

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 3097

By: Coody (Jeff)

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2011, Section 1272.1, as amended by Section 2, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015, Section 1272.1), which relates to carrying firearms where liquor is consumed; deleting manner in which handgun licensees may carry a handgun; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 310, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1277), which relates to the unlawful carry of firearms in certain places; modifying scope of certain prohibited act; updating statutory reference; updating language; amending 21 O.S. 2011, Section 1280.1, as last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1280.1), which relates to possession of firearm on school property; modifying manner in which handgun licensees may carry a handgun; amending 21 O.S. 2011, Section 1283, as last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp. 2015, Section 1283), which relates to unlawful possession by convicted felons and delinquents; modifying rights related to firearms possession; amending 21 O.S. 2011, Sections 1289.6, as amended by Section 11, Chapter 259, O.S.L. 2012, 1289.7, as amended by Section 12, Chapter 259, O.S.L. 2012 and 1289.23, as last amended by Section 1, Chapter 216, O.S.L. 2015 (21 O.S. Supp. 2015, Sections 1289.6, 1289.7 and 1289.23), which relate to the Firearms Act of 1972; authorizing certain persons to openly carry loaded and unloaded firearms; modifying manner in which handgun licensees may carry a handgun; amending 21 O.S. 2011, Sections 1290.1, 1290.2, as last amended by Section 2, Chapter 366, O.S.L. 2013, 1290.3, as amended by Section 24, Chapter 259, O.S.L. 2012, 1290.4, as amended by Section 25, Chapter 259, O.S.L. 2012, 1290.5, as last

1 amended by Section 1, Chapter 122, O.S.L. 2014,
2 1290.6, as amended by Section 27, Chapter 259, O.S.L.
3 2012, 1290.7, as last amended by Section 3, Chapter
4 366, O.S.L. 2013, 1290.8, as last amended by Section
5 4, Chapter 366, O.S.L. 2013, 1290.12, as last amended
6 by Section 1, Chapter 207, O.S.L. 2015, 1290.14, as
7 last amended by Section 2, Chapter 207, O.S.L. 2015,
8 1290.15, as last amended by Section 2, Chapter 86,
9 O.S.L. 2013, 1290.21, as last amended by Section 6,
10 Chapter 366, O.S.L. 2013, 1290.22, as amended by
11 Section 7, Chapter 366, O.S.L. 2013, 1290.24, as
12 amended by Section 42, Chapter 259, O.S.L. 2012,
13 1290.25, as amended by Section 43, Chapter 259,
14 O.S.L. 2012 and 1290.26, as last amended by Section
15 18, Chapter 15, O.S.L. 2013 (21 O.S. Supp. 2015,
16 Sections 1290.2, 1290.3, 1290.4, 1290.5, 1290.6,
17 1290.7, 1290.8, 1290.12, 1290.14, 1290.15, 1290.21,
18 1290.22, 1290.24, 1290.25 and 1290.26), which relate
19 to the Oklahoma Self-Defense Act; updating statutory
20 reference; deleting certain definition; modifying
21 manner in which handgun licensees may carry a
22 handgun; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272.1, as
amended by Section 2, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
Section 1272.1), is amended to read as follows:

Section 1272.1

CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

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

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 handgun license pursuant to the provisions
7 of the Oklahoma Self-Defense Act may carry the concealed ~~or~~
8 ~~unconcealed~~ handgun into any restaurant or other establishment
9 licensed to dispense low-point beer or alcoholic beverages where the
10 sale of low-point beer or alcoholic beverages does not constitute
11 the primary purpose of the business.

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

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

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

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
2 last amended by Section 1, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
3 2015, Section 1277), is amended to read as follows:

4 Section 1277.

5 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

16 3. Any public or private elementary or public or private
17 secondary school, except as provided in subsections C and D of this
18 section;

19 4. Any sports arena during a professional sporting event;

20 5. Any place where pari-mutuel wagering is authorized by law;
21 and

22 6. Any other place specifically prohibited by law.
23
24

1 B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A
2 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;

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;

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; and

22 5. Any property set aside by a public or private elementary or
23 secondary school for the use or parking of any vehicle, whether
24 attended or unattended; provided, however, said handgun shall be

1 stored and hidden from view in a locked motor vehicle when the motor
2 vehicle is left unattended on school property.

3 Nothing contained in any provision of this subsection or
4 subsection C of this section shall be construed to authorize or
5 allow any person in control of any place described in paragraph 1,
6 2, 3, 4 or 5 of subsection A of this section to establish any policy
7 or rule that has the effect of prohibiting any person in lawful
8 possession of a handgun license from possession of a handgun
9 allowable under such license in places described in paragraph 1, 2,
10 3, 4 or 5 of this subsection.

11 C. A concealed ~~or unconcealed~~ weapon may be carried onto
12 private school property or in any school bus or vehicle used by any
13 private school for transportation of students or teachers by a
14 person who is licensed pursuant to the Oklahoma Self-Defense Act,
15 provided a policy has been adopted by the governing entity of the
16 private school that authorizes the carrying and possession of a
17 weapon on private school property or in any school bus or vehicle
18 used by a private school. Except for acts of gross negligence or
19 willful or wanton misconduct, a governing entity of a private school
20 that adopts a policy which authorizes the possession of a weapon on
21 private school property, a school bus or vehicle used by the private
22 school shall be immune from liability for any injuries arising from
23 the adoption of the policy. The provisions of this subsection shall
24 not apply to claims pursuant to the Workers' Compensation Code.

1 D. Notwithstanding paragraph 3 of subsection A of this section,
2 a board of education of a school district may adopt a policy
3 pursuant to Section ~~3~~ 5-149.2 of ~~this act~~ Title 70 of the Oklahoma
4 Statutes to authorize the carrying of a handgun onto school property
5 by school personnel specifically designated by the board of
6 education, provided such personnel either:

7 1. Possess a valid armed security guard license as provided for
8 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

9 2. Hold a valid reserve peace officer certification as provided
10 for in Section 3311 of Title 70 of the Oklahoma Statutes.

11 Nothing in this subsection shall be construed to restrict authority
12 granted elsewhere in law to carry firearms.

13 E. Any person violating the provisions of subsection A of this
14 section shall, upon conviction, be guilty of a misdemeanor
15 punishable by a fine not to exceed Two Hundred Fifty Dollars
16 (\$250.00).

17 F. No person in possession of a valid handgun license issued
18 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
19 authorized to carry the handgun into or upon any college,
20 university, or technology center school property, except as provided
21 in this subsection. For purposes of this subsection, the following
22 property shall not be construed as prohibited for persons having a
23 valid handgun license:
24

1 1. Any property set aside for the use or parking of any
2 vehicle, whether attended or unattended, provided the handgun is
3 carried or stored as required by law and the handgun is not removed
4 from the vehicle without the prior consent of the college or
5 university president or technology center school administrator while
6 the vehicle is on any college, university, or technology center
7 school property;

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

10 3. Any property authorized by the written consent of the
11 college or university president or technology center school
12 administrator, provided the written consent is carried with the
13 handgun and the valid handgun license while on college, university,
14 or technology center school property.

15 The college, university, or technology center school may notify
16 the Oklahoma State Bureau of Investigation within ten (10) days of a
17 violation of any provision of this subsection by a licensee. Upon
18 receipt of a written notification of violation, the Bureau shall
19 give a reasonable notice to the licensee and hold a hearing. At the
20 hearing, upon a determination that the licensee has violated any
21 provision of this subsection, the licensee may be subject to an
22 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
23 have the handgun license suspended for three (3) months.
24

1 Nothing contained in any provision of this subsection shall be
2 construed to authorize or allow any college, university, or
3 technology center school to establish any policy or rule that has
4 the effect of prohibiting any person in lawful possession of a
5 handgun license from possession of a handgun allowable under such
6 license in places described in paragraphs 1, 2 and 3 of this
7 subsection. Nothing contained in any provision of this subsection
8 shall be construed to limit the authority of any college, university
9 or technology center school in this state from taking administrative
10 action against any student for any violation of any provision of
11 this subsection.

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

23 H. For the purposes of this section, "motor vehicle" means any
24 automobile, truck, minivan or ~~sports~~ sport utility vehicle.

1 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1280.1, as
2 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
3 2015, Section 1280.1), is amended to read as follows:

4 Section 1280.1

5 POSSESSION OF FIREARM ON SCHOOL PROPERTY

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

12 B. For purposes of this section:

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

18 2. "Private school" means a school that offers a course of
19 instruction for students in one or more grades from prekindergarten
20 through grade twelve and is not operated by a governmental entity;
21 and

22 3. "Motor vehicle" means any automobile, truck, minivan or
23 ~~sports~~ sport utility vehicle.
24

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

3 1. A gun or knife designed for hunting or fishing purposes kept
4 in a privately owned vehicle and properly displayed or stored as
5 required by law, provided such vehicle containing said gun or knife
6 is driven onto school property only to transport a student to and
7 from school and such vehicle does not remain unattended on school
8 property;

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

19 3. Weapons in the possession of any peace officer or other
20 person authorized by law to possess a weapon in the performance of
21 his or her duties and responsibilities;

22 4. A concealed ~~or unconcealed~~ weapon carried onto private
23 school property or in any school bus or vehicle used by any private
24 school for transportation of students or teachers by a person who is

1 licensed pursuant to the Oklahoma Self-Defense Act, provided a
2 policy has been adopted by the governing entity of the private
3 school that authorizes the possession of a weapon on private school
4 property or in any school bus or vehicle used by a private school.
5 Except for acts of gross negligence or willful or wanton misconduct,
6 a governing entity of a private school that adopts a policy which
7 authorizes the possession of a weapon on private school property, a
8 school bus or vehicle used by the private school shall be immune
9 from liability for any injuries arising from the adoption of the
10 policy. The provisions of this paragraph shall not apply to claims
11 pursuant to the Workers' Compensation Code;

12 5. A gun, knife, bayonet or other weapon in the possession of a
13 member of a veterans group, the national guard, active military, the
14 Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to
15 participate in a ceremony, assembly or educational program approved
16 by the principal or chief administrator of a school or school
17 district where the ceremony, assembly or educational program is
18 being held; provided, however, the gun or other weapon that uses
19 projectiles is not loaded and is inoperable at all times while on
20 school property;

21 6. A handgun carried in a motor vehicle pursuant to a valid
22 handgun license authorized by the Oklahoma Self-Defense Act onto
23 property set aside by a public or private elementary or secondary
24 school for the use or parking of any vehicle; provided, however,

1 said handgun shall be stored and hidden from view in a locked motor
2 vehicle when the motor vehicle is left unattended on school
3 property; and

4 7. A handgun carried onto public school property by school
5 personnel who have been designated by the board of education,
6 provided such personnel either:

7 a. possess a valid armed security guard license as
8 provided for in Section 1750.1 et seq. of Title 59 of
9 the Oklahoma Statutes, or

10 b. hold a valid reserve peace officer certification as
11 provided for in Section 3311 of Title 70 of the
12 Oklahoma Statutes,

13 if a policy has been adopted by the board of education of the school
14 district that authorizes the carrying of a handgun onto public
15 school property by such personnel. Nothing in this subsection shall
16 be construed to restrict authority granted elsewhere in law to carry
17 firearms.

18 D. Any person violating the provisions of this section shall,
19 upon conviction, be guilty of a misdemeanor punishable by a fine of
20 not to exceed Two Hundred Fifty Dollars (\$250.00).

21 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1283, as
22 last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.
23 2015, Section 1283), is amended to read as follows:

24 Section 1283.

1 CONVICTED FELONS AND DELINQUENTS

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

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

21 C. It shall be unlawful for any person serving a term of
22 probation for any felony in any court of this state or of another
23 state or of the United States or under the jurisdiction of any
24 alternative court program to have in his or her possession or under

1 his or her immediate control, or at his or her residence, or in any
2 passenger vehicle which the person is operating or is riding as a
3 passenger, any pistol, shotgun or rifle, including any imitation or
4 homemade pistol, altered air or toy pistol, shotgun or rifle, while
5 such person is subject to supervision, probation, parole or inmate
6 status.

7 D. It shall be unlawful for any person previously adjudicated
8 as a delinquent child or a youthful offender for the commission of
9 an offense, which would have constituted a felony offense if
10 committed by an adult, to have in the possession of the person or
11 under the immediate control of the person, or have in any vehicle
12 which he or she is driving or in which the person is riding as a
13 passenger, or at the residence of the person, any pistol, imitation
14 or homemade pistol, altered air or toy pistol, machine gun, sawed-
15 off shotgun or rifle, or any other dangerous or deadly firearm
16 within ten (10) years after such adjudication; provided, that
17 nothing in this subsection shall be construed to prohibit the
18 placement of the person in a home with a full-time duly appointed
19 peace officer who is certified by the Council on Law Enforcement
20 Education and Training (CLEET) pursuant to the provisions of Section
21 3311 of Title 70 of the Oklahoma Statutes.

22 E. Any person having been issued a handgun license pursuant to
23 the provisions of the Oklahoma Self-Defense Act and who thereafter
24 knowingly or intentionally allows a convicted felon or adjudicated

1 delinquent or a youthful offender as prohibited by the provisions of
2 subsection A, C, or D of this section to possess or have control of
3 any pistol authorized by the Oklahoma Self-Defense Act shall, upon
4 conviction, be guilty of a felony punishable by a fine not to exceed
5 Five Thousand Dollars (\$5,000.00). In addition, the person shall
6 have the handgun license revoked by the Oklahoma State Bureau of
7 Investigation after a hearing and determination that the person has
8 violated the provisions of this section.

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

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

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

18 I. For purposes of this section, "altered air pistol" shall
19 mean any air pistol manufactured to propel projectiles by air
20 pressure which has been altered from its original manufactured
21 state.

22 J. For purposes of this section, "alternative court program"
23 shall mean any drug court, Anna McBride or mental health court, DUI
24 court or veterans court.

1 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1289.6, as
2 amended by Section 11, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
3 Section 1289.6), is amended to read as follows:

4 Section 1289.6

5 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

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

10 1. When hunting animals or fowl;

11 2. During competition in or practicing in a safety or hunter
12 safety class, target shooting, skeet, trap or other recognized
13 sporting events;

14 3. During participation in or in preparation for a military
15 function of the state military forces to be defined as the Oklahoma
16 Army or Air National Guard, Federal Military Reserve and active
17 military forces;

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

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

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

4 7. When carried in a holster that is wholly or partially
5 visible or in a scabbard, case or with a sling designed for carrying
6 firearms that is wholly or partially visible and the person is
7 twenty-one (21) years of age or older. Any person who carries a
8 firearm in the manner provided for in this paragraph shall be
9 prohibited from carrying the firearm into any of the places as
10 prescribed in subsection A of Section 1277 of this title; or

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

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

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

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

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

8 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.7, as
9 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
10 Section 1289.7), is amended to read as follows:

11 Section 1289.7

12 FIREARMS IN VEHICLES

13 Any person, except a convicted felon, may transport in a motor
14 vehicle a rifle, shotgun or pistol, open and unloaded, at any time.
15 For purposes of this section "open" means the firearm is transported
16 in plain view, in a case designed for carrying firearms, which case
17 is wholly or partially visible, in a gun rack mounted in the
18 vehicle, in an exterior locked compartment or a trunk of a vehicle.

19 Any person, except a convicted felon, may transport in a motor
20 vehicle a rifle or shotgun concealed behind a seat of the vehicle or
21 within the interior of the vehicle provided the rifle or shotgun is
22 not clip, magazine or chamber loaded. The authority to transport a
23 clip or magazine loaded rifle or shotgun shall be pursuant to
24 Section 1289.13 of this title.

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

7 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.23, as
8 last amended by Section 1, Chapter 216, O.S.L. 2015 (21 O.S. Supp.
9 2015, Section 1289.23), is amended to read as follows:

10 Section 1289.23

11 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

12 A. A full-time duly appointed peace officer who is certified by
13 the Council on Law Enforcement Education and Training (CLEET),
14 pursuant to the provisions of Section 3311 of Title 70 of the
15 Oklahoma Statutes, is hereby authorized to carry a weapon certified
16 and approved by the employing agency during periods when the officer
17 is not on active duty as provided by the provisions of subsection B
18 of this section.

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

23 1. To have the official peace officers badge, Commission Card
24 and CLEET Certification Card on his or her person at all times when

1 carrying a weapon certified and approved by the employing agency;
2 and

3 2. To keep the authorized weapon concealed or unconcealed at
4 all times, except when the weapon is used within the guidelines
5 established by the employing agency.

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

9 D. A reserve peace officer who has satisfactorily completed a
10 basic police course of not less than one hundred twenty (120) hours
11 of accredited instruction for reserve police officers and reserve
12 deputies from the Council on Law Enforcement Education and Training
13 or a course of study approved by CLEET may carry a certified weapon
14 when such officer is off duty as provided by subsection E of this
15 section, provided:

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

18 2. The employing agency shall maintain a current list of any
19 officers authorized to carry a certified weapon while said officers
20 are off duty, and shall provide a copy of such list to the Council
21 on Law Enforcement Education and Training. Any change to the list
22 shall be made in writing and mailed to the Council on Law
23 Enforcement Education and Training within five (5) days.
24

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

5 1. To have his or her official peace officer's badge,
6 Commission Card, CLEET Certification Card; and

7 2. To keep the authorized weapon concealed or unconcealed at
8 all times, except when the weapon is used within the guidelines
9 established by the employing agency.

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

14 G. Nothing in this section shall be construed to limit or
15 restrict any peace officer or reserve peace officer from carrying a
16 concealed handgun, ~~concealed or unconcealed~~, as allowed by the
17 Oklahoma Self-Defense Act after issuance of a valid license. When
18 an off-duty officer elects to carry a handgun under the authority of
19 the Oklahoma Self-Defense Act, the person shall comply with all
20 provisions of such act and shall not be representing the employing
21 agency.

22 H. Any off-duty peace officer who carries any weapon in
23 violation of the provisions of this section shall be deemed to be in
24

1 violation of Section 1272 of this title and may be prosecuted as
2 provided by law for a violation of that section.

3 I. On or after November 1, 2004, a reserve or full-time
4 commissioned peace officer may apply to carry a weapon pursuant to
5 the Oklahoma Self-Defense Act as follows:

6 1. The officer shall apply in writing to the Council on Law
7 Enforcement Education and Training (CLEET) stating that the officer
8 desires to have a handgun license pursuant to the Oklahoma Self-
9 Defense Act and certifying that he or she has no preclusions to
10 having such handgun license. The officer shall submit with the
11 application:

12 a. an official letter from his or her employing agency
13 confirming the officer's employment and status as a
14 full-time commissioned peace officer or an active
15 reserve peace officer,

16 b. a fee of Twenty-five Dollars (\$25.00) for the handgun
17 license, and

18 c. two passport-size photographs of the peace officer
19 applicant.

20 2. Upon receiving the required information, CLEET shall
21 determine whether the peace officer is in good standing, has CLEET
22 certification and training, and is otherwise eligible for a handgun
23 license. Upon verification of the officer's eligibility, CLEET
24 shall send the information to the Oklahoma State Bureau of

1 Investigation (OSBI) and OSBI shall issue a handgun license in the
2 same or similar form as other handgun licenses. All other
3 requirements in Section 1290.12 of this title concerning application
4 for a handgun license shall be waived for active duty peace officers
5 except as provided in this subsection, including but not limited to
6 training, fingerprints and criminal history records checks unless
7 the officer does not have fingerprints on file or a criminal history
8 records background check conducted prior to employment as a peace
9 officer. The OSBI shall not be required to conduct any further
10 investigation into the eligibility of the peace officer applicant
11 and shall not deny a handgun license except when preclusions are
12 found to exist.

13 3. The term of the handgun license for an active duty reserve
14 or full-time commissioned peace officer pursuant to this section
15 shall be as provided in Section 1290.5 of this title, renewable in
16 the same manner provided in this subsection for an original
17 application by a peace officer. The handgun license shall be valid
18 when the peace officer is in possession of a valid driver license
19 and law enforcement commission card.

20 4. If the commission card of a law enforcement officer is
21 terminated, revoked or suspended, the handgun license shall be
22 immediately returned to CLEET. When a peace officer in possession
23 of a handgun license pursuant to this subsection changes employment,
24 the person must notify CLEET within ninety (90) days and send a new

1 letter verifying employment and status as a full-time commissioned
2 or reserve peace officer.

3 5. There shall be no refund of any fee for any unexpired term
4 of any handgun license that is suspended, revoked, or voluntarily
5 returned to CLEET, or that is denied, suspended or revoked by the
6 OSBI.

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

9 7. Nothing in this subsection shall be construed to change or
10 amend the application process, eligibility, effective date or fees
11 of any handgun license pending issuance on November 1, 2004, or
12 previously issued to any peace officer prior to November 1, 2004.

13 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1290.1, is
14 amended to read as follows:

15 Section 1290.1

16 SHORT TITLE

17 Sections ~~4~~ 1290.1 through ~~25~~ 1290.27 of this ~~act~~ title shall be
18 known and may be cited as the "Oklahoma Self-Defense Act".

19 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1290.2, as
20 last amended by Section 2, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
21 2015, Section 1290.2), is amended to read as follows:

22 Section 1290.2

23 DEFINITIONS

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

1 1. "Concealed handgun" means a loaded or unloaded pistol, the
2 presence of which is not openly discernible to the ordinary
3 observation of a reasonable person; and

4 2. ~~"Unconcealed handgun" means a loaded or unloaded pistol~~
5 ~~carried upon the person in a belt holster or shoulder holster that~~
6 ~~is wholly or partially visible, or carried upon the person in a~~
7 ~~scabbard or case designed for carrying firearms that is wholly or~~
8 ~~partially visible; and~~

9 3. "Pistol" means any derringer, revolver or semiautomatic
10 firearm which:

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

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

1 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.3, as
2 amended by Section 24, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
3 Section 1290.3), is amended to read as follows:

4 Section 1290.3

5 AUTHORITY TO ISSUE LICENSE

6 The Oklahoma State Bureau of Investigation is hereby authorized
7 to license an eligible person to carry a concealed ~~or unconcealed~~
8 handgun as provided by the provisions of the Oklahoma Self-Defense
9 Act. The authority of the Bureau shall be limited to the provisions
10 specifically provided in the Oklahoma Self-Defense Act. The Bureau
11 shall promulgate rules, forms and procedures necessary to implement
12 the provisions of the Oklahoma Self-Defense Act.

13 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1290.4, as
14 amended by Section 25, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
15 Section 1290.4), is amended to read as follows:

16 Section 1290.4

17 UNLAWFUL CARRY

18 As provided by Section 1272 of this title, it is unlawful for
19 any person to carry a concealed ~~or unconcealed~~ handgun in this
20 state, except as hereby authorized by the provisions of the Oklahoma
21 Self-Defense Act or as may otherwise be provided by law.

22 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1290.5, as
23 last amended by Section 1, Chapter 122, O.S.L. 2014 (21 O.S. Supp.
24 2015, Section 1290.5), is amended to read as follows:

1 Section 1290.5

2 TERM OF LICENSE AND RENEWAL

3 A. A handgun license when issued shall authorize the person to
4 whom the license is issued to carry a loaded or unloaded concealed
5 handgun, ~~concealed or unconcealed~~, as authorized by the provisions
6 of the Oklahoma Self-Defense Act, and any future modifications
7 thereto. The license shall be valid in this state for a period of
8 five (5) or ten (10) years, unless subsequently surrendered,
9 suspended or revoked as provided by law. The person shall have no
10 authority to continue to carry a concealed ~~or unconcealed~~ handgun in
11 this state pursuant to the Oklahoma Self-Defense Act when a license
12 is expired or when a license has been voluntarily surrendered or
13 suspended or revoked for any reason.

14 B. A license may be renewed any time within ninety (90) days
15 prior to the expiration date as provided in this subsection. The
16 Bureau shall send a renewal application to each eligible licensee
17 with a return address requested. There shall be a ninety-day grace
18 period on license renewals beginning on the date of expiration,
19 thereafter the license is considered expired. However, any
20 applicant shall have three (3) years from the expiration of the
21 license to comply with the renewal requirements of this section.

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

1 2. The applicant must complete the renewal form, attach two
2 current passport size photographs of the applicant, and submit a
3 renewal fee in the amount of Eighty-five Dollars (\$85.00) to the
4 Bureau. The renewal fee may be paid with a nationally recognized
5 credit card as provided in subparagraph b of paragraph 4 of
6 subsection A of Section 1290.12 of this title, by electronic funds
7 transfer, or by a cashier's check or money order made payable to the
8 Oklahoma State Bureau of Investigation.

9 3. Upon receipt of the renewal application, photographs and
10 fee, the Bureau will conduct a criminal history records name search,
11 an investigation of medical records or other records or information
12 deemed by the Bureau to be relevant to the renewal application. If
13 the applicant appears not to have any prohibition to renewing the
14 handgun license, the Bureau shall issue the renewed license for a
15 period of five (5) or ten (10) years.

16 C. Beginning November 1, 2007, any person making application
17 for a handgun license or any licensee seeking to renew a handgun
18 license shall have the option to request that said license be valid
19 for a period of ten (10) years. The fee for any handgun license
20 issued for a period of ten (10) years shall be double the amount of
21 the fee provided for in paragraph 4 of subsection A of Section
22 1290.12 of this title. The renewal fee for a handgun license issued
23 for a period of ten (10) years shall be double the amount of the fee
24 provided for in paragraph 2 of subsection B of this section.

1 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1290.6, as
2 amended by Section 27, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
3 Section 1290.6), is amended to read as follows:

4 Section 1290.6

5 PROHIBITED AMMUNITION

6 Any concealed ~~or unconcealed~~ handgun when carried in a manner
7 authorized by the provisions of the Oklahoma Self-Defense Act and
8 when loaded with any ammunition which is either a restricted bullet
9 as defined by Section 1289.19 of this title or is larger than .45
10 caliber or is otherwise prohibited by law shall be deemed a
11 prohibited weapon for purposes of the Oklahoma Self-Defense Act.

12 Any person violating the provisions of this section shall be
13 punished for a criminal offense as provided by Section 1272 of this
14 title or any other applicable provision of law. In addition to any
15 criminal prosecution for a violation of the provisions of this
16 section, the licensee shall be subject to an administrative fine of
17 Five Hundred Dollars (\$500.00), upon a hearing and determination by
18 the Oklahoma State Bureau of Investigation that the person is in
19 violation of the provisions of this section.

20 SECTION 14. AMENDATORY 21 O.S. 2011, Section 1290.7, as
21 last amended by Section 3, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
22 2015, Section 1290.7), is amended to read as follows:

23 Section 1290.7

24 CONSTRUING AUTHORITY OF LICENSE

1 The authority to carry a concealed ~~or unconcealed~~ handgun
2 pursuant to a valid handgun license as authorized by the provisions
3 of the Oklahoma Self-Defense Act shall not be construed to authorize
4 any person to:

5 1. Carry or possess any weapon other than an authorized pistol
6 as defined by the provisions of Section 1290.2 of this title;

7 2. Carry or possess any pistol in any manner or in any place
8 otherwise prohibited by law;

9 3. Carry or possess any prohibited ammunition or any illegal,
10 imitation or homemade pistol;

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

13 5. Point, discharge or use the pistol in any manner not
14 otherwise authorized by law.

15 SECTION 15. AMENDATORY 21 O.S. 2011, Section 1290.8, as
16 last amended by Section 4, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
17 2015, Section 1290.8), is amended to read as follows:

18 Section 1290.8

19 POSSESSION OF LICENSE REQUIRED

20 NOTIFICATION TO POLICE OF GUN

21 A. Except as otherwise prohibited by law, an eligible person
22 shall have authority to carry a concealed ~~or unconcealed~~ handgun in
23 this state when the person has been issued a handgun license from
24 the Oklahoma State Bureau of Investigation pursuant to the

1 provisions of the Oklahoma Self-Defense Act, provided the person is
2 in compliance with the provisions of the Oklahoma Self-Defense Act,
3 and the license has not expired or been subsequently suspended or
4 revoked. A person in possession of a valid handgun license and in
5 compliance with the provisions of the Oklahoma Self-Defense Act
6 shall be authorized to carry such concealed ~~or unconcealed~~ handgun
7 while bow hunting or fishing.

8 B. The person shall be required to have possession of his or
9 her valid handgun license and a valid Oklahoma driver license or an
10 Oklahoma State photo identification at all times when in possession
11 of an authorized pistol. The person shall display the handgun
12 license on demand of a law enforcement officer; provided, however,
13 that in the absence of reasonable and articulable suspicion of other
14 criminal activity, an individual carrying ~~an unconcealed or a~~
15 concealed handgun shall not be disarmed or physically restrained
16 unless the individual fails to display a valid handgun license in
17 response to that demand. Any violation of the provisions of this
18 subsection may be punishable as a criminal offense as authorized by
19 Section 1272 of this title or pursuant to any other applicable
20 provision of law. Any second or subsequent violation of the
21 provisions of this subsection shall be grounds for the Bureau to
22 suspend the handgun license for a period of six (6) months, in
23 addition to any other penalty imposed.
24

1 Upon the arrest of any person for a violation of the provisions
2 of this subsection, the person may show proof to the court that a
3 valid handgun license and the other required identification has been
4 issued to such person and the person may state any reason why the
5 handgun license or the other required identification was not carried
6 by the person as required by the Oklahoma Self-Defense Act. The
7 court shall dismiss an alleged violation of Section 1272 of this
8 title upon payment of court costs, if proof of a valid handgun
9 license and other required identification is shown to the court
10 within ten (10) days of the arrest of the person. The court shall
11 report a dismissal of a charge to the Bureau for consideration of
12 administrative proceedings against the licensee.

13 C. It shall be unlawful for any person to fail or refuse to
14 identify the fact that the person is in actual possession of a
15 concealed ~~or unconcealed~~ handgun pursuant to the authority of the
16 Oklahoma Self-Defense Act when the person comes into contact with
17 any law enforcement officer of this state or its political
18 subdivisions or a federal law enforcement officer during the course
19 of any arrest, detainment, or routine traffic stop. Said
20 identification to the law enforcement officer shall be made at the
21 first opportunity. No person shall be required to identify himself
22 or herself as a handgun licensee when no handgun is in the
23 possession of the person or in any vehicle in which the person is
24 driving or is a passenger. Any violation of the provisions of this

1 subsection shall, upon conviction, be a misdemeanor punishable by a
2 fine not exceeding One Hundred Dollars (\$100.00).

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

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

13 SECTION 16. AMENDATORY 21 O.S. 2011, Section 1290.12, as
14 last amended by Section 1, Chapter 207, O.S.L. 2015 (21 O.S. Supp.
15 2015, Section 1290.12), is amended to read as follows:

16 Section 1290.12

17 PROCEDURE FOR APPLICATION

18 A. Except as provided in paragraph 11 of this subsection, the
19 procedure for applying for a handgun license and processing the
20 application shall be as follows:

21 1. An eligible person may request an application packet for a
22 handgun license from the Oklahoma State Bureau of Investigation or
23 the county sheriff's office either in person or by mail. The Bureau
24 may provide application packets to each sheriff not exceeding two

1 hundred packets per request. The Bureau shall provide the following
2 information in the application packet:

- 3 a. an application form,
- 4 b. procedures to follow to process the application form,
- 5 and
- 6 c. a copy of the Oklahoma Self-Defense Act with any
7 modifications thereto;

8 2. The person shall be required to successfully complete a
9 firearms safety and training course from a firearms instructor who
10 is approved and registered in this state as provided in Section
11 1290.14 of this title or from an interactive online firearms safety
12 and training course available electronically via the Internet
13 approved and certified by the Council on Law Enforcement Education
14 and Training, and the person shall be required to demonstrate
15 competency and qualification with a pistol authorized for concealed
16 ~~or unconcealed~~ carry by the Oklahoma Self-Defense Act. The original
17 certificate of successful completion of a firearms safety and
18 training course and an original certificate of successful
19 demonstration of competency and qualification to carry and handle a
20 pistol shall be submitted with the application for a handgun
21 license. No duplicate, copy, facsimile or other reproduction of the
22 certificate of training, certificate of competency and qualification
23 or exemption from training shall be acceptable as proof of training
24 as required by the provisions of the Oklahoma Self-Defense Act. A

1 person exempt from the training requirements as provided in Section
2 1290.15 of this title must show the required proof of such exemption
3 to the firearms instructor to receive an exemption certificate. The
4 original exemption certificate must be submitted with the
5 application for a handgun license when the person claims an
6 exemption from training and qualification;

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

10 4. The person shall deliver to the sheriff at the time of
11 delivery of the completed application form a fee of One Hundred
12 Dollars (\$100.00) for processing the application through the
13 Oklahoma State Bureau of Investigation and processing the required
14 fingerprints through the Federal Bureau of Investigation. The
15 processing fee shall be in the form of:

- 16 a. a money order or a cashier's check made payable to the
17 Oklahoma State Bureau of Investigation,
- 18 b. by a nationally recognized credit card issued to the
19 applicant. For purposes of this paragraph,
20 "nationally recognized credit card" means any
21 instrument or device, whether known as a credit card,
22 credit plate, charge plate, or by any other name,
23 issued with or without fee by the issuer for the use
24 of the cardholder in obtaining goods, services, or

1 anything else of value on credit which is accepted by
2 over one thousand merchants in the state. The
3 Oklahoma State Bureau of Investigation shall determine
4 which nationally recognized credit cards will be
5 accepted by the Bureau, or

6 c. by electronic funds transfer.

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

13 5. The completed application form shall be signed by the
14 applicant in person before the sheriff. The signature shall be
15 given voluntarily upon a sworn oath that the person knows the
16 contents of the application and that the information contained in
17 the application is true and correct. Any person making any false or
18 misleading statement on an application for a handgun license shall,
19 upon conviction, be guilty of perjury as defined by Section 491 of
20 this title. Any conviction shall be punished as provided in Section
21 500 of this title. In addition to a criminal conviction, the person
22 shall be denied the right to have a handgun license pursuant to the
23 provisions of Section 1290.10 of this title and the Oklahoma State
24 Bureau of Investigation shall revoke the handgun license, if issued;

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

11 7. The sheriff shall witness the signature of the applicant and
12 review or take the photographs of the applicant and shall verify
13 that the person making application for a handgun license is the same
14 person in the photographs submitted and the same person who signed
15 the application form. Proof of a valid Oklahoma driver license with
16 a photograph of the applicant or an Oklahoma state photo
17 identification for the applicant shall be required to be presented
18 by the applicant to the sheriff for verification of the person's
19 identity;

20 8. Upon verification of the identity of the applicant, the
21 sheriff shall take two complete sets of fingerprints of the
22 applicant. Both sets of fingerprints shall be submitted by the
23 sheriff with the completed application, certificate of training or
24 an exemption certificate, photographs and processing fee to the

1 Oklahoma State Bureau of Investigation within fourteen (14) days of
2 taking the fingerprints. The cost of the fingerprints shall be paid
3 by the applicant and shall not exceed Twenty-five Dollars (\$25.00)
4 for the two sets. All fees collected by the sheriff from taking
5 fingerprints pursuant to the provisions of this paragraph shall be
6 retained by the sheriff and deposited into the Sheriff's Service Fee
7 Account;

8 9. The sheriff shall submit to the Oklahoma State Bureau of
9 Investigation within the fourteen-day period, together with the
10 completed application, including the certificate of training,
11 certificate of competency and qualification or exemption
12 certificate, photographs, processing fee and legible fingerprints
13 meeting the Oklahoma State Bureau of Investigation's Automated
14 Fingerprint Identification System (AFIS) submission standards, and a
15 report of information deemed pertinent to an investigation of the
16 applicant for a handgun license. The sheriff shall make a
17 preliminary investigation of pertinent information about the
18 applicant and the court clerk shall assist the sheriff in locating
19 pertinent information in court records for this purpose. If no
20 pertinent information is found to exist either for or against the
21 applicant, the sheriff shall so indicate in the report;

22 10. The Oklahoma State Bureau of Investigation, upon receipt of
23 the application and required information from the sheriff, shall
24 forward one full set of fingerprints of the applicant to the Federal

1 Bureau of Investigation for a national criminal history records
2 search. The cost of processing the fingerprints nationally shall be
3 paid from the processing fee collected by the Oklahoma State Bureau
4 of Investigation;

5 11. Notwithstanding the provisions of the Oklahoma Self-Defense
6 Act, or any other provisions of law, any person who has been granted
7 a permanent victim's protective order by the court, as provided for
8 in the Protection from Domestic Abuse Act, may be issued a temporary
9 handgun license for a period not to exceed six (6) months. A
10 temporary handgun license may be issued if the person has
11 successfully passed the required weapons course, completed the
12 application process for the handgun license, passed the preliminary
13 investigation of the person by the sheriff and court clerk, and
14 provided the sheriff proof of a certified permanent victim
15 protection order and a valid Oklahoma state photo identification
16 card or driver license. The sheriff shall issue a temporary handgun
17 license on a form approved by the Oklahoma State Bureau of
18 Investigation, at no cost. Any person who has been issued a
19 temporary license shall carry the temporary handgun license and a
20 valid Oklahoma state photo identification on his or her person at
21 all times, and shall be subject to all the requirements of the
22 Oklahoma Self-Defense Act when carrying a handgun. The person may
23 proceed with the handgun licensing process. In the event the
24

1 victim's protection order is no longer enforceable, the temporary
2 handgun license shall cease to be valid;

3 12. The Oklahoma State Bureau of Investigation shall make a
4 reasonable effort to investigate the information submitted by the
5 applicant and the sheriff, to ascertain whether or not the issuance
6 of a handgun license would be in violation of the provisions of the
7 Oklahoma Self-Defense Act. The investigation by the Bureau of an
8 applicant shall include, but shall not be limited to: a statewide
9 criminal history records search, a national criminal history records
10 search, a Federal Bureau of Investigation fingerprint search, and if
11 applicable, an investigation of medical records or other records or
12 information deemed by the Bureau to be relevant to the application.

13 a. In the course of the investigation by the Bureau, it
14 shall present the name of the applicant along with any
15 known aliases, the address of the applicant and the
16 social security number of the applicant to the
17 Department of Mental Health and Substance Abuse
18 Services. The Department of Mental Health and
19 Substance Abuse Services shall respond within ten (10)
20 days of receiving such information to the Bureau as
21 follows:

22 (1) with a "Yes" answer, if the records of the
23 Department indicate that the person was
24

1 involuntarily committed to a mental institution
2 in Oklahoma,

3 (2) with a "No" answer, if there are no records
4 indicating the name of the person as a person
5 involuntarily committed to a mental institution
6 in Oklahoma, or

7 (3) with an "Inconclusive" answer if the records of
8 the Department suggest the applicant may be a
9 formerly committed person. In the case of an
10 inconclusive answer, the Bureau shall ask the
11 applicant whether he or she was involuntarily
12 committed. If the applicant states under penalty
13 of perjury that he or she has not been
14 involuntarily committed, the Bureau shall
15 continue processing the application for a
16 license.

17 b. In the course of the investigation by the Bureau, it
18 shall check the name of any applicant who is twenty-
19 eight (28) years of age or younger along with any
20 known aliases, the address of the applicant and the
21 social security number of the applicant against the
22 records in the Juvenile Online Tracking System (JOLTS)
23 of the Office of Juvenile Affairs. The Office of
24 Juvenile Affairs shall provide the Bureau direct

1 access to check the applicant against the records
2 available on JOLTS.

- 3 (1) If the Bureau finds a record on the JOLTS that
4 indicates the person was adjudicated a delinquent
5 for an offense that would constitute a felony
6 offense if committed by an adult within the last
7 ten (10) years the Bureau shall deny the license,
- 8 (2) If the Bureau finds no record on the JOLTS
9 indicating the named person was adjudicated
10 delinquent for an offense that would constitute a
11 felony offense if committed by an adult within
12 the last ten (10) years, or
- 13 (3) If the records suggest the applicant may have
14 been adjudicated delinquent for an offense that
15 would constitute a felony offense if committed by
16 an adult but such record is inconclusive, the
17 Bureau shall ask the applicant whether he or she
18 was adjudicated a delinquent for an offense that
19 would constitute a felony offense if committed by
20 an adult within the last ten (10) years. If the
21 applicant states under penalty of perjury that he
22 or she was not adjudicated a delinquent within
23 ten (10) years, the Bureau shall continue
24 processing the application for a license; and

1 13. If the background check set forth in paragraph 12 of this
2 subsection reveals no records pertaining to the applicant, the
3 Oklahoma State Bureau of Investigation shall either issue a handgun
4 license or deny the application within sixty (60) days of the date
5 of receipt of the applicant's completed application and the required
6 information from the sheriff. In all other cases, the Oklahoma
7 State Bureau of Investigation shall either issue a handgun license
8 or deny the application within ninety (90) days of the date of the
9 receipt of the applicant's completed application and the required
10 information from the sheriff. The Bureau shall approve an applicant
11 who appears to be in full compliance with the provisions of the
12 Oklahoma Self-Defense Act, if completion of the federal fingerprint
13 search is the only reason for delay of the issuance of the handgun
14 license to that applicant. Upon receipt of the federal fingerprint
15 search information, if the Bureau receives information which
16 precludes the person from having a handgun license, the Bureau shall
17 revoke the handgun license previously issued to the applicant. The
18 Bureau shall deny a license when the applicant fails to properly
19 complete the application form or application process or is
20 determined not to be eligible as specified by the provisions of
21 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall
22 approve an application in all other cases. If an application is
23 denied, the Bureau shall notify the applicant in writing of its
24 decision. The notification shall state the grounds for the denial

1 and inform the applicant of the right to an appeal as may be
2 provided by the provisions of the Administrative Procedures Act.
3 All notices of denial shall be mailed by first-class mail to the
4 address of the applicant listed in the application. Within sixty
5 (60) calendar days from the date of mailing a denial of application
6 to an applicant, the applicant shall notify the Bureau in writing of
7 the intent to appeal the decision of denial or the right of the
8 applicant to appeal shall be deemed waived. Any administrative
9 hearing on a denial which may be provided shall be conducted by a
10 hearing examiner appointed by the Bureau. The decision of the
11 hearing examiner shall be a final decision appealable to a district
12 court in accordance with the Administrative Procedures Act. When an
13 application is approved, the Bureau shall issue the license and
14 shall mail the license by first-class mail to the address of the
15 applicant listed in the application.

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

22 SECTION 17. AMENDATORY 21 O.S. 2011, Section 1290.14, as
23 last amended by Section 2, Chapter 207, O.S.L. 2015 (21 O.S. Supp.
24 2015, Section 1290.14), is amended to read as follows:

1 Section 1290.14

2 SAFETY AND TRAINING COURSE

3 A. Each applicant for a license to carry a concealed ~~or~~
4 ~~unconcealed~~ handgun pursuant to the Oklahoma Self-Defense Act must
5 successfully complete a firearms safety and training course in this
6 state conducted by a registered and approved firearms instructor as
7 provided by the provisions of this section or from an interactive
8 online firearms safety and training course available electronically
9 via the Internet approved and certified by the Council on Law
10 Enforcement Education and Training. The applicant must further
11 demonstrate competence and qualification with an authorized pistol
12 of the type or types that the applicant desires to carry as a
13 concealed ~~or unconcealed~~ handgun pursuant to the provisions of the
14 Oklahoma Self-Defense Act, except certain persons may be exempt from
15 such training requirement as provided by the provisions of Section
16 1290.15 of this title.

17 B. The Council on Law Enforcement Education and Training
18 (CLEET) shall establish criteria for approving firearms instructors
19 and interactive online firearms safety and training courses
20 available electronically via the Internet for purposes of training
21 and qualifying individuals for a handgun license pursuant to the
22 provisions of the Oklahoma Self-Defense Act. Prior to submitting an
23 application for CLEET approval as a firearms instructor, applicants
24

1 shall attend a firearms instructor school, meeting the following
2 minimum requirements:

3 1. Firearms instructor training conducted by one of the
4 following entities:

- 5 a. Council on Law Enforcement Education and Training,
- 6 b. National Rifle Association,
- 7 c. Oklahoma Rifle Association,
- 8 d. federal law enforcement agencies, or
- 9 e. other professionally recognized organizations;

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

11 3. Upon completion of the course, the applicant shall be
12 qualified to provide instruction on revolvers, semiautomatic
13 pistols, or both; and

14 4. Receive a course completion certificate.

15 All firearms instructors shall be required to meet the
16 eligibility requirements for a handgun license as provided in
17 Sections 1290.9, 1290.10, and 1290.11 of this title and the
18 application shall be processed as provided for applicants in Section
19 1290.12 of this title, including the state and national criminal
20 history records search and fingerprint search. A firearms
21 instructor shall be required to pay a fee of One Hundred Dollars
22 (\$100.00) to the Council on Law Enforcement Education and Training
23 (CLEET) each time the person makes application for CLEET approval as
24 a firearms instructor pursuant to the provisions of the Oklahoma

1 Self-Defense Act. The fee shall be retained by CLEET and shall be
2 deposited into the Firearms Instructors Revolving Fund. CLEET shall
3 promulgate the rules, forms and procedures necessary to implement
4 the approval of firearms instructors as authorized by the provisions
5 of this subsection. CLEET shall periodically review each approved
6 instructor during a training and qualification course to assure
7 compliance with the rules and course contents. Any violation of the
8 rules may result in the revocation or suspension of CLEET and
9 Oklahoma State Bureau of Investigation approval. Unless the
10 approval has been revoked or suspended, a firearms instructor's
11 CLEET approval shall be for a term of five (5) years. Beginning on
12 July 1, 2003, any firearms instructor who has been issued a four-
13 year CLEET approval shall not be eligible for the five-year approval
14 until the expiration of the approval previously issued. CLEET shall
15 be responsible for notifying all approved firearms instructors of
16 statutory and policy changes related to the Oklahoma Self-Defense
17 Act. A firearms instructor shall not be required to submit his or
18 her fingerprints for a fingerprint search when renewing a firearms
19 instructor's CLEET approval.

20 C. 1. All firearms instructors approved by CLEET to train and
21 qualify individuals for a handgun license shall be required to apply
22 for registration with the Oklahoma State Bureau of Investigation
23 after receiving CLEET approval. All firearms instructors teaching
24 the approved course for a handgun license must display their

1 registration certificate during each training and qualification
2 course. Each approved firearms instructor shall complete a
3 registration form provided by the Bureau and shall have the option
4 to pay a registration fee of either One Hundred Dollars (\$100.00)
5 for a five-year registration certificate or Two Hundred Dollars
6 (\$200.00) for a ten-year registration certificate to the Bureau at
7 the time of each application for registration, except as provided in
8 paragraph 2 of this subsection. Registration certificates issued by
9 the Bureau shall be valid for a period of five (5) years or ten (10)
10 years from the date of issuance. The Bureau shall issue a five-year
11 or ten-year handgun license to an approved firearms instructor at
12 the time of issuance of a registration certificate and no additional
13 fee shall be required or charged. The Bureau shall maintain a
14 current listing of all registered firearms instructors in this
15 state. Nothing in this paragraph shall be construed to eliminate
16 the requirement for registration and training with CLEET as provided
17 in subsection B of this section. Failure to register or be trained
18 as required shall result in a revocation or suspension of the
19 instructor certificate by the Bureau.

20 2. On or after July 1, 2003, the registered instructors listed
21 in subparagraphs a and b of this paragraph shall not be required to
22 renew the firearms instructor registration certificate with the
23 Oklahoma State Bureau of Investigation at the expiration of the
24 registration term, provided the instructor is not subject to any

1 suspension or revocation of the firearms instructor certificate.

2 The firearms instructor registration with the Oklahoma State Bureau
3 of Investigation shall automatically renew together with the handgun
4 license authorized in paragraph 1 of this subsection for an
5 additional five-year term and no additional cost or fee may be
6 charged for the following individuals:

7 a. an active duty law enforcement officer of this state
8 or any of its political subdivisions or of the federal
9 government who has a valid CLEET approval as a
10 firearms instructor pursuant to the Oklahoma Self-
11 Defense Act, and

12 b. a retired law enforcement officer authorized to carry
13 a firearm pursuant to Section 1289.8 of this title who
14 has a valid CLEET approval as a firearms instructor
15 pursuant to the Oklahoma Self-Defense Act.

16 D. The Oklahoma State Bureau of Investigation shall approve
17 registration for a firearms instructor applicant who is in full
18 compliance with CLEET rules regarding firearms instructors and the
19 provisions of subsection B of this section, if completion of the
20 federal fingerprint search is the only reason for delay of
21 registration of that firearms instructor applicant. Upon receipt of
22 the federal fingerprint search information, if the Bureau receives
23 information which precludes the person from having a handgun
24

1 license, the Bureau shall revoke both the registration and the
2 handgun license previously issued to the firearms instructor.

3 E. The required firearms safety and training course and the
4 actual demonstration of competency and qualification required of the
5 applicant shall be designed and conducted in such a manner that the
6 course can be reasonably completed by the applicant within an eight-
7 hour period. CLEET shall establish the course content and
8 promulgate rules, procedures and forms necessary to implement the
9 provisions of this subsection. For the training and qualification
10 course, an applicant may be charged a fee which shall be determined
11 by the instructor or entity that is conducting the course. The
12 maximum class size shall be determined by the instructor conducting
13 the course; provided, however, practice shooting sessions shall not
14 have more than ten participating students at one time. CLEET may
15 establish criteria for assistant instructors and any other
16 requirements deemed necessary to conduct a safe and effective
17 training and qualification course. The course content shall include
18 a safety inspection of the firearm to be used by the applicant in
19 the training course; instruction on pistol handling, safety and
20 storage; dynamics of ammunition and firing; methods or positions for
21 firing a pistol; information about the criminal provisions of the
22 Oklahoma law relating to firearms; the requirements of the Oklahoma
23 Self-Defense Act as it relates to the applicant; self-defense and
24 the use of appropriate force; a practice shooting session; and a

familiarization course. The firearms instructor shall refuse to train or qualify any person when the pistol to be used or carried by the person is either deemed unsafe or unfit for firing or is a weapon not authorized by the Oklahoma Self-Defense Act. The course shall provide an opportunity for the applicant to qualify himself or herself on either a derringer, a revolver, a semiautomatic pistol or any combination of a derringer, a revolver and a semiautomatic pistol, provided no pistol shall be capable of firing larger than .45 caliber ammunition. Any applicant who successfully trains and qualifies himself or herself with a semiautomatic pistol may be approved by the firearms instructor on the training certificate for a semiautomatic pistol, a revolver and a derringer upon request of the applicant. Any person who qualifies on a derringer or revolver shall not be eligible for a semiautomatic rating until the person has demonstrated competence and qualifications on a semiautomatic pistol. Upon successful completion of the training and qualification course, a certificate of training and a certificate of competency and qualification shall be issued to each applicant who successfully completes the course. The certificate of training and certificate of competency and qualification shall comply with the forms established by CLEET and shall be submitted with an application for a handgun license pursuant to the provisions of paragraph 2 of subsection A of Section 1290.12 of this title. The certificate of training and certificate of competency and

1 qualification issued to an applicant shall be valid for a period of
2 three (3) years.

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

20 G. Firearms instructors shall keep on file for a period of not
21 less than three (3) years a roster of each training class, the
22 safety test score of each individual, the caliber and type of weapon
23 each individual used when qualifying and whether or not each
24 individual successfully completed the training course. Firearms

1 instructors shall be authorized to destroy all training documents
2 and records upon expiration of the three-year time period.

3 SECTION 18. AMENDATORY 21 O.S. 2011, Section 1290.15, as
4 last amended by Section 2, Chapter 86, O.S.L. 2013 (21 O.S. Supp.
5 2015, Section 1290.15), is amended to read as follows:

6 Section 1290.15

7 PERSONS EXEMPT FROM TRAINING COURSE

8 A. The following individuals may be exempt from all or part of
9 the required training and qualification course established pursuant
10 to the provisions of Section 1290.14 of this title:

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

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

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

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

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

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

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

11 8. Any person who is otherwise deemed qualified for a training
12 exemption by CLEET.

13 Provided, however, persons applying for an exemption pursuant to
14 paragraph 3, 4, 5, 6 or 7 of this subsection may be required to
15 successfully complete the classroom portion of the training course.
16 The fee for the classroom portion of the training course shall be
17 determined by the instructor or entity that is conducting the
18 course.

19 B. The Council on Law Enforcement Education and Training
20 (CLEET) shall establish criteria for providing proof of an
21 exemption. Before any person shall be considered exempt from all or
22 part of the required training and qualification pursuant to the
23 provisions of the Oklahoma Self-Defense Act, the person shall
24 present the required proof of exemption to a registered firearms

1 instructor. Each person determined to be exempt from training or
2 qualification as provided in this subsection shall receive an
3 exemption certificate from the registered firearms instructor. The
4 rules promulgated by CLEET to implement the provisions of this
5 section and Section 1290.14 of this title may require that a fee not
6 to exceed Five Dollars (\$5.00) be charged for processing an
7 exemption certificate. The original exemption certificate must be
8 submitted with an application for a handgun license as provided in
9 paragraph 2 of Section 1290.12 of this title. No person who is
10 determined to be exempt from training or qualification may carry a
11 concealed ~~or unconcealed~~ firearm pursuant to the authority of the
12 Oklahoma Self-Defense Act until issued a valid handgun license.

13 C. Nothing contained in any provision of the Oklahoma Self-
14 Defense Act shall be construed to alter, amend, or modify the
15 authority of any active duty law enforcement officer, or any person
16 certified by the Council on Law Enforcement Education and Training
17 to carry a pistol during the course of their employment, to carry
18 any pistol in any manner authorized by law or authorized by the
19 employing agency.

20 SECTION 19. AMENDATORY 21 O.S. 2011, Section 1290.21, as
21 last amended by Section 6, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
22 2015, Section 1290.21), is amended to read as follows:

23 Section 1290.21

24 REPLACEMENT LICENSE

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

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

22 C. Any person having a valid handgun license pursuant to the
23 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.

1 SECTION 20. AMENDATORY 21 O.S. 2011, Section 1290.22, as
2 amended by Section 7, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015,
3 Section 1290.22), is amended to read as follows:

4 Section 1290.22

5 BUSINESS OWNER'S RIGHTS

6 A. Except as provided in subsection B of this section, nothing
7 contained in any provision of the Oklahoma Self-Defense Act shall be
8 construed to limit, restrict or prohibit in any manner the existing
9 rights of any person, property owner, tenant, employer, place of
10 worship or business entity to control the possession of weapons on
11 any property owned or controlled by the person or business entity.

12 B. No person, property owner, tenant, employer, place of
13 worship or business entity shall be permitted to establish any
14 policy or rule that has the effect of prohibiting any person, except
15 a convicted felon, from transporting and storing firearms in a
16 locked vehicle on any property set aside for any vehicle.

17 C. A property owner, tenant, employer, place of worship or
18 business entity may prohibit any person from carrying a concealed ~~or~~
19 ~~unconcealed~~ firearm on the property. If the building or property is
20 open to the public, the property owner, tenant, employer, place of
21 worship or business entity shall post signs on or about the property
22 stating such prohibition.

23 D. The carrying of a concealed ~~or unconcealed~~ firearm by a
24 person who has been issued a handgun license on property that has

1 signs prohibiting the carrying of firearms shall not be deemed a
2 criminal act but may subject the person to being denied entrance
3 onto the property or removed from the property. If the person
4 refuses to leave the property and a peace officer is summoned, the
5 person may be issued a citation for an amount not to exceed Two
6 Hundred Fifty Dollars (\$250.00).

7 E. A person, corporation, place of worship or any other
8 business entity that does or does not prohibit any individual except
9 a convicted felon from carrying a loaded or unloaded, ~~concealed or~~
10 ~~unconcealed~~ weapon on property that the person, corporation, place
11 of worship or other business entity owns, or has legal control of,
12 is immune from any liability arising from that decision. Except for
13 acts of gross negligence or willful or wanton misconduct, an
14 employer who does or does not prohibit their employees from carrying
15 a concealed ~~or unconcealed~~ weapon is immune from any liability
16 arising from that decision. The provisions of this subsection shall
17 not apply to claims pursuant to the Workers' Compensation Code.

18 SECTION 21. AMENDATORY 21 O.S. 2011, Section 1290.24, as
19 amended by Section 42, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
20 Section 1290.24), is amended to read as follows:

21 Section 1290.24

22 IMMUNITY

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

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

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

8 3. Any injury to any person during a handgun training course
9 conducted by a firearms instructor certified by the Council on Law
10 Enforcement Education and Training to conduct training under the
11 Oklahoma Self-Defense Act, or injury from any misfire or malfunction
12 of any handgun on a training course firing range supervised by a
13 certified firearms instructor under the provisions of the Oklahoma
14 Self-Defense Act, or any injury resulting from carrying a concealed
15 ~~or unconcealed~~ handgun pursuant to a handgun license; and

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

19 B. Firearms instructors certified by the Council on Law
20 Enforcement Education and Training to conduct training for the
21 Oklahoma Self-Defense Act shall be immune from liability to third
22 persons resulting or arising from any claim based on an act or
23 omission of a trainee.
24

1 SECTION 22. AMENDATORY 21 O.S. 2011, Section 1290.25, as
2 amended by Section 43, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
3 Section 1290.25), is amended to read as follows:

4 Section 1290.25

5 LEGISLATIVE INTENT

6 The Legislature finds as a matter of public policy and fact that
7 it is necessary to provide statewide uniform standards for issuing
8 licenses to carry concealed ~~or unconcealed~~ handguns for lawful self-
9 defense and self-protection, and further finds it necessary to
10 occupy the field of regulation of the bearing of concealed ~~or~~
11 ~~unconcealed~~ handguns to ensure that no honest, law-abiding citizen
12 who qualifies pursuant to the provisions of the Oklahoma Self-
13 Defense Act is subjectively or arbitrarily denied his or her rights.
14 The Legislature does not delegate to the Oklahoma State Bureau of
15 Investigation any authority to regulate or restrict the issuing of
16 handgun licenses except as provided by the provisions of this act.
17 Subjective or arbitrary actions or rules which encumber the issuing
18 process by placing burdens on the applicant beyond those
19 requirements detailed in the provisions of the Oklahoma Self-Defense
20 Act or which create restrictions beyond those specified in this act
21 are deemed to be in conflict with the intent of this act and are
22 hereby prohibited. The Oklahoma Self-Defense Act shall be liberally
23 construed to carry out the constitutional right to bear arms for
24 self-defense and self-protection. The provisions of the Oklahoma

1 Self-Defense Act are cumulative to existing rights to bear arms and
2 nothing in the Oklahoma Self-Defense Act shall impair or diminish
3 those rights.

4 However, the conditions that mandate the administrative actions
5 of license denial, suspension, revocation or an administrative fine
6 are intended to protect the health, safety and public welfare of the
7 citizens of this state. The restricting conditions specified in the
8 Oklahoma Self-Defense Act generally involve the criminal history,
9 mental state, alcohol or substance abuse of the applicant or
10 licensee, a hazard of domestic violence, a danger to police
11 officers, or the ability of the Oklahoma State Bureau of
12 Investigation to properly administer the Oklahoma Self-Defense Act.
13 The restricting conditions that establish a risk of injury or harm
14 to the public are tailored to reduce the risks to the benefit of the
15 citizens of this state.

16 SECTION 23. AMENDATORY 21 O.S. 2011, Section 1290.26, as
17 last amended by Section 18, Chapter 15, O.S.L. 2013 (21 O.S. Supp.
18 2015, Section 1290.26), is amended to read as follows:

19 Section 1290.26

20 RECIPROCAL AGREEMENT AUTHORITY

21 The State of Oklahoma hereby recognizes any valid concealed ~~or~~
22 ~~unconcealed~~ carry weapons permit or license issued by another state,
23 or if the state is a nonpermitting carry state, this state shall
24 reciprocate under the permitting law of that state.

1 A. Any person entering this state in possession of a firearm
2 authorized for concealed ~~or unconcealed~~ carry upon the authority and
3 license of another state is authorized to continue to carry a
4 concealed ~~or unconcealed~~ firearm and license in this state; provided
5 the license from the other state remains valid. The firearm must
6 ~~either~~ be carried ~~unconcealed or~~ concealed from detection and view,
7 and upon coming in contact with any peace officer of this state, the
8 person must disclose the fact that he or she is in possession of a
9 concealed ~~or unconcealed~~ firearm pursuant to a valid concealed ~~or~~
10 ~~unconcealed~~ carry weapons permit or license issued in another state.

11 B. Any person entering this state in possession of a firearm
12 authorized for concealed carry upon the authority of a state that is
13 a nonpermitted carry state and the person is in compliance with the
14 Oklahoma Self-Defense Act, the person is authorized to carry a
15 concealed firearm in this state. The firearm must be carried fully
16 concealed from detection and view, and upon coming in contact with
17 any peace officer of this state, the person must disclose the fact
18 that he or she is in possession of a concealed firearm pursuant to
19 the nonpermitting laws of the state in which he or she is a legal
20 resident. The person shall present proper identification by a valid
21 photo ID as proof that he or she is a legal resident in such a non-
22 permitting state. The Department of Public Safety shall keep a
23 current list of non-permitting states for law enforcement officers
24 to confirm that a state is nonpermitting.

1 C. Any person who is twenty-one (21) years of age or older
2 having a valid firearm license from another state may apply for a
3 handgun license in this state immediately upon establishing a
4 residence in this state.

5 SECTION 24. This act shall become effective November 1, 2016.

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