

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1733

By: Sykes, Allen, Russell and
Shortey of the Senate

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and

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Hickman of the House

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An Act relating to firearms; amending 21 O.S. 2011,
Sections 1272, 1272.1, 1272.2, 1273, 1276, 1277,
9 1278, 1280.1, 1283 and 1287, which relate to the
carrying, use and possession of firearms; * * *
10 amending 21 O.S. 2011, Sections 1289.7, 1289.9,
1289.10, 1289.11, 1289.12, 1289.13, 1289.13A, 1289.16
11 and 1289.23, which relate to the Oklahoma Firearms
Act of 1971 * * * amending 21 O.S. 2011, Sections
12 1290.2, 1290.3, 1290.4, 1290.5, 1290.6, 1290.7,
1290.8, 1290.9, 1290.11, 1290.12, 1290.13, 1290.14,
13 1290.15, 1290.17, 1290.18, 1290.19, 1290.20, 1290.21,
1290.23, 1290.24, 1290.25 and 1290.26, which relate
14 to the Oklahoma Self-Defense Act * * * amending 21
O.S. 2011, Section 1364, which relates to discharging
15 firearms * * * amending 63 O.S. 2011, Section 2-110,
which relates to the Uniform Controlled Dangerous
16 Substances Act * * * amending 63 O.S. 2011, Section
4210.3, which relates to the Oklahoma Boating Safety
17 Regulation Act * * * and providing an effective date.

18

19 AUTHORS: Add the following House Coauthors: Bennett, Martin
(Steve), Cockroft, Derby, Kern and Roberts (Sean)

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21 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
and insert

22

23 "An Act relating to firearms; amending 21 O.S. 2011,
Sections 1272, 1272.1, 1272.2, 1273, 1276, 1277,
24 1278, 1280.1, 1283 and 1287, which relate to the

1 carrying, use and possession of firearms; modifying
2 description of handgun licenses; clarifying manner
3 in which firearms may be carried by handgun
4 licensees; deleting certain statutory references;
5 amending 21 O.S. 2011, Sections 1289.6, 1289.7,
6 1289.7a, 1289.9, 1289.10, 1289.11, 1289.12, 1289.13,
7 1289.13A, 1289.16, 1289.23 and 1289.24, which relate
8 to the Oklahoma Firearms Act of 1971; modifying
9 conditions related to carrying firearms; modifying
10 description of handgun licenses; clarifying manner
11 in which firearms may be carried by handgun
12 licensees; deleting certain statutory references;
13 modifying scope of certain firearms prohibition;
14 prohibiting the punishment of persons for certain
15 crimes under certain circumstances; amending 21 O.S.
16 2011, Sections 1290.2, 1290.3, 1290.4, 1290.5,
17 1290.6, 1290.7, 1290.8, 1290.9, 1290.11, 1290.12,
18 1290.13, 1290.14, 1290.15, 1290.17, 1290.18,
19 1290.19, 1290.20, 1290.21, 1290.23, 1290.24, 1290.25
20 and 1290.26, which relate to the Oklahoma Self-
21 Defense Act; modifying and deleting certain
22 statutory references; defining term; modifying
23 certain definition; modifying handgun license
24 notification procedure; modifying issuance
procedure; modifying certain penalty; modifying
description of handgun licenses; clarifying manner
in which firearms may be carried by handgun
licensees; requiring licensees to display handgun
license upon demand; amending 21 O.S. 2011, Section
1364, which relates to discharging firearms;
modifying description of handgun license; deleting
certain statutory reference; amending 63 O.S. 2011,
Section 2-110, which relates to the Uniform
Controlled Dangerous Substances Act; modifying
manner in which weapons may be carried by attorneys
of the Oklahoma State Bureau of Narcotics and
Dangerous Drugs Control; amending 63 O.S. 2011,
Section 4210.3, which relates to the Oklahoma
Boating Safety Regulation Act; modifying scope of
certain prohibited act; and providing an effective
date.

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

1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, is
2 amended to read as follows:

3 Section 1272.

4 UNLAWFUL CARRY

5 A. It shall be unlawful for any person to carry upon or about
6 his or her person, or in a purse or other container belonging to the
7 person, any pistol, revolver, shotgun or rifle whether loaded or
8 unloaded or any dagger, bowie knife, dirk knife, switchblade knife,
9 spring-type knife, sword cane, knife having a blade which opens
10 automatically by hand pressure applied to a button, spring, or other
11 device in the handle of the knife, blackjack, loaded cane, billy,
12 hand chain, metal knuckles, or any other offensive weapon, whether
13 such weapon be concealed or unconcealed, except this section shall
14 not prohibit:

15 1. The proper use of guns and knives for hunting, fishing,
16 educational or recreational purposes;

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

19 3. The carrying, possession and use of any weapon by a peace
20 officer or other person authorized by law to carry a weapon in the
21 performance of official duties and in compliance with the rules of
22 the employing agency;

23 4. The carrying or use of weapons in a courthouse by a district
24 judge, associate district judge or special district judge within

1 this state, who is in possession of a valid ~~concealed~~ handgun
2 license issued pursuant to the provisions of the Oklahoma Self-
3 Defense Act and whose name appears on a list maintained by the
4 Administrative Director of the Courts; or

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

13 B. Any person convicted of violating the foregoing provision
14 shall be guilty of a misdemeanor punishable as provided in Section
15 1276 of this title.

16 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1272.1, is
17 amended to read as follows:

18 Section 1272.1

19 CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

20 A. It shall be unlawful for any person to carry or possess any
21 weapon designated in Section 1272 of this title in any establishment
22 where low-point beer, as defined by Section 163.2 of Title 37 of the
23 Oklahoma Statutes, or alcoholic beverages, as defined by Section 506
24 of Title 37 of the Oklahoma Statutes, are consumed. This provision

1 shall not apply to a peace officer, as defined in Section 99 of this
2 title, or to private investigators with a firearms authorization
3 when acting in the scope and course of employment, and shall not
4 apply to an owner or proprietor of the establishment having a
5 pistol, rifle, or shotgun on the premises. Provided however, a
6 person possessing a valid ~~concealed~~ handgun license pursuant to the
7 provisions of the Oklahoma Self-Defense Act, ~~Section 1290.1 et seq.~~
8 ~~of this title~~ may carry the concealed or unconcealed handgun into
9 any restaurant or other establishment licensed to dispense low-point
10 beer or alcoholic beverages where the sale of low-point beer or
11 alcoholic beverages does not constitute the primary purpose of the
12 business.

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

17 Nothing in this section shall be interpreted to authorize any
18 private investigator with a firearms authorization in actual
19 physical possession of a weapon to consume low-point beer or
20 alcoholic beverages in any establishment where low-point beer or
21 alcoholic beverages are consumed.

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

24

1 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1272.2, is
2 amended to read as follows:

3 Section 1272.2

4 PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

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

12 Any person convicted of violating the provisions of this section
13 after having been issued a ~~concealed~~ handgun license pursuant to the
14 provisions of the Oklahoma Self-Defense Act, ~~Sections 1290.1 through~~
15 ~~1290.26 of this title,~~ shall have the license revoked by the
16 Oklahoma State Bureau of Investigation after a hearing and
17 determination that the person is in violation of Section 1272.1 of
18 this title.

19 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1273, is
20 amended to read as follows:

21 Section 1273.

22 ALLOWING MINORS TO POSSESS FIREARMS

23 A. It shall be unlawful for any person within this state to
24 sell or give to any child any of the arms or weapons designated in

1 Section 1272 of this title; provided, the provisions of this section
2 shall not prohibit a parent from giving his or her child a rifle or
3 shotgun for participation in hunting animals or fowl, hunter safety
4 classes, target shooting, skeet, trap or other recognized sporting
5 events, except as provided in subsection B of this section.

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

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

22 D. Any person violating the provisions of this section shall,
23 upon conviction, be punished as provided in Section 1276 of this
24 title, and, any child violating the provisions of this section shall

1 be subject to adjudication as a delinquent. In addition, any person
2 violating the provisions of this section shall be liable for civil
3 damages for any injury or death to any person and for any damage to
4 property resulting from any discharge of a firearm or use of any
5 other weapon as provided in Section 10 of Title 23 of the Oklahoma
6 Statutes. Any person convicted of violating the provisions of this
7 section after having been issued a ~~concealed~~ handgun license
8 pursuant to the provisions of the Oklahoma Self-Defense Act, may be
9 liable for an administrative violation as provided in Section 1276
10 of this title.

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

13 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1276, is
14 amended to read as follows:

15 Section 1276.

16 PENALTY FOR 1272 AND 1273

17 Any person violating the provisions of Section 1272 or 1273 of
18 this title shall, upon a first conviction, be adjudged guilty of a
19 misdemeanor and the party offending shall be punished by a fine of
20 not less than One Hundred Dollars (\$100.00) nor more than Two
21 Hundred Fifty Dollars (\$250.00), or by imprisonment in the county
22 jail for a period not to exceed thirty (30) days or both such fine
23 and imprisonment. On the second and every subsequent violation, the
24 party offending shall, upon conviction, be punished by a fine of not

1 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
2 Hundred Dollars (\$500.00), or by imprisonment in the county jail for
3 a period not less than thirty (30) days nor more than three (3)
4 months, or by both such fine and imprisonment.

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

13 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1277, is
14 amended to read as follows:

15 Section 1277.

16 UNLAWFUL CARRY IN CERTAIN PLACES

17 A. It shall be unlawful for any person in possession of a valid
18 ~~concealed~~ handgun license issued pursuant to the provisions of the
19 Oklahoma Self-Defense Act to carry any concealed or unconcealed
20 handgun into any of the following places:

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

24

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

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

7 4. Any elementary or secondary school;

8 5. Any sports arena during a professional sporting event;

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

10 and

11 7. Any other place specifically prohibited by law.

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

15 1. Any property set aside for the use or parking of any
16 vehicle, whether attended or unattended, by a city, town, county,
17 state, or federal governmental authority;

18 2. Any property set aside for the use or parking of any
19 vehicle, whether attended or unattended, by any entity offering any
20 professional sporting event which is open to the public for
21 admission, or by any entity engaged in pari-mutuel wagering
22 authorized by law;

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1 3. Any property adjacent to a structure, building, or office
2 space in which concealed or unconcealed weapons are prohibited by
3 the provisions of this section; and

4 4. Any property designated by a city, town, county, or state,
5 governmental authority as a park, recreational area, or fairgrounds;
6 provided, nothing in this paragraph shall be construed to authorize
7 any entry by a person in possession of a concealed or unconcealed
8 handgun into any structure, building, or office space which is
9 specifically prohibited by the provisions of subsection A of this
10 section.

11 Nothing contained in any provision of this subsection shall be
12 construed to authorize or allow any person in control of any place
13 described in paragraph 1, 2, 3, 5 or 6 of subsection A of this
14 section to establish any policy or rule that has the effect of
15 prohibiting any person in lawful possession of a ~~concealed~~ handgun
16 license from possession of a handgun allowable under such license in
17 places described in paragraph 1, 2, 3 or 4 of this subsection.

18 C. Any person violating the provisions of subsection A of this
19 section shall, upon conviction, be guilty of a misdemeanor
20 punishable by a fine not to exceed Two Hundred Fifty Dollars
21 (\$250.00). Any person convicted of violating the provisions of
22 subsection A of this section may be liable for an administrative
23 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and
24 determination by the Oklahoma State Bureau of Investigation that the

1 person is in violation of the provisions of subsection A of this
2 section.

3 D. No person in possession of a valid ~~concealed~~ handgun license
4 issued pursuant to the provisions of the Oklahoma Self-Defense Act
5 shall be authorized to carry the handgun into or upon any college,
6 university, or technology center school property, except as provided
7 in this subsection. For purposes of this subsection, the following
8 property shall not be construed as prohibited for persons having a
9 valid ~~concealed~~ handgun license:

10 1. Any property set aside for the use or parking of any
11 vehicle, whether attended or unattended, provided the handgun is
12 carried or stored as required by law and the handgun is not removed
13 from the vehicle without the prior consent of the college or
14 university president or technology center school administrator while
15 the vehicle is on any college, university, or technology center
16 school property;

17 2. Any property authorized for possession or use of handguns by
18 college, university, or technology center school policy; and

19 3. Any property authorized by the written consent of the
20 college or university president or technology center school
21 administrator, provided the written consent is carried with the
22 handgun and the valid ~~concealed~~ handgun license while on college,
23 university, or technology center school property.

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

10 Nothing contained in any provision of this subsection shall be
11 construed to authorize or allow any college, university, or
12 technology center school to establish any policy or rule that has
13 the effect of prohibiting any person in lawful possession of a
14 ~~concealed~~ handgun license from possession of a handgun allowable
15 under such license in places described in paragraphs 1, 2 and 3 of
16 this subsection. Nothing contained in any provision of this
17 subsection shall be construed to limit the authority of any college
18 or university in this state from taking administrative action
19 against any student for any violation of any provision of this
20 subsection.

21 E. The provisions of this section shall not apply to any peace
22 officer or to any person authorized by law to carry a pistol in the
23 course of employment. District judges, associate district judges
24 and special district judges, who are in possession of a valid

1 ~~concealed~~ handgun license issued pursuant to the provisions of the
2 Oklahoma Self-Defense Act and whose names appear on a list
3 maintained by the Administrative Director of the Courts, shall be
4 exempt from this section when acting in the course and scope of
5 employment within the courthouses of this state. Private
6 investigators with a firearms authorization shall be exempt from
7 this section when acting in the course and scope of employment.

8 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1278, is
9 amended to read as follows:

10 Section 1278.

11 UNLAWFUL INTENT TO CARRY

12 Any person in this state who carries or wears any deadly weapons
13 or dangerous instrument whatsoever with the intent or for the avowed
14 purpose of unlawfully injuring another person, upon conviction,
15 shall be guilty of a felony punishable by a fine not exceeding Five
16 Thousand Dollars (\$5,000.00), by imprisonment in the custody of the
17 Department of Corrections for a period not exceeding two (2) years,
18 or by both such fine and imprisonment. The mere possession of such
19 a weapon or dangerous instrument, without more, however, shall not
20 be sufficient to establish intent as required by this section.

21 Any person convicted of violating the provisions of this section
22 after having been issued a ~~concealed~~ handgun license pursuant to the
23 provisions of the Oklahoma Self-Defense Act, ~~Section 1290.1 et seq.~~
24 ~~of this title,~~ shall have the license permanently revoked and shall

1 be liable for an administrative fine of One Thousand Dollars
2 (\$1,000.00) upon a hearing and determination by the Oklahoma State
3 Bureau of Investigation that the person is in violation of the
4 provisions of this section.

5 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1280.1, is
6 amended to read as follows:

7 Section 1280.1

8 POSSESSION OF FIREARM ON SCHOOL PROPERTY

9 A. It shall be unlawful for any person to have in his or her
10 possession on any public or private school property or while in any
11 school bus or vehicle used by any school for transportation of
12 students or teachers any firearm or weapon designated in Section
13 1272 of this title, except as provided in subsection C of this
14 section or as otherwise authorized by law.

15 B. "School property" means any publicly or privately owned
16 property held for purposes of elementary, secondary or vocational-
17 technical education, and shall not include property owned by public
18 school districts or private educational entities where such property
19 is leased or rented to an individual or corporation and used for
20 purposes other than educational.

21 C. Firearms and weapons are allowed on school property and
22 deemed not in violation of subsection A of this section as follows:

23 1. A gun or knife designed for hunting or fishing purposes kept
24 in a privately owned vehicle and properly displayed or stored as

1 required by law, or a handgun carried in a vehicle pursuant to a
2 valid handgun license authorized by the Oklahoma Self-Defense Act,
3 provided such vehicle containing said gun or knife is driven onto
4 school property only to transport a student to and from school and
5 such vehicle does not remain unattended on school property;

6 2. A gun or knife used for the purposes of participating in the
7 Oklahoma Department of Wildlife Conservation certified hunter
8 training education course or any other hunting, fishing, safety or
9 firearms training courses, or a recognized firearms sports event,
10 team shooting program or competition, or living history reenactment,
11 provided the course or event is approved by the principal or chief
12 administrator of the school where the course or event is offered,
13 and provided the weapon is properly displayed or stored as required
14 by law pending participation in the course, event, program or
15 competition; and

16 3. Weapons in the possession of any peace officer or other
17 person authorized by law to possess a weapon in the performance of
18 their duties and responsibilities.

19 D. Any person violating the provisions of this section shall,
20 upon conviction, be guilty of a felony punishable by a fine not to
21 exceed Five Thousand Dollars (\$5,000.00), and imprisonment in the
22 custody of the Department of Corrections for not more than two (2)
23 years. Any person convicted of violating the provisions of this
24 section after having been issued a ~~concealed~~ handgun license

1 pursuant to the provisions of the Oklahoma Self-Defense Act shall
2 have the license permanently revoked and shall be liable for an
3 administrative fine of One Hundred Dollars (\$100.00) upon a hearing
4 and determination by the Oklahoma State Bureau of Investigation that
5 the person is in violation of the provisions of this section.

6 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1283, is
7 amended to read as follows:

8 Section 1283.

9 CONVICTED FELONS AND DELINQUENTS

10 A. Except as provided in subsection B of this section, it shall
11 be unlawful for any person convicted of any felony in any court of
12 this state or of another state or of the United States to have in
13 his or her possession or under his or her immediate control, or in
14 any vehicle which the person is operating, or in which the person is
15 riding as a passenger, or at the residence where the convicted
16 person resides, any pistol, imitation or homemade pistol, altered
17 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
18 other dangerous or deadly firearm.

19 B. Any person who has previously been convicted of a nonviolent
20 felony in any court of this state or of another state or of the
21 United States, and who has received a full and complete pardon from
22 the proper authority and has not been convicted of any other felony
23 offense which has not been pardoned, shall have restored the right
24 to possess any firearm or other weapon prohibited by subsection A of

1 this section, the right to apply for and carry a ~~concealed~~ handgun,
2 concealed or unconcealed, pursuant to the Oklahoma Self-Defense Act
3 and the right to perform the duties of a peace officer, gunsmith, or
4 for firearms repair.

5 C. It shall be unlawful for any person supervised by the
6 Department of Corrections or any division thereof to have in his or
7 her possession or under his or her immediate control, or at his or
8 her residence, or in any passenger vehicle which the supervised
9 person is operating or is riding as a passenger, any pistol, shotgun
10 or rifle, including any imitation or homemade pistol, altered air or
11 toy pistol, shotgun or rifle, while such person is subject to
12 supervision, probation, parole or inmate status.

13 D. It shall be unlawful for any person previously adjudicated
14 as a delinquent child or a youthful offender for the commission of
15 an offense, which would have constituted a felony offense if
16 committed by an adult, to have in the ~~person's~~ possession of the
17 person or under the ~~person's~~ immediate control of the person, or
18 have in any vehicle which he or she is driving or in which the
19 person is riding as a passenger, or at the ~~person's~~ residence of the
20 person, any pistol, imitation or homemade pistol, altered air or toy
21 pistol, machine gun, sawed-off shotgun or rifle, or any other
22 dangerous or deadly firearm within ten (10) years after such
23 adjudication; provided, that nothing in this subsection shall be
24 construed to prohibit the placement of the person in a home with a

1 full-time duly appointed peace officer who is certified by the
2 Council on Law Enforcement Education and Training (CLEET) pursuant
3 to the provisions of Section 3311 of Title 70 of the Oklahoma
4 Statutes.

5 E. Any person having been issued a ~~concealed~~ handgun license
6 pursuant to the provisions of the Oklahoma Self-Defense Act and who
7 thereafter knowingly or intentionally allows a convicted felon or
8 adjudicated delinquent or a youthful offender as prohibited by the
9 provisions of subsection A, C, or D of this section to possess or
10 have control of any pistol authorized by the Oklahoma Self-Defense
11 Act shall, upon conviction, be guilty of a felony punishable by a
12 fine not to exceed Five Thousand Dollars (\$5,000.00). In addition,
13 the person shall have the handgun license revoked by the Oklahoma
14 State Bureau of Investigation after a hearing and determination that
15 the person has violated the provisions of this section.

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

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

22 H. For purposes of this section, "altered toy pistol" shall
23 mean any toy weapon which has been altered from its original
24 manufactured state to resemble a real weapon.

1 I. For purposes of this section, "altered air pistol" shall
2 mean any air pistol manufactured to propel projectiles by air
3 pressure which has been altered from its original manufactured
4 state.

5 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1287, is
6 amended to read as follows:

7 Section 1287.

8 USE OF FIREARM WHILE COMMITTING A FELONY

9 A. Any person who, while committing or attempting to commit a
10 felony, possesses a pistol, shotgun or rifle or any other offensive
11 weapon in such commission or attempt, whether the pistol, shotgun or
12 rifle is loaded or not, or who possesses a blank or imitation
13 pistol, altered air or toy pistol, shotgun or rifle capable of
14 raising in the mind of one threatened with such device a fear that
15 it is a real pistol, shotgun or rifle, or who possesses an air gun
16 or carbon dioxide or other gas-filled weapon, electronic dart gun,
17 conductive energy weapon, knife, dagger, dirk, switchblade knife,
18 blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in
19 addition to the penalty provided by statute for the felony committed
20 or attempted, upon conviction shall be guilty of a felony for
21 possessing such weapon or device, which shall be a separate offense
22 from the felony committed or attempted and shall be punishable by
23 imprisonment in the custody of the Department of Corrections for a
24 period of not less than two (2) years nor for more than ten (10)

1 years for the first offense, and for a period of not less than ten
2 (10) years nor more than thirty (30) years for any second or
3 subsequent offense.

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

12 C. As used in this section, "altered toy pistol" shall mean any
13 toy weapon which has been altered from its original manufactured
14 state to resemble a real weapon.

15 D. As used in this section, "altered air pistol" shall mean any
16 air pistol manufactured to propel projectiles by air pressure which
17 has been altered from its original manufactured state.

18 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1289.6, is
19 amended to read as follows:

20 Section 1289.6

21 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

22 A. A person shall be permitted to carry loaded and unloaded
23 shotguns, rifles and pistols, open and not concealed and without a
24 handgun license as authorized by the Oklahoma Self-Defense Act,

1 ~~Sections 1 through 25 of this act,~~ pursuant to the following
2 conditions:

3 1. When hunting animals or fowl;

4 2. During competition in or practicing in a safety or hunter
5 safety class, target shooting, skeet, trap or other recognized
6 sporting events;

7 3. During participation in or in preparation for a military
8 function of the state military forces to be defined as the Oklahoma
9 Army or Air National Guard, Federal Military Reserve and active
10 military forces;

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

14 5. During a practice for or a performance for entertainment
15 purposes; ~~or~~

16 6. For lawful self-defense and self-protection or any other
17 legitimate purpose in or on property that is owned, leased, rented,
18 or otherwise legally controlled by the person; or

19 7. For any legitimate purpose not in violation of the Oklahoma
20 Firearms Act of 1971, Sections 1289.1 through 1289.17 of this title
21 or any legislative enactment regarding the use, ownership and
22 control of firearms.

23 B. A person shall be permitted to carry unloaded shotguns,
24 rifles and pistols, open and not concealed and without a handgun

1 license as authorized by the Oklahoma Self-Defense Act pursuant to
2 the following conditions:

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

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

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

17 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1289.7, is
18 amended to read as follows:

19 Section 1289.7

20 FIREARMS IN VEHICLES

21 Any person, except a convicted felon, may transport in a motor
22 vehicle a rifle, shotgun or pistol, open and unloaded, at any time.
23 For purposes of this section "open" means the firearm is transported
24 in plain view, in a case designed for carrying firearms, which case

1 is wholly or partially visible, in a gun rack mounted in the
2 vehicle, in an exterior locked compartment or a trunk of a vehicle.

3 Any person, except a convicted felon, may transport in a motor
4 vehicle a rifle or shotgun concealed behind a seat of the vehicle or
5 within the interior of the vehicle provided the rifle or shotgun is
6 not clip, magazine or chamber loaded. The authority to transport a
7 clip or magazine loaded rifle or shotgun shall be pursuant to
8 Section 1289.13 of this title.

9 Any person who is the operator of a vehicle or is a passenger in
10 any vehicle wherein another person who is licensed pursuant to the
11 Oklahoma Self-Defense Act, ~~Sections 1290.1 through 1290.25 of Title~~
12 ~~21 of the Oklahoma Statutes,~~ to carry a ~~concealed~~ concealed
13 or unconcealed, and is carrying a ~~concealed~~ handgun or has ~~concealed~~
14 the handgun in such vehicle, shall not be deemed in violation of the
15 provisions of this section provided the licensee is in or near the
16 vehicle.

17 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1289.7a, is
18 amended to read as follows:

19 Section 1289.7a A. No person, property owner, tenant,
20 employer, or business entity shall maintain, establish, or enforce
21 any policy or rule that has the effect of prohibiting any person,
22 except a convicted felon, from transporting and storing firearms or
23 ammunition in a locked motor vehicle, or from transporting and
24

1 storing firearms or ammunition locked in or locked to a motor
2 vehicle on any property set aside for any motor vehicle.

3 B. No person, property owner, tenant, employer, or business
4 entity shall be liable in any civil action for occurrences which
5 result from the storing of firearms or ammunition in a locked motor
6 vehicle on any property set aside for any motor vehicle, unless the
7 person, property owner, tenant, employer, or owner of the business
8 entity commits a criminal act involving the use of the firearms or
9 ammunition. The provisions of this subsection shall not apply to
10 claims pursuant to the Workers' Compensation Act.

11 C. An individual may bring a civil action to enforce this
12 section. If a plaintiff prevails in a civil action related to the
13 personnel manual against a person, property owner, tenant, employer
14 or business for a violation of this section, the court shall award
15 actual damages, enjoin further violations of this section, and award
16 court costs and attorney fees to the prevailing plaintiff.

17 D. As used in this section, "motor vehicle" means any
18 automobile, truck, minivan, sports utility vehicle, motorcycle,
19 motor scooter, and any other vehicle required to be registered under
20 the Oklahoma Vehicle License and Registration Act.

21 SECTION 14. AMENDATORY 21 O.S. 2011, Section 1289.9, is
22 amended to read as follows:

23 Section 1289.9

24 CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

1 It shall be unlawful for any person to carry or use shotguns,
2 rifles or pistols in any circumstances while under the influence of
3 beer, intoxicating liquors or any hallucinogenic, or any unlawful or
4 unprescribed drug, and it shall be unlawful for any person to carry
5 or use shotguns, rifles or pistols when under the influence of any
6 drug prescribed by a licensed physician if the aftereffects of such
7 consumption affect mental, emotional or physical processes to a
8 degree that would result in abnormal behavior. Any person convicted
9 of a violation of the provisions of this section shall be punished
10 as provided in Section 1289.15 of this title.

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

19 SECTION 15. AMENDATORY 21 O.S. 2011, Section 1289.10, is
20 amended to read as follows:

21 Section 1289.10

22 FURNISHING FIREARMS TO INCOMPETENT PERSONS

23 It shall be unlawful for any person to knowingly transmit,
24 transfer, sell, lend or furnish any shotgun, rifle or pistol to any

1 person who is under an adjudication of mental incompetency, or to
2 any person who is mentally deficient or of unsound mind. Any person
3 convicted of a violation of the provisions of this section shall be
4 punished as provided in Section 1289.15 of this title.

5 Any person convicted of a violation of the provisions of this
6 section after having been issued a ~~concealed~~ handgun license
7 pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Section~~
8 ~~1290.1 et seq. of this title,~~ shall have the license suspended for a
9 term of six (6) months and shall be subject to an administrative
10 fine of Fifty Dollars (\$50.00), upon a hearing and determination by
11 the Oklahoma State Bureau of Investigation that the person is in
12 violation of the provisions of this section.

13 SECTION 16. AMENDATORY 21 O.S. 2011, Section 1289.11, is
14 amended to read as follows:

15 Section 1289.11

16 RECKLESS CONDUCT

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

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

9 SECTION 17. AMENDATORY 21 O.S. 2011, Section 1289.12, is
10 amended to read as follows:

11 Section 1289.12

12 GIVING FIREARMS TO CONVICTED PERSONS

13 It shall be unlawful for any person within this state to
14 knowingly sell, trade, give, transmit or otherwise cause the
15 transfer of rifles, shotguns or pistols to any convicted felon or an
16 adjudicated delinquent, and it shall be unlawful for any person
17 within this state to knowingly sell, trade, give, transmit or
18 otherwise cause the transfer of any shotgun, rifle or pistol to any
19 individual who is under the influence of alcohol or drugs or is
20 mentally or emotionally unbalanced or disturbed. All persons who
21 engage in selling, trading or otherwise transferring firearms will
22 display this section prominently in full view at or near the point
23 of normal firearms sale, trade or transfer. Any person convicted of
24

1 violating the provisions of this section shall be punished as
2 provided in Section 1289.15 of this title.

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

10 SECTION 18. AMENDATORY 21 O.S. 2011, Section 1289.13, is
11 amended to read as follows:

12 Section 1289.13

13 TRANSPORTING A LOADED FIREARM

14 Except as otherwise provided by the provisions of the Oklahoma
15 Self-Defense Act or another provision of law, it shall be unlawful
16 to transport a loaded pistol, rifle or shotgun in a landborne motor
17 vehicle over a public highway or roadway. However, a rifle or
18 shotgun may be transported clip or magazine loaded and not chamber
19 loaded when transported in an exterior locked compartment of the
20 vehicle or trunk of the vehicle or in the interior compartment of
21 the vehicle notwithstanding the provisions of Section 1289.7 of this
22 title when the person is in possession of a valid handgun license
23 pursuant to the Oklahoma Self-Defense Act.

24

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

3 Any person who is the operator of a vehicle or is a passenger in
4 any vehicle wherein another person who is licensed pursuant to the
5 Oklahoma Self-Defense Act to carry a ~~concealed~~ handgun, concealed or
6 unconcealed, and is carrying a ~~concealed~~ handgun or has ~~concealed~~ a
7 handgun or rifle or shotgun in such vehicle shall not be deemed in
8 violation of the provisions of this section provided the licensee is
9 in or near the vehicle.

10 SECTION 19. AMENDATORY 21 O.S. 2011, Section 1289.13A,
11 is amended to read as follows:

12 Section 1289.13A

13 IMPROPER TRANSPORTATION OF FIREARMS

14 A. Notwithstanding the provisions of Section 1272 or 1289.13 of
15 this title, any person stopped pursuant to a moving traffic
16 violation who is transporting a loaded pistol in the motor vehicle
17 without a valid ~~concealed~~ handgun ~~permit~~ license authorized by the
18 Oklahoma Self-Defense Act or valid license from another state,
19 whether the loaded firearm is concealed or ~~open~~ unconcealed in the
20 vehicle, shall be issued a traffic citation in the amount of Seventy
21 Dollars (\$70.00), plus court costs for transporting a firearm
22 improperly. In addition to the traffic citation provided in this
23 section, the person may also be arrested for any other violation of
24 law.

1 B. When the arresting officer determines that a valid handgun
2 license exists, pursuant to the Oklahoma Self-Defense Act or any
3 provision of law from another state, for any person in the stopped
4 vehicle, any firearms permitted to be carried pursuant to that
5 license shall not be confiscated, unless:

6 1. The person is arrested for violating another provision of
7 law other than a violation of subsection A of this section;
8 provided, however, if the person is never charged with an offense
9 pursuant to this paragraph or if the charges are dismissed or the
10 person is acquitted, the weapon shall be returned to the person; or

11 2. The officer has probable cause to believe the weapon is:

12 a. contraband, or

13 b. a firearm used in the commission of a crime other than
14 a violation of subsection A of this section.

15 C. Nothing in this section shall be construed to require
16 confiscation of any firearm.

17 SECTION 20. AMENDATORY 21 O.S. 2011, Section 1289.16, is
18 amended to read as follows:

19 Section 1289.16

20 FELONY POINTING FIREARMS

21 It shall be unlawful for any person to willfully or without
22 lawful cause point a shotgun, rifle or pistol, or any deadly weapon,
23 whether loaded or not, at any person or persons for the purpose of
24 threatening or with the intention of discharging the firearm or with

1 any malice or for any purpose of injuring, either through physical
2 injury or mental or emotional intimidation or for purposes of
3 whimsy, humor or prank, or in anger or otherwise, but not to include
4 the pointing of shotguns, rifles or pistols by law enforcement
5 authorities in the performance of their duties, members of the state
6 military forces in the performance of their duties, members of the
7 federal military reserve and active military components in the
8 performance of their duties, or any federal government law
9 enforcement officer in the performance of any duty, or in the
10 performance of a play on stage, rodeo, television or on film, or in
11 defense of any person, one's home or property. Any person convicted
12 of a violation of the provisions of this section shall be punished
13 as provided in Section 1289.17 of this title.

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

22 SECTION 21. AMENDATORY 21 O.S. 2011, Section 1289.23, is
23 amended to read as follows:

24 Section 1289.23

1 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

2 A. A full-time duly appointed peace officer who is certified by
3 the Council on Law Enforcement Education and Training (CLEET),
4 pursuant to the provisions of Section 3311 of Title 70 of the
5 Oklahoma Statutes, is hereby authorized to carry a weapon certified
6 and approved by the employing agency during periods when the officer
7 is not on active duty as provided by the provisions of subsection B
8 of this section.

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

13 1. To have the official peace officers badge, Commission Card
14 and CLEET Certification Card on his or her person at all times when
15 carrying a weapon certified and approved by the employing agency;
16 and

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

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

23 D. A reserve peace officer who has satisfactorily completed a
24 basic police course of not less than one hundred twenty (120) hours

1 of accredited instruction for reserve police officers and reserve
2 deputies from the Council on Law Enforcement Education and Training
3 or a course of study approved by CLEET may carry a certified weapon
4 when such officer is off duty as provided by subsection E of this
5 section, provided:

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

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

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

18 1. To have his or her official peace officer's badge,
19 Commission Card, CLEET Certification Card and written authorization
20 on his or her person at all times when carrying a weapon certified
21 and approved by the employing agency; and

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

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

5 G. Nothing in this section shall be construed to limit or
6 restrict any peace officer or reserve peace officer from carrying a
7 ~~concealed~~ handgun, concealed or unconcealed, as allowed by the
8 Oklahoma Self-Defense Act after issuance of a valid license. When
9 an off-duty officer elects to carry a ~~concealed~~ handgun under the
10 authority of the Oklahoma Self-Defense Act, the person shall comply
11 with all provisions of such act and shall not be representing the
12 employing agency.

13 H. Any off-duty peace officer who carries any weapon in
14 violation of the provisions of this section shall be deemed to be in
15 violation of Section 1272 of this title and may be prosecuted as
16 provided by law for a violation of that section.

17 I. On ~~the effective date of this act~~ or after November 1, 2004,
18 a reserve or full-time commissioned peace officer may apply to carry
19 a weapon pursuant to the Oklahoma Self-Defense Act as follows:

20 1. The officer shall apply in writing to the Council on Law
21 Enforcement Education and Training (CLEET) stating that the officer
22 desires to have a ~~concealed permit~~ handgun license pursuant to the
23 Oklahoma Self-Defense Act and certifying that he or she has no
24

1 preclusions to having such ~~concealed~~ handgun license. The officer
2 shall submit with the application:

- 3 a. an official letter from his or her employing agency
4 confirming the officer's employment and status as a
5 full-time commissioned peace officer or an active
6 reserve peace officer,
- 7 b. a fee of Twenty-five Dollars (\$25.00) for the
8 ~~concealed~~ handgun license, and
- 9 c. two passport-size photographs of the peace officer
10 applicant.

11 2. Upon receiving the required information, CLEET shall
12 determine whether the peace officer is in good standing, has CLEET
13 certification and training, and is otherwise eligible for a
14 ~~concealed~~ handgun license. Upon verification of the officer's
15 eligibility, CLEET shall send the information to the Oklahoma State
16 Bureau of Investigation (OSBI) and OSBI shall issue a ~~concealed~~
17 handgun license in the same or similar form as other handgun
18 licenses. All other requirements in Section 1290.12 of this title
19 concerning application for a ~~concealed~~ handgun license shall be
20 waived for active duty peace officers except as provided in this
21 subsection, including but not limited to training, fingerprints and
22 criminal history records checks unless the officer does not have
23 fingerprints on file or a criminal history records background check
24 conducted prior to employment as a peace officer. The OSBI shall

1 not be required to conduct any further investigation into the
2 eligibility of the peace officer applicant and shall not deny a
3 ~~concealed~~ handgun license except when preclusions are found to
4 exist.

5 3. The term of the ~~concealed~~ handgun ~~permit~~ license for an
6 active duty reserve or full-time commissioned peace officer pursuant
7 to this section shall be as provided in Section 1290.5 of this
8 title, renewable in the same manner provided in this subsection for
9 an original application by a peace officer. The ~~concealed~~ handgun
10 license shall be valid when the peace officer is in possession of a
11 valid driver license and law enforcement commission card.

12 4. If the commission card of a law enforcement ~~officer's~~
13 ~~commission card~~ officer is terminated, revoked or suspended, the
14 ~~concealed~~ handgun license shall be immediately returned to CLEET.
15 When a peace officer in possession of a ~~concealed~~ handgun license
16 pursuant to this subsection changes employment, the person must
17 notify CLEET within ninety (90) days and send a new letter verifying
18 employment and status as a full-time commissioned or reserve peace
19 officer.

20 5. There shall be no refund of any fee for any unexpired term
21 of any ~~concealed~~ handgun license that is suspended, revoked, or
22 voluntarily returned to CLEET, or that is denied, suspended or
23 revoked by the OSBI.

24

1 6. CLEET may promulgate any rules, forms or procedures
2 necessary to implement the provisions of this section.

3 7. Nothing in this subsection shall be construed to change or
4 amend the application process, eligibility, effective date or fees
5 of any ~~concealed~~ handgun license pending issuance on ~~the effective~~
6 ~~date of this act~~ November 1, 2004, or previously issued to any peace
7 officer prior to ~~the effective date of this act~~ November 1, 2004.

8 SECTION 22. AMENDATORY 21 O.S. 2011, Section 1289.24, is
9 amended to read as follows:

10 Section 1289.24

11 FIREARM REGULATION - STATE PREEMPTION

12 A. 1. The State Legislature hereby occupies and preempts the
13 entire field of legislation in this state touching in any way
14 firearms, components, ammunition, and supplies to the complete
15 exclusion of any order, ordinance, or regulation by any municipality
16 or other political subdivision of this state. Any existing or
17 future orders, ordinances, or regulations in this field, except as
18 provided for in paragraph 2 of this subsection and subsection C of
19 this section, are null and void.

20 2. A municipality may adopt any ordinance:

21 a. relating to the discharge of firearms within the
22 jurisdiction of the municipality, and

23 b. allowing the municipality to issue a traffic citation
24 for transporting a firearm improperly as provided for

1 in Section 1289.13A of this title, provided however,
2 that penalties contained for violation of any
3 ordinance enacted pursuant to the provisions of this
4 subparagraph shall not exceed the penalties
5 established in the Oklahoma Self-Defense Act.

6 3. As provided in the preemption provisions of this section,
7 the otherwise lawful open carrying of a handgun under the provisions
8 of the Oklahoma Self-Defense Act shall not be punishable by any
9 municipality or other political subdivision of this state as
10 disorderly conduct, disturbing the peace or similar offense against
11 public order.

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

19 C. Except as hereinafter provided, this section shall not
20 prohibit any order, ordinance, or regulation by any municipality
21 concerning the confiscation of property used in violation of the
22 ordinances of the municipality as provided for in Section 28-121 of
23 Title 11 of the Oklahoma Statutes. Provided, however, no municipal
24

1 ordinance relating to transporting a firearm improperly may include
2 a provision for confiscation of property.

3 D. When a person's rights pursuant to the protection of the
4 preemption provisions of this section have been violated, the person
5 shall have the right to bring a civil action against the persons,
6 municipality, and political subdivision jointly and severally for
7 injunctive relief or monetary damages or both.

8 SECTION 23. AMENDATORY 21 O.S. 2011, Section 1290.2, is
9 amended to read as follows:

10 Section 1290.2

11 DEFINITIONS

12 A. As used in Sections ~~4~~ 1290.1 through ~~25~~ 1290.26 of this ~~act~~
13 title:

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

19 2. "Unconcealed handgun" means a loaded or unloaded pistol
20 carried upon the person in a belt or shoulder holster that is wholly
21 or partially visible, or carried upon the person in a scabbard or
22 case designed for carrying firearms that is wholly or partially
23 visible; and

24

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

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

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

16 SECTION 24. AMENDATORY 21 O.S. 2011, Section 1290.3, is
17 amended to read as follows:

18 Section 1290.3

19 AUTHORITY TO ISSUE LICENSE

20 The Oklahoma State Bureau of Investigation is hereby authorized
21 to license an eligible person to carry a concealed or unconcealed
22 handgun as provided by the provisions of the Oklahoma Self-Defense
23 Act, ~~Sections 1 through 25 of this act.~~ The Bureau's authority of
24 the Bureau shall be limited to the provisions specifically provided

1 in the Oklahoma Self-Defense Act. The Bureau shall promulgate
2 rules, forms and procedures necessary to implement the provisions of
3 the Oklahoma Self-Defense Act.

4 SECTION 25. AMENDATORY 21 O.S. 2011, Section 1290.4, is
5 amended to read as follows:

6 Section 1290.4

7 UNLAWFUL CARRY

8 As provided by Section 1272 of ~~Title 21 of the Oklahoma Statutes~~
9 this title, it is unlawful for any person to carry a concealed or
10 unconcealed handgun in this state, except as hereby authorized by
11 the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through~~
12 ~~25 of this act~~, or as may otherwise be provided by law.

13 SECTION 26. AMENDATORY 21 O.S. 2011, Section 1290.5, is
14 amended to read as follows:

15 Section 1290.5

16 TERM OF LICENSE AND RENEWAL

17 A. A ~~concealed~~ handgun license when issued shall authorize the
18 person to whom the license is issued to carry a loaded or unloaded
19 ~~concealed~~ handgun, concealed or unconcealed, as authorized by the
20 provisions of the Oklahoma Self-Defense Act, and any future
21 modifications thereto. The license shall be valid in this state for
22 a period of five (5) or ten (10) years, unless subsequently
23 surrendered, suspended or revoked as provided by law. The person
24 shall have no authority to continue to carry a concealed or

1 unconcealed handgun in this state pursuant to the Oklahoma Self-
2 Defense Act when a license is expired or when a license has been
3 voluntarily surrendered or suspended or revoked for any reason.

4 B. A license may be renewed any time within ninety (90) days
5 prior to the expiration date as provided in this subsection. The
6 Bureau shall send a renewal application to each eligible licensee
7 with a return address requested. There shall be a thirty-day grace
8 period on license renewals beginning on the date of expiration,
9 thereafter the license is considered expired. However, any
10 applicant shall have three (3) years from the expiration of the
11 license to comply with the renewal requirements of this section.

12 1. To renew a handgun license, the licensee must first obtain a
13 renewal form from the Oklahoma State Bureau of Investigation.

14 2. The applicant must complete the renewal form, attach two
15 current passport size photographs of the applicant, and submit a
16 renewal fee in the amount of Eighty-five Dollars (\$85.00) to the
17 Bureau. The renewal fee may be paid with a nationally recognized
18 credit card as provided in subparagraph b of paragraph 4 of
19 subsection A of Section 1290.12 of this title, or by a cashier's
20 check or money order made payable to the Oklahoma State Bureau of
21 Investigation.

22 3. Upon receipt of the renewal application, photographs and
23 fee, the Bureau will conduct a criminal history records name search,
24 an investigation of medical records or other records or information

1 deemed by the Bureau to be relevant to the renewal application. If
2 the applicant appears not to have any prohibition to renewing the
3 handgun license, the Bureau shall issue the renewed license for a
4 period of five (5) or ten (10) years.

5 C. Beginning November 1, 2007, any person making application
6 for a ~~concealed~~ handgun license or any licensee seeking to renew a
7 ~~concealed~~ handgun license shall have the option to request that said
8 license be valid for a period of ten (10) years. The fee for any
9 ~~concealed~~ handgun license issued for a period of ten (10) years
10 shall be double the amount of the fee provided for in paragraph 4 of
11 subsection A of Section 1290.12 of this title. The renewal fee for
12 a ~~concealed~~ handgun license issued for a period of ten (10) years
13 shall be double the amount of the fee provided for in paragraph 2 of
14 subsection B of this section.

15 SECTION 27. AMENDATORY 21 O.S. 2011, Section 1290.6, is
16 amended to read as follows:

17 Section 1290.6

18 PROHIBITED AMMUNITION

19 Any concealed or unconcealed handgun when carried in a manner
20 authorized by the provisions of the Oklahoma Self-Defense Act,
21 ~~Sections 1 through 25 of this act,~~ and when loaded with any
22 ammunition which is either a restricted bullet as defined by Section
23 1289.19 of ~~Title 21 of the Oklahoma Statutes~~ this title or is larger
24 than .45 caliber or is otherwise prohibited by law shall be deemed a

1 prohibited weapon for purposes of the Oklahoma Self-Defense Act.
2 Any person violating the provisions of this section shall be
3 punished for a criminal offense as provided by Section 1272 of ~~Title~~
4 ~~21 of the Oklahoma Statutes~~ this title or any other applicable
5 provision of law. In addition to any criminal prosecution for a
6 violation of the provisions of this section, the licensee shall be
7 subject to an administrative fine of Five Hundred Dollars (\$500.00),
8 upon a hearing and determination by the Oklahoma State Bureau of
9 Investigation that the person is in violation of the provisions of
10 this section.

11 SECTION 28. AMENDATORY 21 O.S. 2011, Section 1290.7, is
12 amended to read as follows:

13 Section 1290.7

14 CONSTRUING AUTHORITY OF LICENSE

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

19 1. Carry or possess any weapon other than an authorized pistol
20 as defined by the provisions of Section ~~2~~ 1290.2 of this ~~act~~ title;

21 2. Carry or possess any pistol in any manner or in any place
22 otherwise prohibited by law;

23 3. Carry or possess any prohibited ammunition or any illegal,
24 imitation or homemade pistol;

1 4. Carry or possess any pistol when the person is prohibited by
2 state or federal law from carrying or possessing any firearm; or

3 5. Point, discharge, intentionally display the pistol, or use
4 the pistol in any manner not otherwise authorized by law.

5 SECTION 29. AMENDATORY 21 O.S. 2011, Section 1290.8, is
6 amended to read as follows:

7 Section 1290.8

8 POSSESSION OF LICENSE REQUIRED -

9 NOTIFICATION TO POLICE OF GUN

10 A. Except as otherwise prohibited by law, an eligible person
11 shall have authority to carry a concealed or unconcealed handgun in
12 this state when the person has been issued a handgun license from
13 the Oklahoma State Bureau of Investigation pursuant to the
14 provisions of the Oklahoma Self-Defense Act, provided the person is
15 in compliance with the provisions of the Oklahoma Self-Defense Act,
16 and the license has not expired or been subsequently suspended or
17 revoked. A person in possession of a valid handgun license and in
18 compliance with the provisions of the Oklahoma Self-Defense Act
19 shall be authorized to carry such concealed or unconcealed handgun
20 while bow hunting or fishing.

21 B. The person shall be required to have possession of his or
22 her valid handgun license and a valid Oklahoma driver license or an
23 Oklahoma State photo identification at all times when in possession
24 of an authorized pistol. The person shall display the handgun

1 license on demand of a law enforcement officer; provided, however,
2 that in the absence of reasonable and articulable suspicion of other
3 criminal activity, an individual carrying an unconcealed handgun
4 shall not be disarmed or physically restrained unless the individual
5 fails to display a valid handgun license in response to that demand.

6 Any violation of the provisions of this subsection may be punishable
7 as a criminal offense as authorized by Section 1272 of this title or
8 pursuant to any other applicable provision of law. In addition to
9 any criminal prosecution which may result from not carrying the
10 handgun license and the required identification with the authorized
11 pistol as required by the provisions of this subsection, the person
12 may be subject to an administrative fine for violation of the
13 provisions of this subsection. The administrative fine shall be
14 Fifty Dollars (\$50.00) and shall be assessed by the Oklahoma State
15 Bureau of Investigation after a hearing and determination that the
16 licensee is in violation of the provisions of this subsection. Any
17 second or subsequent violation of the provisions of this subsection
18 shall be grounds for the Bureau to suspend the handgun license for a
19 period of six (6) months, in addition to any other penalty imposed.

20 Upon the arrest of any person for a violation of the provisions
21 of this subsection, the person may show proof to the court that a
22 valid handgun license and the other required identification has been
23 issued to such person and the person may state any reason why the
24 handgun license or the other required identification was not carried

1 by the person as required by the Oklahoma Self-Defense Act. The
2 court shall dismiss an alleged violation of Section 1272 of this
3 title upon payment of court costs, if proof of a valid handgun
4 license and other required identification is shown to the court
5 within ten (10) days of the arrest of the person. The court shall
6 report a dismissal of a charge to the Bureau for consideration of
7 administrative proceedings against the licensee.

8 C. It shall be unlawful for any person to fail or refuse to
9 identify the fact that the person is in actual possession of a
10 concealed or unconcealed handgun pursuant to the authority of the
11 Oklahoma Self-Defense Act when the person ~~first~~ comes into contact
12 with any law enforcement officer of this state or its political
13 subdivisions or a federal law enforcement officer during the course
14 of any arrest, detainment, or routine traffic stop. Said
15 identification to the law enforcement officer shall be made at the
16 first opportunity. No person shall be required to identify himself
17 or herself as a ~~concealed~~ handgun licensee when no handgun is in the
18 ~~person's~~ possession of the person or in any vehicle in which the
19 person is driving or is a passenger. Any violation of the
20 provisions of this subsection shall, upon conviction, be a
21 misdemeanor punishable by a fine not exceeding ~~Five Hundred Dollars~~
22 ~~(\$500.00), by imprisonment in the county jail for a period not to~~
23 ~~exceed ninety (90) days, or by both such fine and imprisonment.~~ In
24 ~~addition to any criminal prosecution for a violation of the~~

1 ~~provisions of this subsection, the licensee shall be subject to a~~
2 ~~six-month suspension of the license and an administrative fine of~~
3 ~~Fifty Dollars (\$50.00), upon a hearing and determination by the~~
4 ~~Bureau that the person is in violation of the provisions of this~~
5 ~~subsection~~ One Hundred Dollars (\$100.00).

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

13 E. Nothing in this section shall be construed to authorize a
14 law enforcement officer to inspect any weapon properly concealed or
15 unconcealed without probable cause that a crime has been committed.

16 SECTION 30. AMENDATORY 21 O.S. 2011, Section 1290.9, is
17 amended to read as follows:

18 Section 1290.9

19 ELIGIBILITY

20 The following requirements shall apply to any person making
21 application to the Oklahoma State Bureau of Investigation for a
22 ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma
23 Self-Defense Act. The person must:

- 24 1. Be a citizen of the United States;

1 of the Oklahoma Self-Defense Act for a period of time as prescribed
2 in each of the following paragraphs:

3 1. An arrest for an alleged commission of a felony offense or a
4 felony charge pending in this state, another state or pursuant to
5 the United States Code. The preclusive period shall be until the
6 final determination of the matter;

7 2. The person is subject to the provisions of a deferred
8 sentence or deferred prosecution in this state or another state or
9 pursuant to federal authority for the commission of a felony
10 offense. The preclusive period shall be three (3) years and shall
11 begin upon the final determination of the matter;

12 3. Any involuntary commitment for a mental illness, condition,
13 or disorder pursuant to the provisions of Section 5-410 of Title 43A
14 of the Oklahoma Statutes or any involuntary commitment in another
15 state pursuant to any provisions of law of that state. The
16 preclusive period shall be permanent as provided by Title 18 of the
17 United States Code Section 922(g) (4);

18 4. The person has previously undergone treatment for a mental
19 illness, condition, or disorder which required medication or
20 supervision as defined by paragraph 7 of Section 1290.10 of this
21 title. The preclusive period shall be three (3) years from the last
22 date of treatment or upon presentation of a certified statement from
23 a licensed physician stating that the person is either no longer
24 disabled by any mental or psychiatric illness, condition, or

1 disorder or that the person has been stabilized on medication for
2 ten (10) years or more;

3 5. Inpatient treatment for substance abuse. The preclusive
4 period shall be three (3) years from the last date of treatment or
5 upon presentation of a certified statement from a licensed physician
6 stating that the person has been free from substance use for twelve
7 (12) months or more preceding the filing of an application for a
8 handgun license;

9 6. Two or more convictions of public intoxication pursuant to
10 Section 8 of Title 37 of the Oklahoma Statutes, or a similar law of
11 another state. The preclusive period shall be three (3) years from
12 the date of the completion of the last sentence;

13 7. Two or more misdemeanor convictions relating to intoxication
14 or driving under the influence of an intoxicating substance or
15 alcohol. The preclusive period shall be three (3) years from the
16 date of the completion of the last sentence or shall require a
17 certified statement from a licensed physician stating that the
18 person is not in need of substance abuse treatment;

19 8. A court order for a final Victim Protection Order against
20 the applicant, as authorized by Section 60 et seq. of Title 22 of
21 the Oklahoma Statutes, or any court order granting a final victim
22 protection order against the applicant from another state. The
23 preclusive period shall be three (3) years from the date of the
24

1 entry of the final court order, or sixty (60) days from the date an
2 order was vacated, canceled or withdrawn;

3 9. An adjudicated delinquent or convicted felon residing in the
4 residence of the applicant which may be a violation of Section 1283
5 of this title. The preclusive period shall be thirty (30) days from
6 the date the person no longer resides in the same residence as the
7 applicant; or

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

12 a. any assault and battery which caused serious physical
13 injury to the victim or any second or subsequent
14 assault and battery,

15 b. any aggravated assault and battery,

16 c. any stalking pursuant to Section 1173 of this title,
17 or a similar law of another state,

18 d. any violation of the Protection from Domestic Abuse
19 Act, Section 60 et seq. of Title 22 of the Oklahoma
20 Statutes, or any violation of a victim protection
21 order of another state,

22 e. any violation relating to illegal drug use or
23 possession, or

24

1 f. an act of domestic abuse as defined by Section 644 of
2 this title or an act of domestic assault and battery
3 or any comparable acts under the law of another state.

4 The preclusive period for this paragraph shall be three (3) years
5 and shall begin upon the final determination of the matter.

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

9 SECTION 32. AMENDATORY 21 O.S. 2011, Section 1290.12, is
10 amended to read as follows:

11 Section 1290.12

12 PROCEDURE FOR APPLICATION

13 A. The procedure for applying for a ~~concealed~~ handgun license
14 and processing the application shall be as follows:

15 1. An eligible person may request an application packet for a
16 ~~concealed~~ handgun license from the Oklahoma State Bureau of
17 Investigation or the county sheriff's office either in person or by
18 mail. The Bureau may provide application packets to each sheriff
19 not exceeding two hundred packets per request. The Bureau shall
20 provide the following information in the application packet:

- 21 a. an application form,
- 22 b. procedures to follow to process the application form,
- 23 and

1 c. a copy of the Oklahoma Self-Defense Act with any
2 modifications thereto;

3 2. The person shall be required to successfully complete a
4 firearms safety and training course from a firearms instructor who
5 is approved and registered in this state as provided in Section
6 1290.14 of this title, and the person shall be required to
7 demonstrate competency and qualification with a pistol authorized
8 for concealed or unconcealed carry by the Oklahoma Self-Defense Act.
9 The original certificate of training shall be submitted with the
10 application for a handgun license. No duplicate, copy, facsimile or
11 other reproduction of the certificate of training or exemption from
12 training shall be acceptable as proof of training as required by the
13 provisions of the Oklahoma Self-Defense Act. A person exempt from
14 the training requirements as provided in Section 1290.15 of this
15 title must show the required proof of such exemption to the firearms
16 instructor to receive an exemption certificate. The original
17 exemption certificate must be submitted with the application for a
18 handgun license when the person claims an exemption from training
19 and qualification;

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

23 4. The person shall deliver to the sheriff at the time of
24 delivery of the completed application form a fee of One Hundred

1 Dollars (\$100.00) for processing the application through the
2 Oklahoma State Bureau of Investigation and processing the required
3 fingerprints through the Federal Bureau of Investigation. The
4 processing fee shall be in the form of:

- 5 a. a money order or a cashier's check made payable to the
6 Oklahoma State Bureau of Investigation, or
- 7 b. by a nationally recognized credit card issued to the
8 applicant. For purposes of this paragraph,
9 "nationally recognized credit card" means any
10 instrument or device, whether known as a credit card,
11 credit plate, charge plate, or by any other name,
12 issued with or without fee by the issuer for the use
13 of the cardholder in obtaining goods, services, or
14 anything else of value on credit which is accepted by
15 over one thousand merchants in the state. The
16 Oklahoma State Bureau of Investigation shall determine
17 which nationally recognized credit cards will be
18 accepted by the Bureau.

19 The processing fee shall not be refundable in the event of a
20 denial of a handgun license or any suspension or revocation
21 subsequent to the issuance of a license. Persons making application
22 for a firearms instructor shall not be required to pay the
23 application fee as provided in this section, but shall be required
24 to pay the costs provided in paragraphs 6 and 8 of this subsection;

1 5. The completed application form shall be signed by the
2 applicant in person before the sheriff. The signature shall be
3 given voluntarily upon a sworn oath that the person knows the
4 contents of the application and that the information contained in
5 the application is true and correct. Any person making any false or
6 misleading statement on an application for a handgun license shall,
7 upon conviction, be guilty of perjury as defined by Section 491 of
8 this title. Any conviction shall be punished as provided in Section
9 500 of this title. In addition to a criminal conviction, the person
10 shall be denied the right to have a ~~concealed~~ handgun license
11 pursuant to the provisions of Section 1290.10 of this title and the
12 Oklahoma State Bureau of Investigation shall revoke the handgun
13 license, if issued;

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

24

1 7. The sheriff shall witness the signature of the applicant and
2 review or take the photographs of the applicant and shall verify
3 that the person making application for a handgun license is the same
4 person in the photographs submitted and the same person who signed
5 the application form. Proof of a valid Oklahoma driver license with
6 a photograph of the applicant or an Oklahoma State photo
7 identification for the applicant shall be required to be presented
8 by the applicant to the sheriff for verification of the person's
9 identity;

10 8. Upon verification of the identity of the applicant, the
11 sheriff shall take two complete sets of fingerprints of the
12 applicant. Both sets of fingerprints shall be submitted by the
13 sheriff with the completed application, certificate of training or
14 an exemption certificate, photographs and processing fee to the
15 Oklahoma State Bureau of Investigation within fourteen (14) days of
16 taking the fingerprints. The cost of the fingerprints shall be paid
17 by the applicant and shall not exceed Twenty-five Dollars (\$25.00)
18 for the two sets. All fees collected by the sheriff from taking
19 fingerprints pursuant to the provisions of this paragraph shall be
20 retained by the sheriff and deposited into the Sheriff's Service Fee
21 Account;

22 9. The sheriff shall submit to the Oklahoma State Bureau of
23 Investigation within the fourteen-day period, together with the
24 completed application, including the certificate of training or

1 exemption certificate, photographs, processing fee and legible
2 fingerprints meeting the Oklahoma State Bureau of Investigation's
3 Automated Fingerprint Identification System (AFIS) submission
4 standards, and a report of information deemed pertinent to an
5 investigation of the applicant for a handgun license. The sheriff
6 shall make a preliminary investigation of pertinent information
7 about the applicant and the court clerk shall assist the sheriff in
8 locating pertinent information in court records for this purpose.
9 If no pertinent information is found to exist either for or against
10 the applicant, the sheriff shall so indicate in the report;

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

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

1 history records search, a Federal Bureau of Investigation
2 fingerprint search, and if applicable, an investigation of medical
3 records or other records or information deemed by the Bureau to be
4 relevant to the application.

5 a. In the course of the ~~Bureau's~~ investigation by the
6 Bureau, it shall present the name of the applicant
7 along with any known aliases, the address of the
8 applicant and the social security number of the
9 applicant to the Department of Mental Health and
10 Substance Abuse Services. The Department of Mental
11 Health and Substance Abuse Services shall respond
12 within ten (10) days of receiving such information to
13 the Bureau as follows:

14 (1) with a "Yes" answer, if the ~~Department's~~ records
15 of the Department indicate that the person was
16 involuntarily committed to a mental institution
17 in Oklahoma, ~~or~~

18 (2) with a "No" answer, if there are no records
19 indicating the name of the person as a person
20 involuntarily committed to a mental institution
21 in Oklahoma, or

22 (3) with an "Inconclusive" answer if the ~~Department's~~
23 records of the Department suggest the applicant
24 may be a formerly committed person. In the case

1 of an inconclusive answer, the Bureau shall ask
2 the applicant whether he or she was involuntarily
3 committed. If the applicant states under penalty
4 of perjury that he or she has not been
5 involuntarily committed, the Bureau shall
6 continue processing the application for a
7 license.

8 b. In the course of the ~~Bureau's~~ investigation by the
9 Bureau, it shall check the name of any applicant who
10 is twenty-eight (28) years of age or younger along
11 with any known aliases, the address of the applicant
12 and the social security number of the applicant
13 against the records in the Juvenile Online Tracking
14 System (JOLTS) of the Office of Juvenile Affairs. The
15 Office of Juvenile Affairs shall provide the Bureau
16 direct access to check the applicant against the
17 records available on JOLTS.

18 (1) If the Bureau finds a record on the JOLTS that
19 indicates the person was adjudicated a delinquent
20 for an offense that would constitute a felony
21 offense if committed by an adult within the last
22 ten (10) years the Bureau shall deny the license,

23 (2) If the Bureau finds no record on the JOLTS
24 indicating the named person was adjudicated

1 delinquent for an offense that would constitute a
2 felony offense if committed by an adult within
3 the last ten (10) years, or

4 (3) If the records suggest the applicant may have
5 been adjudicated delinquent for an offense that
6 would constitute a felony offense if committed by
7 an adult but such record is inconclusive, the
8 Bureau shall ask the applicant whether he or she
9 was adjudicated a delinquent for an offense that
10 would constitute a felony offense if committed by
11 an adult within the last ten (10) years. If the
12 applicant states under penalty of perjury that he
13 or she was not adjudicated a delinquent within
14 ten (10) years, the Bureau shall continue
15 processing the application for a license;

16 12. If the background check set forth in ~~subsection~~ paragraph
17 11 of this ~~section~~ subsection reveals no records pertaining to the
18 applicant, the Oklahoma State Bureau of Investigation shall either
19 issue a ~~concealed~~ handgun license or deny the application within
20 sixty (60) days of the date of receipt of the applicant's completed
21 application and the required information from the sheriff. In all
22 other cases, the Oklahoma State Bureau of Investigation shall either
23 issue a ~~concealed~~ handgun license or deny the application within
24 ninety (90) days of the date of the receipt of the applicant's

1 completed application and the required information from the sheriff.
2 The Bureau shall approve an applicant who appears to be in full
3 compliance with the provisions of the Oklahoma Self-Defense Act, if
4 completion of the federal fingerprint search is the only reason for
5 delay of the issuance of the handgun license to that applicant.
6 Upon receipt of the federal fingerprint search information, if the
7 Bureau receives information which precludes the person from having a
8 ~~concealed~~ handgun license, the Bureau shall revoke the ~~concealed~~
9 handgun license previously issued to the applicant. The Bureau
10 shall deny a license when the applicant fails to properly complete
11 the application form or application process or is determined not to
12 be eligible as specified by the provisions of Section 1290.9,
13 1290.10 or 1290.11 of this title. The Bureau shall approve an
14 application in all other cases. If an application is denied, the
15 Bureau shall notify the applicant in writing of its decision. The
16 notification shall state the grounds for the denial and inform the
17 applicant of the right to an appeal as may be provided by the
18 provisions of the Administrative Procedures Act. All notices of
19 denial shall be mailed by first class mail to the ~~applicant's~~
20 address of the applicant listed in the application. Within sixty
21 (60) calendar days from the date of mailing a denial of application
22 to an applicant, the applicant shall notify the Bureau in writing of
23 the intent to appeal the decision of denial or the ~~applicant's~~ right
24 of the applicant to appeal shall be deemed waived. Any

1 administrative hearing on a denial which may be provided shall be
2 conducted by a hearing examiner appointed by the Bureau. The
3 ~~hearing examiner's~~ decision of the hearing examiner shall be a final
4 decision appealable to a district court in accordance with the
5 Administrative Procedures Act. When an application is approved, the
6 Bureau shall issue the license and shall mail ~~it~~ the license by
7 first-class mail to the ~~sheriff of the county wherein~~ address of the
8 applicant ~~resides~~ listed in the application. ~~The applicant may pick~~
9 ~~up the concealed handgun license from the sheriff's office.~~

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

17 SECTION 33. AMENDATORY 21 O.S. 2011, Section 1290.13, is
18 amended to read as follows:

19 Section 1290.13

20 AUTOMATIC LISTING OF LICENSES

21 The Oklahoma State Bureau of Investigation shall maintain an
22 automated listing of all persons issued a ~~concealed~~ handgun license
23 in this state pursuant to the provisions of the Oklahoma Self-
24 Defense Act, ~~Section 1290.1 et seq. of this title,~~ and all

1 subsequent suspended or revoked licenses. Information from the
2 automated listing shall only be available to a law enforcement
3 officer or law enforcement agency upon request for law enforcement
4 purposes. The Bureau shall also maintain for each applicant the
5 original application or a copy of the original application form and
6 any subsequent renewal application forms together with the
7 photographs, fingerprints and other pertinent information on the
8 applicant which shall be confidential, except to law enforcement
9 officers or law enforcement agencies in the performance of their
10 duties. To facilitate the Bureau's administration of the Oklahoma
11 Self-Defense Act, all licensees shall maintain a current mailing
12 address where the licensee may receive certified mail. The licensee
13 shall within thirty (30) days of a change of name or address inform
14 the Bureau of such change.

15 SECTION 34. AMENDATORY 21 O.S. 2011, Section 1290.14, is
16 amended to read as follows:

17 Section 1290.14

18 SAFETY AND TRAINING COURSE

19 A. Each applicant for a license to carry a concealed or
20 unconcealed handgun pursuant to the Oklahoma Self-Defense Act must
21 successfully complete a firearms safety and training course in this
22 state conducted by a registered and approved firearms instructor as
23 provided by the provisions of this section. The applicant must
24 further demonstrate competence and qualification with an authorized

1 pistol of the type or types that the applicant desires to carry as a
2 concealed or unconcealed handgun pursuant to the provisions of the
3 Oklahoma Self-Defense Act, except certain persons may be exempt from
4 such training requirement as provided by the provisions of Section
5 1290.15 of this title.

6 B. The Council on Law Enforcement Education and Training
7 (CLEET) shall establish criteria for approving firearms instructors
8 for purposes of training and qualifying individuals for a ~~concealed~~
9 handgun license pursuant to the provisions of the Oklahoma Self-
10 Defense Act. Prior to submitting an application for CLEET approval
11 as a firearms instructor, applicants shall attend a firearms
12 instructor school, meeting the following minimum requirements:

13 1. Firearms instructor training conducted by one of the
14 following entities:

- 15 a. Council on Law Enforcement Education and Training,
- 16 b. National Rifle Association,
- 17 c. Oklahoma Rifle Association,
- 18 d. federal law enforcement agencies, or
- 19 e. other professionally recognized organizations;

20 2. The course shall be at least sixteen (16) hours in length;

21 3. Upon completion of the course, the applicant shall be
22 qualified to provide instruction on revolvers, semiautomatic
23 pistols, or both; and

24 4. Receive a course completion certificate.

1 All firearms instructors shall be required to meet the eligibility
2 requirements for a ~~concealed~~ handgun license as provided in Sections
3 1290.9, 1290.10, and 1290.11 of this title, and the application
4 shall be processed as provided for applicants in Section 1290.12 of
5 this title, including the state and national criminal history
6 records search and fingerprint search. A firearms instructor shall
7 be required to pay a fee of One Hundred Dollars (\$100.00) to the
8 Council on Law Enforcement Education and Training (CLEET) each time
9 the person makes application for CLEET approval as a firearms
10 instructor pursuant to the provisions of the Oklahoma Self-Defense
11 Act. The fee shall be retained by CLEET and shall be deposited into
12 the Firearms Instructors Revolving Fund. CLEET shall promulgate the
13 rules, forms and procedures necessary to implement the approval of
14 firearms instructors as authorized by the provisions of this
15 subsection. CLEET shall periodically review each approved
16 instructor during a training and qualification course to assure
17 compliance with the rules and course contents. Any violation of the
18 rules may result in the revocation or suspension of CLEET and
19 Oklahoma State Bureau of Investigation approval. Unless the
20 approval has been revoked or suspended, a firearms instructor's
21 CLEET approval shall be for a term of five (5) years. Beginning on
22 ~~the effective date of this act~~ July 1, 2003, any firearms instructor
23 who has been issued a four-year CLEET approval shall not be eligible
24 for the five-year approval until the expiration of the approval

1 previously issued. CLEET shall be responsible for notifying all
2 approved firearms instructors of statutory and policy changes
3 related to the Oklahoma Self-Defense Act.

4 C. 1. All firearms instructors approved by CLEET to train and
5 qualify individuals for a ~~concealed~~ handgun license shall be
6 required to apply for registration with the Oklahoma State Bureau of
7 Investigation after receiving CLEET approval. All firearms
8 instructors teaching the approved course for a ~~concealed~~ handgun
9 license must display their registration certificate during each
10 training and qualification course. Each approved firearms
11 instructor shall complete a registration form provided by the Bureau
12 and shall pay a registration fee of One Hundred Dollars (\$100.00) to
13 the Bureau at the time of each application for registration, except
14 as provided in paragraph 2 of this subsection. Registration
15 certificates issued by the Bureau shall be valid for five (5) years
16 from the date of issuance. The Bureau shall issue a five-year
17 handgun license to an approved firearms instructor at the time of
18 issuance of a registration certificate and no additional fee shall
19 be required or charged. The Bureau shall maintain a current listing
20 of all registered firearms instructors in this state. Nothing in
21 this paragraph shall be construed to eliminate the requirement for
22 registration and training with CLEET as provided in subsection B of
23 this section. Failure to register or be trained as required shall

24

1 result in a revocation or suspension of the instructor certificate
2 by the Bureau.

3 2. On ~~the effective date of this act~~ or after July 1, 2003, the
4 registered instructors listed in subparagraphs a and b of this
5 paragraph shall not be required to renew the firearms instructor
6 registration certificate with the Oklahoma State Bureau of
7 Investigation at the expiration of the registration term, provided
8 the instructor is not subject to any suspension or revocation of the
9 firearm instructor certificate. The firearms instructor
10 registration with the Oklahoma State Bureau of Investigation shall
11 automatically renew together with the handgun license authorized in
12 paragraph 1 of this subsection for an additional five-year term and
13 no additional cost or fee may be charged for the following
14 individuals:

- 15 a. an active duty law enforcement officer of this state
16 or any of its political subdivisions or of the federal
17 government who has a valid CLEET approval as a
18 firearms instructor pursuant to the Oklahoma Self-
19 Defense Act, and
- 20 b. a retired law enforcement officer authorized to carry
21 a firearm pursuant to Section 1289.8 of this title who
22 has a valid CLEET approval as a firearms instructor
23 pursuant to the Oklahoma Self-Defense Act.

24

1 D. The Oklahoma State Bureau of Investigation shall approve
2 registration for a firearms instructor applicant who is in full
3 compliance with CLEET rules regarding firearms instructors and the
4 provisions of subsection B of this section, if completion of the
5 federal fingerprint search is the only reason for delay of
6 registration of that firearms instructor applicant. Upon receipt of
7 the federal fingerprint search information, if the Bureau receives
8 information which precludes the person from having a ~~concealed~~
9 handgun license, the Bureau shall revoke both the registration and
10 the ~~concealed~~ handgun license previously issued to the firearms
11 instructor.

12 E. The required firearms safety and training course and the
13 actual demonstration of competency and qualification required of the
14 applicant shall be designed and conducted in such a manner that the
15 course can be reasonably completed by the applicant within an eight-
16 hour period. CLEET shall establish the course content and
17 promulgate rules, procedures and forms necessary to implement the
18 provisions of this subsection. For the training and qualification
19 course, an applicant may be charged a fee not to exceed Sixty
20 Dollars (\$60.00). The instructor to student ratio shall not exceed
21 ten students to any one instructor. CLEET may establish criteria
22 for assistant instructors, maximum class size and any other
23 requirements deemed necessary to conduct a safe and effective
24 training and qualification course. The course content shall include

1 a safety inspection of the firearm to be used by the applicant in
2 the training course; instruction on pistol handling, safety and
3 storage; dynamics of ammunition and firing; methods or positions for
4 firing a pistol; information about the criminal provisions of the
5 Oklahoma law relating to firearms; the requirements of the Oklahoma
6 Self-Defense Act as it relates to the applicant; self-defense and
7 the use of appropriate force; a practice shooting session; and a
8 familiarization course. The firearms instructor shall refuse to
9 train or qualify any person when the pistol to be used or carried by
10 the person is either deemed unsafe or unfit for firing or is a
11 weapon not authorized by the Oklahoma Self-Defense Act. The course
12 shall provide an opportunity for the applicant to qualify himself or
13 herself on either a derringer, a revolver, a semiautomatic pistol or
14 any combination of a derringer, a revolver and a semiautomatic
15 pistol, provided no pistol shall be capable of firing larger than
16 .45 caliber ammunition. Any applicant who successfully trains and
17 qualifies himself or herself with a semiautomatic pistol may be
18 approved by the firearms instructor on the training certificate for
19 a semiautomatic pistol, a revolver and a derringer upon request of
20 the applicant. Any person who qualifies on a derringer or revolver
21 shall not be eligible for a semiautomatic rating until the person
22 has demonstrated competence and qualifications on a semiautomatic
23 pistol. Upon successful completion of the training and
24 qualification course, a certificate shall be issued to each

1 applicant who successfully completes the course. The certificate of
2 training shall comply with the form established by CLEET and shall
3 be submitted with an application for a ~~concealed~~ handgun license
4 pursuant to the provisions of paragraph 2 of Section 1290.12 of this
5 title.

6 F. There is hereby created a revolving fund for the Council on
7 Law Enforcement Education and Training (CLEET), to be designated the
8 "Firearms Instructors Revolving Fund". The fund shall be a
9 continuing fund, not subject to fiscal year limitations, and shall
10 consist of all funds received for approval of firearms instructors
11 for purposes of the Oklahoma Self-Defense Act. All funds received
12 shall be deposited to the fund. All monies accruing to the credit
13 of said fund are hereby appropriated and may be budgeted and
14 expended by the Council on Law Enforcement Education and Training,
15 for implementation of the training and qualification course
16 contents, approval of firearms instructors and any other CLEET
17 requirement pursuant to the provisions of the Oklahoma Self-Defense
18 Act or as may otherwise be deemed appropriate by CLEET.
19 Expenditures from said fund shall be made upon warrants issued by
20 the State Treasurer against claims filed as prescribed by law with
21 the Director of State Finance for approval and payment.

22 SECTION 35. AMENDATORY 21 O.S. 2011, Section 1290.15, is
23 amended to read as follows:

24 Section 1290.15

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 1290.14 of this title:

1. A firearms instructor registered with the Oklahoma State Bureau of Investigation for purposes of the Oklahoma Self-Defense Act;

2. An active duty law enforcement officer of this state or any of its political subdivisions or of the federal government;

3. A retired law enforcement officer authorized by this state pursuant to Section 1289.8 of this title to carry a firearm;

4. A CLEET-certified armed security officer, armed guard, correctional officer, or any other person having a CLEET certification to carry a firearm in the course of their employment;

5. A person on active military duty, National Guard duty or regular military reserve duty who is a legal resident of this state and who is trained and qualified in the use of handguns;

6. A person honorably discharged from active military duty, National Guard duty or military reserves within twenty (20) years preceding the date of the application for a ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, who is a legal resident of this state, and who has been trained and qualified in the use of handguns;

1 7. A person retired as a peace officer in good standing from a
2 law enforcement agency located in another state, who is a legal
3 resident of this state, and who has received training equivalent to
4 the training required for CLEET certification in this state; and

5 8. Any person who is otherwise deemed qualified for a training
6 exemption by CLEET.

7 Provided, however, persons applying for an exemption pursuant to
8 paragraph 3, 4, 5, 6 or 7 of this subsection may be required to
9 successfully complete the classroom portion of the training course.
10 The classroom portion of the training course shall not exceed a fee
11 of Thirty Dollars (\$30.00).

12 B. The Council on Law Enforcement Education and Training
13 (CLEET) shall establish criteria for providing proof of an
14 exemption. Before any person shall be considered exempt from all or
15 part of the required training and qualification pursuant to the
16 provisions of the Oklahoma Self-Defense Act, ~~Section 1290.1 et seq.~~
17 ~~of this title~~, the person shall present the required proof of
18 exemption to a registered firearms instructor. Each person
19 determined to be exempt from training or qualification as provided
20 in this subsection shall receive an exemption certificate from the
21 registered firearms instructor. The rules promulgated by CLEET to
22 implement the provisions of this section and Section 1290.14 of this
23 title may require that a fee not to exceed Five Dollars (\$5.00) be
24 charged for processing an exemption certificate. The original

1 exemption certificate must be submitted with an application for a
2 handgun license as provided in paragraph 2 of Section 1290.12 of
3 this title. No person who is determined to be exempt from training
4 or qualification may carry a concealed or unconcealed firearm
5 pursuant to the authority of the Oklahoma Self-Defense Act until
6 issued a valid handgun license.

7 C. Nothing contained in any provision of the Oklahoma Self-
8 Defense Act shall be construed to alter, amend, or modify the
9 authority of any active duty law enforcement officer, or any person
10 certified by the Council on Law Enforcement Education and Training
11 to carry a pistol during the course of their employment, ~~from~~
12 ~~carrying~~ to carry any pistol in any manner authorized by law or
13 authorized by the employing agency.

14 SECTION 36. AMENDATORY 21 O.S. 2011, Section 1290.17, is
15 amended to read as follows:

16 Section 1290.17

17 SUSPENSION AND REVOCATION OF LICENSE

18 A. The Oklahoma State Bureau of Investigation shall have
19 authority pursuant to the provisions of the Oklahoma Self-Defense
20 Act and any other provision of law to suspend or revoke any
21 ~~concealed~~ handgun license issued pursuant to the provisions of the
22 Oklahoma Self-Defense Act. A person whose license has been
23 suspended or revoked or against whom a fine has been assessed shall
24 be entitled to an appeal through a hearing in accordance with the

1 Administrative Procedures Act. Any administrative hearing on
2 suspensions, revocations or fines shall be conducted by a hearing
3 examiner appointed by the Bureau. The hearing examiner's decision
4 shall be a final decision appealable to a district court in
5 accordance with the Administrative Procedures Act. After a
6 ~~concealed~~ handgun license has been issued, the discovery of or the
7 occurrence of any condition which directly affects a person's
8 eligibility for a handgun license as provided by the provisions of
9 Section 1290.9 or 1290.10 of this title shall require a revocation
10 of the license by the Bureau. The discovery of or the occurrence of
11 any condition pursuant to Section 1290.11 of this title, after a
12 license has been issued, shall cause a suspension of the handgun
13 license for a period of time as prescribed for the condition. Any
14 provision of law that requires a revocation of a ~~concealed~~ handgun
15 license upon a conviction shall cause the Bureau to suspend the
16 ~~concealed~~ handgun license upon the discovery of the arrest of the
17 person for such offense until a determination of the criminal case
18 at which time the Bureau shall proceed with the appropriate
19 administrative action. A licensee may voluntarily surrender a
20 license to the Oklahoma State Bureau of Investigation at any time.
21 Such surrender of a handgun license will render the license invalid.
22 Nothing in this section may be interpreted to prevent a subsequent
23 new application for a license. The licensee shall be informed and
24 acknowledge in writing as follows:

1 1. The licensee understands that the voluntary surrender of the
2 license will not be deemed a suspension or revocation by the Bureau;

3 2. A voluntary surrender of a license will not be reviewable by
4 a hearing examiner or subject to judicial review under the
5 Administrative Procedures Act; and

6 3. By surrendering the license, the licensee shall forfeit all
7 fees paid to date.

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

20 C. Any law enforcement officer of this state shall confiscate a
21 ~~concealed~~ handgun license in the possession of any person and return
22 it to the Oklahoma State Bureau of Investigation for appropriate
23 administrative proceedings against the licensee when the license is
24 no longer needed as evidence in any criminal proceeding, as follows:

1 1. Upon the arrest of the person for any felony offense;

2 2. Upon the arrest of the person for any misdemeanor offense
3 enumerated as a preclusion to a handgun license;

4 3. For any violation of the provisions of the Oklahoma Self-
5 Defense Act;

6 4. When the officer has been called to assist or is
7 investigating any situation which would be a preclusion to having a
8 handgun license; or

9 5. As provided in subsection D of Section 1290.8 of this title.

10 D. Any administrative fine assessed in accordance with the
11 provisions of the Oklahoma Self-Defense Act shall be paid in full
12 within thirty (30) days of assessment. The Oklahoma State Bureau of
13 Investigation shall, without a hearing, suspend the ~~concealed carry~~
14 handgun license of any person who fails to pay in full any
15 administrative fine assessed against the person in accordance with
16 the provisions of this subsection. The suspension of any ~~concealed~~
17 ~~carry~~ handgun license shall be automatic and shall begin thirty (30)
18 days from the date of the assessment of the administrative fine.
19 The suspension shall be removed and the ~~concealed carry~~ handgun
20 license returned to its prior standing upon payment of the
21 administrative fine being paid in full to the Bureau.

22 E. Whenever a ~~concealed carry~~ handgun license has been
23 suspended in accordance with the provisions of this act or the
24 administrative rules of the Bureau promulgated for purposes of this

1 act, the license shall remain under suspension and shall not be
2 reinstated until:

3 1. The person whose license has been suspended applies for
4 reinstatement in accordance with the administrative rules of the
5 Bureau. The Bureau shall not charge any fee in conjunction with an
6 application for a license reinstatement. The person whose license
7 has been suspended must demonstrate that the condition or preclusion
8 which was the basis for the suspension has lapsed and is no longer
9 in effect; and

10 2. Any and all administrative fines assessed against the person
11 have been paid in full.

12 In the event a ~~concealed-carry~~ handgun license expires during
13 the term of the suspension, the person shall be required to apply
14 for renewal of the license in accordance with Section 1290.5 of this
15 title.

16 SECTION 37. AMENDATORY 21 O.S. 2011, Section 1290.18, is
17 amended to read as follows:

18 Section 1290.18

19 APPLICATION FORM CONTENTS

20 The application shall be completed upon the sworn oath of the
21 applicant as provided in paragraph 5 of Section ~~12~~ 1290.12 of this
22 ~~act~~ title. The application form shall be provided by the Oklahoma
23 State Bureau of Investigation and shall contain the following
24

1 information in addition to any other information deemed relevant by
2 the Bureau:

- 3 1. Applicant's full legal name;
- 4 2. Applicant's birth name, alias names or nicknames;
- 5 3. Maiden name, if applicable;
- 6 4. County of residence;
- 7 5. Length of residency at the current address;
- 8 6. Previous addresses for the preceding three (3) years;
- 9 7. Place of birth;
- 10 8. Date of birth;
- 11 9. Declaration of citizenship and date United States
12 citizenship was acquired, if applicable;
- 13 10. Race;
- 14 11. Weight;
- 15 12. Height;
- 16 13. Sex;
- 17 14. Color of eyes;
- 18 15. Social Security number;
- 19 16. Current driver license number;
- 20 17. Military service number, if applicable;
- 21 18. Law enforcement identification numbers, if applicable;
- 22 19. Current occupation;
- 23 20. Authorized type or types of pistol for which the applicant
24 qualified as stated on the certificate of training or exemption of

1 training which shall be stated as either derringer, revolver,
2 semiautomatic pistol, or some combination of derringer, revolver and
3 semiautomatic pistol and the maximum ammunition capacity of the
4 firearm shall be .45 caliber;

5 21. An acknowledgment that the applicant desires a ~~concealed~~
6 handgun license as a means of lawful self-defense and self-
7 protection and for no other intent or purpose;

8 22. A statement that the applicant has never been convicted of
9 any felony offense in this state, another state or pursuant to any
10 federal offense;

11 23. A statement that the applicant has none of the conditions
12 which would preclude the issuing of a ~~concealed~~ handgun license
13 pursuant to any of the provisions of Sections ~~10~~ 1290.10 and ~~11~~
14 1290.11 of this ~~act~~ title and that the applicant further meets all
15 of the eligibility criteria required by Section ~~9~~ 1290.9 of this ~~act~~
16 title;

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

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

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

8 27. A conspicuous warning that the application is executed upon
9 the sworn oath of the applicant and that any false or misleading
10 answer to any question or the submission of any false information or
11 documentation by the applicant is punishable by criminal penalty as
12 provided in paragraph 5 of Section ~~42~~ 1290.12 of this ~~act~~ title;

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

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

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

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

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

24

1 SECTION 38. AMENDATORY 21 O.S. 2011, Section 1290.19, is
2 amended to read as follows:

3 Section 1290.19

4 LICENSE FORM

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

- 9 1. The ~~person's~~ full name of the person;
- 10 2. Current address;
- 11 3. County of residence;
- 12 4. Date of birth;
- 13 5. Weight;
- 14 6. Height;
- 15 7. Sex;
- 16 8. Race;
- 17 9. Color of eyes;
- 18 10. Handgun license identification number;
- 19 11. Expiration date of the handgun license; and
- 20 12. Authorized pistol to be either: (D) derringer, (R)
21 revolver, (S) semiautomatic pistol, or some combination of
22 derringer, revolver and semiautomatic pistol as may be authorized by
23 the Oklahoma Self-Defense Act for which the person demonstrated
24

1 qualification pursuant to the certificate of training or an
2 exemption certificate.

3 SECTION 39. AMENDATORY 21 O.S. 2011, Section 1290.20, is
4 amended to read as follows:

5 Section 1290.20

6 PENALTY FOR REFUSAL TO SUBMIT OR FALSIFICATION

7 It shall be unlawful for any sheriff or designee to fail or
8 refuse to accept an application for a ~~concealed~~ handgun license as
9 authorized by the provisions of the Oklahoma Self-Defense Act,
10 ~~Sections 1 through 25 of this act,~~ or to fail or refuse to process
11 or submit the completed application to the Oklahoma State Bureau of
12 Investigation within the time prescribed by paragraph 8 of Section
13 ~~12~~ 1290.12 of this ~~act~~ title, or to falsify or knowingly allow any
14 person to falsify any information, documentation, fingerprint or
15 photograph submitted with a ~~concealed~~ handgun application. Any
16 violation shall, upon conviction, be a misdemeanor. There is a
17 presumption that the sheriff has acted in good faith to comply with
18 the provisions of the Oklahoma Self-Defense Act and any alleged
19 violation of the provisions of this section shall require proof
20 beyond a reasonable doubt.

21 SECTION 40. AMENDATORY 21 O.S. 2011, Section 1290.21, is
22 amended to read as follows:

23 Section 1290.21

24 REPLACEMENT LICENSE

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

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

22 C. Any person having a valid ~~concealed~~ handgun license pursuant
23 to the Oklahoma Self-Defense Act may carry any make or model of an
24 authorized pistol listed on the license, provided the type of pistol

1 shall not be other than the type or types listed on the license. A
2 person may complete additional firearms training for an additional
3 type of pistol during any license period and upon successful
4 completion of the training may request the additional type of pistol
5 be included on the license. The person shall submit to the Bureau a
6 fifteen-dollar replacement fee, the original certificate of training
7 and qualification for the additional type of firearm, and a
8 statement requesting the license be updated to include the
9 additional type of pistol. The Bureau shall issue an updated
10 license with the same expiration date within ten (10) days of the
11 receipt of the request. The person shall have no authority to carry
12 any additional type of pistol pursuant to the provisions of the
13 Oklahoma Self-Defense Act until the updated license has been
14 received by the licensee. The original license shall be destroyed
15 upon receipt of an updated handgun license.

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

23 SECTION 41. AMENDATORY 21 O.S. 2011, Section 1290.23, is
24 amended to read as follows:

1 Section 1290.23

2 DEPOSIT OF FEES BY OSBI

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

9 SECTION 42. AMENDATORY 21 O.S. 2011, Section 1290.24, is
10 amended to read as follows:

11 Section 1290.24

12 IMMUNITY

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

15 1. Failure to prevent the licensing of an individual for whom
16 the receipt of the license is unlawful pursuant to the provisions of
17 the Oklahoma Self-Defense Act or any other provision of law of this
18 state;

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

22 3. Any injury to any person during a handgun training course
23 conducted by a firearms instructor certified by the Council on Law
24 Enforcement Education and Training to conduct training under the

1 Oklahoma Self-Defense Act, or injury from any misfire or malfunction
2 of any handgun on a training course firing range supervised by a
3 certified firearms instructor under the provisions of the Oklahoma
4 Self-Defense Act, or any injury resulting from carrying a concealed
5 or unconcealed handgun pursuant to a ~~concealed~~ handgun license; and

6 4. Any action or finding pursuant to a hearing conducted in
7 accordance with the Administrative Procedures Act as required in the
8 Oklahoma Self-Defense Act.

9 B. Firearms instructors certified by the Council on Law
10 Enforcement Education and Training to conduct training for the
11 Oklahoma Self-Defense Act shall be immune from liability to third
12 persons resulting or arising from any claim based on an act or
13 omission of a trainee.

14 SECTION 43. AMENDATORY 21 O.S. 2011, Section 1290.25, is
15 amended to read as follows:

16 Section 1290.25

17 LEGISLATIVE INTENT

18 The Legislature finds as a matter of public policy and fact that
19 it is necessary to provide statewide uniform standards for issuing
20 licenses to carry concealed or unconcealed handguns for lawful self-
21 defense and self-protection, and further finds it necessary to
22 occupy the field of regulation of the bearing of concealed or
23 unconcealed handguns to ensure that no honest, law-abiding citizen
24 who qualifies pursuant to the provisions of the Oklahoma Self-

1 Defense Act, ~~Section 1290.1 et seq. of this title,~~ is subjectively
2 or arbitrarily denied his or her rights. The Legislature does not
3 delegate to the Oklahoma State Bureau of Investigation any authority
4 to regulate or restrict the issuing of handgun licenses except as
5 provided by the provisions of this act. Subjective or arbitrary
6 actions or rules which encumber the issuing process by placing
7 burdens on the applicant beyond those requirements detailed in the
8 provisions of the Oklahoma Self-Defense Act or which create
9 restrictions beyond those specified in this act are deemed to be in
10 conflict with the intent of this act and are hereby prohibited. The
11 Oklahoma Self-Defense Act shall be liberally construed to carry out
12 the constitutional right to bear arms for self-defense and self-
13 protection. The provisions of the Oklahoma Self-Defense Act are
14 cumulative to existing rights to bear arms and nothing in Section
15 1290.1 et seq. of this title shall impair or diminish those rights.

16 However, the conditions that mandate the administrative actions
17 of license denial, suspension, revocation or an administrative fine
18 are intended to protect the health, safety and public welfare of the
19 citizens of this state. The restricting conditions specified in the
20 Oklahoma Self-Defense Act generally involve the criminal history,
21 mental state, alcohol or substance abuse of the applicant or
22 licensee, a hazard of domestic violence, a danger to police
23 officers, or the ability of the Oklahoma State Bureau of
24 Investigation to properly administer the Oklahoma Self-Defense Act.

1 The restricting conditions that establish a risk of injury or harm
2 to the public are tailored to reduce the risks to the benefit of the
3 citizens of this state.

4 SECTION 44. AMENDATORY 21 O.S. 2011, Section 1290.26, is
5 amended to read as follows:

6 Section 1290.26

7 RECIPROCAL AGREEMENT AUTHORITY

8 The State of Oklahoma hereby recognizes any valid concealed or
9 unconcealed carry weapons permit or license issued by another state.

10 Any person entering this state in possession of a firearm
11 authorized for concealed or unconcealed carry upon the authority and
12 license of another state is authorized to continue to carry a
13 concealed or unconcealed firearm and license in this state; provided
14 the license from the other state remains valid. The firearm must
15 either be carried ~~fully~~ unconcealed or concealed from detection and
16 view, and upon coming in contact with any peace officer of this
17 state, the person must disclose the fact that he or she is in
18 possession of a concealed or unconcealed firearm pursuant to a valid
19 concealed or unconcealed carry weapons permit or license issued in
20 another state. Any person who is twenty-one (21) years of age or
21 older having a valid firearm license from another state may apply
22 for a ~~concealed~~ handgun license in this state immediately upon
23 establishing a residence in this state.

24

1 SECTION 45. AMENDATORY 21 O.S. 2011, Section 1364, is
2 amended to read as follows:

3 Section 1364.

4 DISCHARGING FIREARM

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

18 SECTION 46. AMENDATORY 63 O.S. 2011, Section 2-110, is
19 amended to read as follows:

20 Section 2-110. The Director of the Oklahoma State Bureau of
21 Narcotics and Dangerous Drugs Control may employ attorneys, who
22 shall be unclassified employees of the state, or contract with
23 attorneys, as needed. These attorneys may advise the Director, the
24 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control

1 Commission and Bureau personnel on all legal matters and shall
2 appear for and represent the Director, the Commission and Bureau
3 personnel in all administrative hearings and all litigation or other
4 proceedings which may arise in the discharge of their duties. At
5 the request of the Oklahoma State Bureau of Narcotics and Dangerous
6 Drugs Control Commission, such attorney shall assist the district
7 attorney in prosecuting charges of violators of the Uniform
8 Controlled Dangerous Substances Act or any felony relating to or
9 arising from a violation of the Uniform Controlled Dangerous
10 Substances Act. Attorneys for the Bureau who have been certified by
11 the Council on Law Enforcement Education and Training to carry a
12 ~~concealed~~ weapon or have been issued a ~~concealed~~ handgun license
13 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
14 allowed to carry weapons pursuant to paragraph 3 of subsection A of
15 Section 1272 of Title 21 of the Oklahoma Statutes. These attorneys,
16 pursuant to this provision, shall not be considered eligible to
17 participate in the Oklahoma Law Enforcement Retirement System. If a
18 conflict of interest would be created by such attorney representing
19 the Director, the Commission or Bureau personnel, additional counsel
20 may be hired upon approval of the Oklahoma State Bureau of Narcotics
21 and Dangerous Drugs Control Commission.

22 SECTION 47. AMENDATORY 63 O.S. 2011, Section 4210.3, is
23 amended to read as follows:

24

1 Section 4210.3 It shall be unlawful to transport a shotgun,
2 rifle or pistol in or to discharge such weapons from a vessel,
3 except for the purposes of hunting animals or fowl, and in
4 compliance with existing state and federal laws. Anyone violating
5 the provisions of this section, upon conviction, shall be guilty of
6 a misdemeanor and shall be punished by a fine of not less than Fifty
7 Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00), or
8 by imprisonment in the county jail for not less than ten (10) days
9 and not more than six (6) months, or by both such fine and
10 imprisonment. Any person in possession of a valid ~~concealed~~ handgun
11 license from this state or a reciprocal state authorized by the
12 Oklahoma Self-Defense Act shall not be deemed guilty of transporting
13 a pistol in violation of this section when a handgun is carried
14 concealed or unconcealed upon or about their person in compliance
15 with the provisions of the Oklahoma Self-Defense Act.

16 SECTION 48. This act shall become effective November 1, 2012.”
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