repealing list of prohibited places; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 584

By: Laughlin

AS INTRODUCED

An Act relating to Oklahoma Self-Defense Act;

amending 21 O.S. 1991, Sections 1272.2, as amended by Section 28, Chapter 272, O.S.L. 1995, Section 3, Chapter 170, O.S.L. 1992, as last amended by Section 5, Chapter 191, O.S.L. 1996, Section 5, Chapter 272, O.S.L. 1995, Section 8, Chapter 272, O.S.L. 1995, as amended by Section 10, Chapter 191, O.S.L. 1996, Section 9, Chapter 272, O.S.L. 1995, as amended by Section 11, Chapter 191, O.S.L. 1996, and Section 21, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1272.2, 1280.1, 1290.5, 1290.8, 1290.9, 1290.21), which relate to penalty for firearm in liquor establishment, possession of firearm on school property, term of license, notification to police of gun, eligibility, and replacement of license; providing for life time license; allowing concealed handgun in liquor establishment; allowing concealed handgun on school property; providing for lifetime license; lowering age of eligibility; authorizing carrying handgun after license lost or stolen; repealing 21 O.S. 1991, Section 1277, as last amended by Section 4, Chapter 191, O.S.L. 1996 (21 O.S. Supp. 1996, Section 1277), which relates to prohibited places; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1272.2, as amended by Section 28, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1272.2), is amended to read as follows:

Section 1272.2

PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

Any person who intentionally or knowingly carries on his or her person any weapon in violation of Section 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~~ The provisions of this section shall not apply to 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 Section 1290.1 et seq. 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 2. AMENDATORY Section 3, Chapter 170, O.S.L. 1992, as last amended by Section 5, Chapter 191, O.S.L. 1996 (21 O.S. Supp. 1996, 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, a person licensed pursuant to the Oklahoma Self-Defense Act, Section 1290.1 et seq. of this title, 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, or a handgun carried in a vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act, shall not be in violation of the provisions of this 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 or any other hunting, safety or firearms training courses, 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 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, Section 1290.1 et seq. of this title, 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 3. AMENDATORY Section 5, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1290.5), is amended to read as follows:

Section 1290.5

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~~ Section 1290.1 et seq. of this ~~act~~ title, and any future modifications thereto. The license shall be valid in this state for ~~a period of four (4) years~~ life, 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 4. AMENDATORY Section 8, Chapter 272, O.S.L. 1995, as amended by Section 10, Chapter 191, O.S.L. 1996 (21 O.S. Supp. 1996, Section 1290.8), is amended to read as follows:

Section 1290.8

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, Section 1290.1 et seq. of this title, 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 this title or pursuant to any other applicable provision of law. In addition to any criminal prosecution which may result from not carrying the handgun license and the required identification 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.

Upon the arrest of any person for a violation of the provisions of this subsection, the person may show proof to the court that a valid handgun license and the other required identification has been issued to such person and the person may state any reason why the handgun license or the other required identification 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 this title upon payment of court costs, if proof of a valid handgun license and other required identification 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.

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

SECTION 5. AMENDATORY Section 9, Chapter 272, O.S.L. 1995, as amended by Section 11, Chapter 191, O.S.L. 1996 (21 O.S. Supp. 1996, Section 1290.9), is amended to read as follows:

Section 1290.9

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, Section 1290.1 et seq. of this title. The person must:

1. Be a citizen of the United States;

2. Be a current legal resident of ~~the State of Oklahoma~~ this state and have been a legal resident for at least six (6) consecutive months immediately preceding the date of submitting the application for a handgun license. For purposes of the Oklahoma Self-Defense Act, the term "legal resident" shall not apply to any military person or other person who does not claim permanent residency in this state for purposes of state and federal income tax, does not possess a valid Oklahoma driver license or state photo identification card for at least six (6) consecutive months immediately preceding the date of submitting the application for a handgun license, and does not physically reside for at least six (6) months of each year in this state at a permanent residence address;

3. Be at least ~~twenty-three (23)~~ twenty-one (21) 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 1290.14 of this title, and submit proof of training and qualification or an exemption for training and qualification as authorized by Section 1290.14 of this title;

5. Submit the required fee and complete the application process as provided in Section 1290.12 of this title; and

6. Comply in good faith with the provisions of the Oklahoma Self-Defense Act.

SECTION 6. AMENDATORY Section 21, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1290.21), is amended to read as follows:

Section 1290.21

REPLACEMENT LICENSE

A. In the event a concealed handgun license becomes ~~missing,~~ lost, or 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,~~ and the license shall be replaced by the Bureau. 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,~~ reported lost, or stolen ~~or destroyed,~~ the person shall continue to 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 7. REPEALER 21 O.S. 1991, Section 1277, as last amended by Section 4, Chapter 191, O.S.L. 1996 (21 O.S. Supp. 1996, Section 1277), is hereby repealed.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-1-0672

NP