

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

HOUSE BILL NO. 1746

By: Greenwood

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Sections 1272.1, as last amended by Section 3, Chapter 191, O.S.L. 1996, 1272.2, as amended by Section 28, Chapter 272, O.S.L. 1995, 1273, as last amended by Section 29, Chapter 272, O.S.L. 1995, 1276, as amended by Section 30, Chapter 272, O.S.L. 1995, 1277, as last amended by Section 4, Chapter 191, O.S.L. 1996, 1278, as last amended by Section 32, Chapter 272, O.S.L. 1995, 1279, as amended by Section 33, Chapter 272, O.S.L. 1995, 1280, as last amended by Section 34, Chapter 272, O.S.L. 1995, 1280.1 as last amended by Section 325, Chapter 133, O.S.L. 1997, 1283, as last amended by Section 1, Chapter 358, O.S.L. 1997, 1287, as last amended by Section 329, Chapter 133, O.S.L. 1997, 1289.6, as last amended by Section 44, Chapter 272, O.S.L. 1995, 1289.9, as amended by Section 47, Chapter 272, O.S.L. 1995, 1289.10, as last amended by Section 7, Chapter 191, O.S.L. 1996, 1289.11, as amended by Section 49, Chapter 272, O.S.L. 1995, 1289.12, as amended by Section 50, Chapter 272, O.S.L. 1995, 1289.15, as amended by Section 52, Chapter 272, O.S.L. 1995, 1289.16, as amended by Section 53, Chapter 272, O.S.L. 1995, and 1289.25, as amended by Section 57, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1998, Sections 1272.1, 1272.2, 1273, 1276, 1277, 1278, 1279, 1280, 1280.1, 1283, 1287, 1289.6, 1289.9, 1289.10, 1289.11, 1289.12, 1289.15, 1289.16 and 1289.25), which relate to weapons; eliminating references to Oklahoma Self-Defense Act; repealing 21 O.S. 1991, Sections 1272, as last amended by Section 2, Chapter 191, O.S.L. 1996, 1289.7, as last amended by Section 1, Chapter 190, O.S.L. 1996, 1289.8, as last amended by Section 1, Chapter 286, O.S.L. 1998, 1289.13, as amended by Section 51, Chapter 272, O.S.L. 1995 and 1289.23, as last amended by Section 8, Chapter 191, O.S.L. 1996 (21 O.S. Supp. 1998, Sections 1272, 1289.7, 1289.8, 1289.13 and 1289.23), which relate to weapons; repealing Sections 1, 2, 3, 4, 5, 6 and 7, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1998, Sections 1290.1, 1290.2, 1290.3, 1290.4, 1290.5, 1290.6 and 1290.7), which relate to the Oklahoma Self-Defense Act; repealing Section 8, Chapter 272, O.S.L. 1995, as last amended by Section 2, Chapter 286, O.S.L. 1998, Section 9, Chapter 272, O.S.L. 1995, as last amended by Section 3, Chapter 286, O.S.L. 1998, Section 10, Chapter 272, O.S.L. 1995, as last amended by Section 2, Chapter 358, O.S.L. 1997, Section 11, Chapter 272, O.S.L. 1995, as last amended by Section 3, Chapter 358, O.S.L. 1997, Section 12, Chapter 272, O.S.L. 1995, as last amended

by Section 4, Chapter 286, O.S.L. 1998, Section 13, Chapter 272, O.S.L. 1995, as amended by Section 15, Chapter 191, O.S.L. 1996, Section 14, Chapter 272, O.S.L. 1995, as last amended by Section 5, Chapter 286, O.S.L. 1998, Section 15, Chapter 272, O.S.L. 1995, as amended by Section 17, Chapter 191, O.S.L. 1996, Section 16, Chapter 272, O.S.L. 1995, Section 17, Chapter 272, O.S.L. 1995, as last amended by Section 6, Chapter 286, O.S.L. 1998, Sections 18, 19 and 20, Chapter 272, O.S.L. 1995, Section 21, Chapter 272, O.S.L. 1995, as amended by Section 335, Chapter 133, O.S.L. 1997, Section 22, Chapter 272, O.S.L. 1995, as amended by Section 19, Chapter 191, O.S.L. 1996, Sections 23, 24, and 25, Chapter 272, O.S.L. 1995, Section 20, Chapter 191, O.S.L. 1996, as amended by Section 7, Chapter 286, O.S.L. 1998 (21 O.S. Supp. 1998, Sections 1290.8, 1290.9, 1290.10, 1290.11, 1290.12, 1290.13, 1290.14, 1290.15, 1290.16, 1290.17, 1290.18, 1290.19, 1290.20, 1290.21, 1290.22, 1290.23, 1290.24, 1290.25 and 1290.26), which relate to the Oklahoma Self-Defense Act; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1272.1, as last amended by Section 3, Chapter 191, O.S.L. 1996 (21 O.S. Supp. 1998, Section 1272.1), is amended to read as follows:

Section 1272.1

CARRYING FIREARMS WHEN LIQUOR IS CONSUMED

A. It shall be unlawful for any person to carry or possess any ~~weapon designated in Section 1272 of this title~~ pistol, revolver, shotgun or rifle, whether loaded or unloaded in any establishment where low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or alcoholic beverages, as defined by Section 506 of Title 37 of the Oklahoma Statutes, are consumed. This provision shall not apply to a peace officer, as defined in Section 99 of this title, and shall not apply to an owner or proprietor of the establishment having a pistol, rifle, or shotgun on the premises. ~~Provided however, a person possessing a valid concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Section 1290.1 et seq. of this title may carry the concealed handgun~~

~~into any restaurant or other establishment licensed to dispense low-point beer or alcoholic beverages where the sale of low-point beer or alcoholic beverages does not constitute the primary purpose of the business.~~

Provided further, nothing in this section shall be interpreted to authorize any peace officer in actual physical possession of a weapon to consume low-point beer or alcoholic beverages, except in the authorized line of duty as an undercover officer.

B. Any person violating the provisions of this section shall be punished as provided in Section 1272.2 of this title.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1272.2, as amended by Section 28, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1998, 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. The fine for a violation of this section shall not exceed One Thousand Dollars (\$1,000.00).

~~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 3. AMENDATORY 21 O.S. 1991, Section 1273, as last amended by Section 29, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1998, 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 child any ~~of the arms or weapons designated in Section 1272 of this title~~ firearm; provided, the provisions of this section shall not prohibit a parent from giving his or her 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 child to possess any ~~of the arms or weapons designated in Section 1272 of this title~~ firearm, including any rifle or shotgun, if such parent is aware of a substantial risk that the child will use the weapon to commit a criminal offense or if the child has either been adjudicated a delinquent or has been convicted as an adult for any criminal offense.

C. It shall be unlawful for any child to possess any ~~of the arms or weapons designated in Section 1272 of this title~~ pistol, revolver, shotgun or rifle, 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 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 punished as provided in Section 1276 of this title, and, any child violating the provisions of this section shall be subject to adjudication as a delinquent. In addition, any 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 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, "child" means a person under eighteen (18) years of age.

SECTION 4. AMENDATORY 21 O.S. 1991, Section 1276, as amended by Section 30, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1998, Section 1276), is amended to read as follows:

Section 1276.

PENALTY FOR ~~1272 AND~~ 1273

Any person violating the provisions of Section ~~1272 or~~ 1273 shall, upon a first conviction, be adjudged guilty of a misdemeanor and the party offending shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days or both such fine and imprisonment. On the second and every subsequent violation, the party offending shall, upon conviction, be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not less than thirty (30) days nor more than three (3) months, or by both 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 5. AMENDATORY 21 O.S. 1991, Section 1277, as last amended by Section 4, Chapter 191, O.S.L. 1996 (21 O.S. Supp. 1998, Section 1277), is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

A. It shall be unlawful for any person ~~in possession of a valid concealed handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, Section 1290.1 et seq. of this title,~~ to carry any concealed handgun into any of the following places:

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

2. Any meeting of any city, town, county, state or federal officials, school board members, legislative members, or any other elected or appointed officials;

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

4. Any elementary, secondary, or vocational-technical school property;

5. Any sports arena during a professional sporting event;

6. Any place where pari-mutuel wagering is authorized by law;

and

7. Any other place specifically prohibited by law.

B. For purposes of paragraphs 1, 2, 3, 5 and 6 of subsection A of this section, the prohibited place does not include and specifically excludes the following property:

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

b. any property set aside for the use of any vehicle, whether attended or unattended, by any entity offering

any professional sporting event which is open to the public for admission, or by any entity engaged in pari-mutuel wagering authorized by law,

- c. any property adjacent to a structure, building, or office space in which concealed weapons are prohibited by the provisions of this section,
- d. any property designated by a city, town, county, or state, governmental authority as a park, recreational area, or fairgrounds; provided nothing in this subparagraph shall be construed to authorize any entry by a person in possession of a concealed handgun into any structure, building, or office space which is specifically prohibited by the provisions of subsection A of this section.

C. Any person violating the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00). ~~Any person convicted of violating the provisions of this section may be liable for an administrative fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.~~

D. ~~No person in possession of any concealed handgun pursuant to the Oklahoma Self-Defense Act shall be authorized to carry the handgun into or upon any college or university property, except as provided in this subsection. For purposes of this subsection, the following property shall not be prohibited for persons having a valid concealed handgun license:~~

1. Any property set aside for the use of any vehicle, whether attended or unattended, provided the handgun is carried or stored as required by law and the handgun is not removed from the vehicle

without the prior consent of the college or university president while the vehicle is on any college or university property;

2. Any property authorized for possession or use of handguns by college or university policy;

3. Any property authorized by the written consent of the college or university president, provided the written consent is carried with the handgun and the valid concealed handgun license while on college or university property.

~~The college or university may notify the Oklahoma State Bureau of Investigation within ten (10) days of a violation of any provision of this subsection by a licensee. Upon receipt of a written notification of violation, the Bureau shall give a reasonable notice to the licensee and hold a hearing. At the hearing upon a determination that the licensee has violated any provision of this subsection, the licensee may be subject to an administrative fine of Two Hundred Fifty Dollars (\$250.00) and may have the concealed handgun license suspended for three (3) months.~~

Nothing contained in any provision of this subsection shall be construed to limit the authority of any college or university in this state from taking administrative action against any student for any violation of any provision of this subsection.

E. 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 6. AMENDATORY 21 O.S. 1991, Section 1278, as last amended by Section 32, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1998, 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 with the intent or for the avowed purpose of unlawfully injuring another person, upon conviction,

shall be guilty of a felony. The fine for a violation of this section shall not exceed Five Thousand Dollars (\$5,000.00). 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, Section 1290.1 et seq. of this title, 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 7. AMENDATORY 21 O.S. 1991, Section 1279, as amended by Section 33, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1998, Section 1279), is amended to read as follows:

Section 1279.

MISDEMEANOR POINTING A FIREARM

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. 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 8. AMENDATORY 21 O.S. 1991, Section 1280, as last amended by Section 34, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1998, Section 1280), is amended to read as follows:

Section 1280.

PENALTY FOR 1279

Any person violating the provisions of 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 9. AMENDATORY 21 O.S. 1991, Section 1280.1, as last amended by Section 325, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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, 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. The fine for a violation of this section shall not exceed Five Thousand Dollars (\$5,000.00). ~~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 10. AMENDATORY 21 O.S. 1991, Section 1283, as last amended by Section 1, Chapter 358, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1283), is amended to read as follows:

Section 1283.

CONVICTED FELONS AND DELINQUENTS

A. Except as provided in subsection B of this section, 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 the person is operating, or in which 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.

B. Any person who has previously been convicted of a nonviolent felony in any court of this state or of another state or of the United States, and who has received a full and complete pardon from the proper authority and has not been convicted of any other felony offense which has not been pardoned, shall have restored the right to possess any firearm or other weapon prohibited by subsection A of this section, ~~the right to apply for and carry a concealed handgun pursuant to the Oklahoma Self-Defense Act, Section 1290.1 et seq. of this title,~~ and the right to perform the duties of a peace officer, gunsmith, or for firearms repair.

C. 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 at his or her residence, or in any passenger vehicle which the supervised person is operating or is riding as a passenger, any pistol, shotgun or rifle, including any imitation or homemade pistol, shotgun or rifle, while such person is subject to supervision, probation, parole or inmate status.

D. 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 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.

~~E. Any person 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, and who thereafter knowingly or intentionally allows a convicted felon or adjudicated delinquent as prohibited by the provisions of subsections A, C, or D of this section 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.~~

~~F.~~ 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.

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

SECTION 11. AMENDATORY 21 O.S. 1991, Section 1287, as last amended by Section 329, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 pistol, shotgun or rifle or any other offensive weapon in such commission or attempt, whether the pistol, shotgun or

rifle is loaded or not, or who possesses a blank or imitation pistol, shotgun or rifle capable of raising in the mind of one threatened with such device a fear that it is a real 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 from the felony committed or attempted.

~~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 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 12. AMENDATORY 21 O.S. 1991, Section 1289.6, as last amended by Section 44, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1998, 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 and pistols, open and not concealed ~~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 hunting animals or fowl;
2. During competition in or practicing in a safety or hunter safety class, target shooting, skeet, trap or other recognized sporting events;

3. 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;

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

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

6. For any legitimate purpose not in violation of 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 13. AMENDATORY 21 O.S. 1991, Section 1289.9, as amended by Section 47, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1998, 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 in any circumstances while under the influence of beer, intoxicating liquors or any hallucinogenic, or any unlawful or unprescribed drug, and it shall be unlawful for any person 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 14. AMENDATORY 21 O.S. 1991, Section 1289.10, as last amended by Section 7, Chapter 191, O.S.L. 1996 (21 O.S. Supp. 1998, 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 mentally deficient or of unsound mind. 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, Section 1290.1 et seq. of this title, 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 15. AMENDATORY 21 O.S. 1991, Section 1289.11, as amended by Section 49, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1998, 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 16. AMENDATORY 21 O.S. 1991, Section 1289.12, as amended by Section 50, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1998, 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, and it shall be 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 17. AMENDATORY 21 O.S. 1991, Section 1289.15, as amended by Section 52, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1998, Section 1289.15), is amended to read as follows:

Section 1289.15

PENALTY FOR FIREARMS ACT OF 1971

Any person adjudged guilty of violating any provision of Section 1289.9, 1289.10, 1289.11, or 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 18. AMENDATORY 21 O.S. 1991, Section 1289.16, as amended by Section 53, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1998, 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 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 any duty, or in the performance of a play on stage, rodeo, television or on film, or in defense of 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 19. AMENDATORY 21 O.S. 1991, Section 1289.25, as amended by Section 57, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1998, 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 20. REPEALER 21 O.S. 1991, Sections 1272, as last amended by Section 2, Chapter 191, O.S.L. 1996, 1289.7, as last amended by Section 1, Chapter 190, O.S.L. 1996, 1289.8, as last amended by Section 1, Chapter 286, O.S.L. 1998, 1289.13, as amended by Section 51, Chapter 272, O.S.L. 1995 and 1289.23, as last amended by Section 8, Chapter 191, O.S.L. 1996 (21 O.S. Supp. 1998, Sections

1272, 1289.7, 1289.8, 1289.13 and 1289.23), which relate to weapons; repealing Sections 1, 2, 3, 4, 5, 6 and 7, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1998, Sections 1290.1, 1290.2, 1290.3, 1290.4, 1290.5, 1290.6 and 1290.7), which relate to the Oklahoma Self-Defense Act; repealing Section 8, Chapter 272, O.S.L. 1995, as last amended by Section 2, Chapter 286, O.S.L. 1998, Section 9, Chapter 272, O.S.L. 1995, as last amended by Section 3, Chapter 286, O.S.L. 1998, Section 10, Chapter 272, O.S.L. 1995, as last amended by Section 2, Chapter 358, O.S.L. 1997, Section 11, Chapter 272, O.S.L. 1995, as last amended by Section 3, Chapter 358, O.S.L. 1997, Section 12, Chapter 272, O.S.L. 1995, as last amended by Section 4, Chapter 286, O.S.L. 1998, Section 13, Chapter 272, O.S.L. 1995, as amended by Section 15, Chapter 191, O.S.L. 1996, Section 14, Chapter 272, O.S.L. 1995, as last amended by Section 5, Chapter 286, O.S.L. 1998, Section 15, Chapter 272, O.S.L. 1995, as amended by Section 17, Chapter 191, O.S.L. 1996, Section 16, Chapter 272, O.S.L. 1995, Section 17, Chapter 272, O.S.L. 1995, as last amended by Section 6, Chapter 286, O.S.L. 1998, Sections 18 and 19, Chapter 272, O.S.L. 1995, Section 20, Chapter 272, O.S.L. 1995, Section 21, Chapter 272, O.S.L. 1995, as amended by Section 335, Chapter 133, O.S.L. 1997, Section 22, Chapter 272, O.S.L. 1995, as amended by Section 19, Chapter 191, O.S.L. 1996, Sections 23, 24, and 25, Chapter 272, O.S.L. 1995, Section 20, Chapter 191, O.S.L. 1996, as amended by Section 7, Chapter 286, O.S.L. 1998 (21 O.S. Supp. 1998, Sections 1290.8, 1290.9, 1290.10, 1290.11, 1290.12, 1290.13, 1290.14, 1290.15, 1290.16, 1290.17, 1290.18, 1290.19, 1290.20, 1290.21, 1290.22, 1290.23, 1290.24, 1290.25 and 1290.26), are hereby repealed.

SECTION 21. This act shall become effective November 1, 1999.

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