

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1059 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mark McCullough

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1059

By: McCullough

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to firearms; amending 21 O.S. 2011,
9 Sections 1272, 1277, 1280.1 and 1289.6 as amended by
10 Sections 1, 6, 8 and 11, Chapter 259, O.S.L. 2012 (21
11 O.S. Supp. 2012, Sections 1272, 1277, 1280.1 and
12 1289.6), which relate to the unlawful carrying of
13 firearms; making certain acts unlawful; clarifying
14 elements of certain prohibited act; modifying manner
15 in which handguns may be carried into or upon public
16 property, elementary or secondary schools; clarifying
17 condition that allows the carrying of firearms;
18 amending 21 O.S. 2011, Sections 1290.2 and 1290.11,
19 as amended by Sections 23 and 31, Chapter 259, O.S.L.
20 2012 (21 O.S. Supp. 2012, Sections 1290.2 and
21 1290.11), which relate to the Oklahoma Self-Defense
22 Act; modifying definition of concealed handgun;
23 modifying list of temporary preclusions for handgun
24 licenses; amending 21 O.S. 2011, Section 1290.22,
which relates to business owner's rights; clarifying
manner in which business owners may prohibit the
carrying of firearms on property; providing penalties
under certain circumstances; 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, as
2 amended by Section 1, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
3 Section 1272), is amended to read as follows:

4 Section 1272.

5 UNLAWFUL CARRY

6 A. It shall be unlawful ~~for~~:

7 1. For any person to carry upon or about his or her person, or
8 in a purse or other container belonging to the person, any ~~pistol,~~
9 ~~revolver,~~ shotgun or rifle whether loaded or unloaded or any dagger,
10 bowie knife, dirk knife, switchblade knife, ~~spring-type knife,~~ sword
11 cane, knife having a blade which opens automatically by hand
12 pressure applied to a button, spring, or other device in the handle
13 of the knife, blackjack, loaded cane, billy, hand chain, metal
14 knuckles, or any other offensive weapon, whether such weapon be
15 concealed or unconcealed, ~~except; or~~

16 2. For any person without a valid handgun license issued
17 pursuant to the provisions of the Oklahoma Self-Defense Act to carry
18 upon or about his or her person or in a purse or other container
19 belonging to the person, any pistol or revolver.

20 B. The provisions of this section shall not prohibit:

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

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

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

5 4. The carrying or use of weapons in a courthouse by a district
6 judge, associate district judge or special district judge within
7 this state, who is in possession of a valid handgun license issued
8 pursuant to the provisions of the Oklahoma Self-Defense Act and
9 whose name appears on a list maintained by the Administrative
10 Director of the Courts; or

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

19 ~~B.~~ C. Any person convicted of violating the foregoing provision
20 shall be guilty of a misdemeanor punishable as provided in Section
21 1276 of this title.

22 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
23 amended by Section 6, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
24 Section 1277), is amended to read as follows:

1 Section 1277.

2 UNLAWFUL CARRY IN CERTAIN PLACES

3 A. It shall be unlawful for any person in possession of a valid
4 handgun license issued pursuant to the provisions of the Oklahoma
5 Self-Defense Act to intentionally, knowingly or recklessly carry any
6 concealed or unconcealed handgun into any of the following places:

7 1. Any structure, building, or office space which is owned or
8 leased by a city, town, county, state, or federal governmental
9 authority for the primary purpose of conducting business with the
10 public and that provides authorized security personnel and metal
11 detectors through which members of the public are required to pass
12 through;

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

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

19 ~~4. Any elementary or secondary school;~~

20 ~~5.~~ 3. Any sports arena during a professional sporting event;

21 ~~6.~~ 4. Any place where pari-mutuel wagering is authorized by
22 law; and

23 ~~7.~~ 5. Any other place specifically prohibited by law.
24

1 B. For purposes of paragraphs 1, 2, 3, ~~5~~ and ~~6~~ 4 of subsection
2 A of this section, the prohibited place does not include and
3 specifically excludes the following property:

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

7 2. Any property set aside for the use or parking of any
8 vehicle, whether attended or unattended, by any entity offering any
9 professional sporting event which is open to the public for
10 admission, or by any entity engaged in pari-mutuel wagering
11 authorized by law; and

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

15 ~~4. Any property designated by a city, town, county, or state,~~
16 ~~governmental authority as a park, recreational area, or fairgrounds;~~
17 ~~provided, nothing in this paragraph shall be construed to authorize~~
18 ~~any entry by a person in possession of a concealed or unconcealed~~
19 ~~handgun into any structure, building, or office space which is~~
20 ~~specifically prohibited by the provisions of subsection A of this~~
21 ~~section.~~

22 Nothing contained in any provision of this subsection shall be
23 construed to authorize or allow any person in control of any place
24 described in paragraph 1, 2, 3, ~~5~~ or ~~6~~ 4 of subsection A of this

1 section to establish any policy or rule that has the effect of
2 prohibiting any person in lawful possession of a handgun license
3 from possession of a handgun allowable under such license in places
4 described in paragraph 1, 2, or 3 ~~or~~ 4 of this subsection.

5 C. Any person violating the provisions of subsection A of this
6 section shall, upon conviction, be guilty of a misdemeanor
7 punishable by a fine not to exceed Two Hundred Fifty Dollars
8 (\$250.00). Any person convicted of violating the provisions of
9 subsection A of this section may be liable for an administrative
10 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and
11 determination by the Oklahoma State Bureau of Investigation that the
12 person is in violation of the provisions of subsection A of this
13 section.

14 D. No person in possession of a valid handgun license issued
15 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
16 authorized to carry the handgun into or upon any college,
17 university, or technology center school property, except as provided
18 in this subsection. For purposes of this subsection, the following
19 property shall not be construed as prohibited for persons having a
20 valid handgun license:

21 1. Any property set aside for the use or parking of any
22 vehicle, whether attended or unattended, provided the handgun is
23 carried or stored as required by law and the handgun is not removed
24 from the vehicle without the prior consent of the college or

1 university president or technology center school administrator while
2 the vehicle is on any college, university, or technology center
3 school property;

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

6 3. Any property authorized by the written consent of the
7 college or university president or technology center school
8 administrator, provided the written consent is carried with the
9 handgun and the valid handgun license while on college, university,
10 or technology center school property.

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

20 Nothing contained in any provision of this subsection shall be
21 construed to authorize or allow any college, university, or
22 technology center school to establish any policy or rule that has
23 the effect of prohibiting any person in lawful possession of a
24 handgun license from possession of a handgun allowable under such

1 license in places described in paragraphs 1, 2 and 3 of this
2 subsection. Nothing contained in any provision of this subsection
3 shall be construed to limit the authority of any college or
4 university in this state from taking administrative action against
5 any student for any violation of any provision of this subsection.

6 E. The provisions of this section shall not apply to any peace
7 officer or to any person authorized by law to carry a pistol in the
8 course of employment. District judges, associate district judges
9 and special district judges, who are in possession of a valid
10 handgun license issued pursuant to the provisions of the Oklahoma
11 Self-Defense Act and whose names appear on a list maintained by the
12 Administrative Director of the Courts, shall be exempt from this
13 section when acting in the course and scope of employment within the
14 courthouses of this state. Private investigators with a firearms
15 authorization shall be exempt from this section when acting in the
16 course and scope of employment.

17 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1280.1, as
18 amended by Section 8, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
19 Section 1280.1), is amended to read as follows:

20 Section 1280.1

21 POSSESSION OF FIREARM ON SCHOOL PROPERTY

22 A. It shall be unlawful for any person to have in his or her
23 possession on any public or private school property or while in any
24 school bus or vehicle used by any school for transportation of

1 students or teachers any firearm or weapon designated in Section
2 1272 of this title, except as provided in subsection C of this
3 section or as otherwise authorized by law.

4 B. "School property" means any publicly or privately owned
5 property held for purposes of elementary ~~or~~ or secondary ~~or~~
6 ~~vocational-technical~~ education, and shall not include property owned
7 by public school districts or private educational entities where
8 such property is leased or rented to an individual or corporation
9 and used for purposes other than educational.

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

12 1. A gun or knife designed for hunting or fishing purposes kept
13 in a locked privately owned vehicle and properly displayed or stored
14 as required by law, ~~or a handgun carried in a vehicle pursuant to a~~
15 ~~valid handgun license authorized by the Oklahoma Self-Defense Act,~~
16 provided such vehicle containing said gun or knife is driven onto
17 school property only to transport a student to and from school and
18 such vehicle does not remain unattended on school property;

19 2. A handgun carried in a vehicle by a person in possession of
20 a valid handgun license issued pursuant to the Oklahoma Self-Defense
21 Act on any property set aside for the use or parking of any vehicle,
22 whether attended or unattended, provided the handgun is hidden from
23 plain view and locked in a vehicle or locked in a compartment that
24 is securely attached to the vehicle;

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

11 ~~3.~~ 4. Weapons in the possession of any peace officer or other
12 person authorized by law to possess a weapon in the performance of
13 their duties and responsibilities.

14 D. Any person ~~violating~~ who has not been issued a handgun
15 license pursuant to the Oklahoma Self-Defense Act and who violates
16 the provisions of this section shall, upon conviction, be guilty of
17 a felony punishable by a fine not to exceed Five Thousand Dollars
18 (\$5,000.00), and imprisonment in the custody of the Department of
19 Corrections for not more than two (2) years.

20 E. Any person convicted of violating the provisions of this
21 section after having been issued a handgun license pursuant to the
22 provisions of the Oklahoma Self-Defense Act shall ~~have the license~~
23 ~~permanently revoked and shall be liable for an administrative fine~~
24 ~~of One Hundred Dollars (\$100.00) upon a hearing and determination by~~

1 ~~the Oklahoma State Bureau of Investigation that the person is in~~
2 ~~violation of the provisions of this section, upon conviction, be~~
3 ~~guilty of a misdemeanor punishable by a fine not to exceed Two~~
4 ~~Hundred Fifty Dollars (\$250.00).~~

5 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.6, as
6 amended by Section 11, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
7 Section 1289.6), is amended to read as follows:

8 Section 1289.6

9 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

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

14 1. When hunting animals or fowl;

15 2. During competition in or practicing in a safety or hunter
16 safety class, target shooting, skeet, trap or other recognized
17 sporting events;

18 3. During participation in or in preparation for a military
19 function of the state military forces to be defined as the Oklahoma
20 Army or Air National Guard, Federal Military Reserve and active
21 military forces;

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

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

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

6 7. For any legitimate purpose not in violation of the Oklahoma
7 Firearms Act of 1971 or any legislative enactment regarding the use,
8 ownership and control of firearms.

9 B. A person shall be permitted to carry unloaded shotguns,
10 rifles and pistols, either open and not concealed or transported in
11 a gun case, and without a handgun license as authorized by the
12 Oklahoma Self-Defense Act pursuant to the following conditions:

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

20 2. For any legitimate purpose not in violation of the Oklahoma
21 Firearms Act of 1971.

22 C. The provisions of this section shall not be construed to
23 prohibit educational or recreational activities, exhibitions,
24 displays or shows involving the use or display of rifles, shotguns

1 or pistols or other weapons if the activity is approved by the
2 property owner and sponsor of the activity.

3 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1290.2, as
4 amended by Section 23, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
5 Section 1290.2), is amended to read as follows:

6 Section 1290.2

7 DEFINITIONS

8 A. As used in the Oklahoma Self-Defense Act:

9 1. "Concealed handgun" means a loaded or unloaded pistol
10 ~~carried hidden from the detection and view of another person either~~
11 ~~upon or about the person, in a purse or other container belonging to~~
12 ~~the person, or in a vehicle which is operated by the person or in~~
13 ~~which the person is riding as a passenger, the presence of which is~~
14 ~~not openly discernible to the ordinary observation of a reasonable~~
15 ~~person;~~

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

21 3. "Pistol" means any derringer, revolver or semiautomatic
22 firearm which:

23 a. has an overall length of less than sixteen (16)
24 inches,

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

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

12 4. The person has previously undergone treatment for a mental
13 illness, condition, or disorder which required medication or
14 supervision as defined by paragraph 7 of Section 1290.10 of this
15 title. The preclusive period shall be three (3) years from the last
16 date of treatment or upon presentation of a certified statement from
17 a licensed physician stating that the person is either no longer
18 disabled by any mental or psychiatric illness, condition, or
19 disorder or that the person has been stabilized on medication for
20 ten (10) years or more;

21 5. Inpatient treatment for substance abuse. The preclusive
22 period shall be three (3) years from the last date of treatment or
23 upon presentation of a certified statement from a licensed physician
24 stating that the person has been free from substance use for twelve

1 (12) months or more preceding the filing of an application for a
2 handgun license;

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

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

13 8. A court order for a final Victim Protection Order against
14 the applicant, as authorized by the Protection from Domestic Abuse
15 Act, or any court order granting a final victim protection order
16 against the applicant from another state. The preclusive period
17 shall be three (3) years from the date of the entry of the final
18 court order, or sixty (60) days from the date an order was vacated,
19 canceled or withdrawn;

20 9. An adjudicated delinquent or convicted felon residing in the
21 residence of the applicant which may be a violation of Section 1283
22 of this title. The preclusive period shall be thirty (30) days from
23 the date the person no longer resides in the same residence as the
24 applicant; ~~or~~

1 10. An arrest for an alleged commission of, a misdemeanor
2 offense or a misdemeanor charge pending for, or the in this state or
3 another state. The preclusive period shall be until the final
4 determination of the matter; or

5 11. The person is subject to the provisions of a deferred
6 sentence or a deferred prosecution for any one or more of the
7 following misdemeanor offenses in this state or another state:

- 8 a. any assault and battery which caused serious physical
9 injury to the victim or any second or subsequent
10 assault and battery,
- 11 b. any aggravated assault and battery,
- 12 c. any stalking pursuant to Section 1173 of this title,
13 or a similar law of another state,
- 14 d. any violation of the Protection from Domestic Abuse
15 Act or any violation of a victim protection order of
16 another state,
- 17 e. any violation relating to illegal drug use or
18 possession, or
- 19 f. an act of domestic abuse as defined by Section 644 of
20 this title or an act of domestic assault and battery
21 or any comparable acts under the law of another state.

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

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

4 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1290.22, is
5 amended to read as follows:

6 Section 1290.22

7 BUSINESS OWNER'S RIGHTS

8 A. Except as provided in subsection B of this section, nothing
9 contained in any provision of the Oklahoma Self-Defense Act, ~~Section~~
10 ~~1290.1 et seq. of this title,~~ shall be construed to limit, restrict
11 or prohibit in any manner the existing rights of any person,
12 property owner, tenant, employer, or business entity to control the
13 possession of weapons on any property owned or controlled by the
14 person or business entity.

15 B. A property owner, tenant, employer, or business entity may
16 prohibit any person from carrying a concealed or unconcealed firearm
17 on the property. If the building or property is open to the public,
18 the property owner, tenant, employer, or business entity shall post
19 signs on or about the property stating such prohibition.

20 C. The carrying of a concealed or unconcealed firearm by a
21 person who has been issued a handgun license on property that has
22 signs prohibiting the carrying of firearms shall not be a criminal
23 act but may subject the person to being denied entrance onto the
24 property or removed from the property. If the person refuses to

1 leave the property and a peace officer is summoned, the person may
2 be issued a citation for an amount not to exceed One Hundred Dollars
3 (\$100.00).

4 D. No person, property owner, tenant, employer, or business
5 entity shall be permitted to establish any policy or rule that has
6 the effect of prohibiting any person, except a convicted felon, from
7 transporting and storing firearms in a locked vehicle on any
8 property set aside for any vehicle.

9 SECTION 8. This act shall become effective November 1, 2013.

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