

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB3098

By: Coody (Jeff) of the House and Dahm of the Senate

Title: Firearms; deleting reference to the Self-Defense Act; deleting administrative penalty for certain prohibited act; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

SENATE CONFEREES

Dahm	_____
Justice	_____
Sykes	_____
Jolley	_____
Griffin	_____
Sparks	_____
Floyd	_____

House Action _____ Date _____ Senate Action _____ Date _____

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 3098

By: Coody (Jeff), Park, Moore,
Bennett, Ritze, Johnson,
Murphey, Murdock,
Leewright, Faught, Kannady,
Brumbaugh, Montgomery,
Kern, Cockroft, Fisher,
McCall, Derby, Newell,
Calvey, Roberts (Sean),
O'Donnell, Coody (Ann),
Enns, Walker, Jordan,
Billy, Pfeiffer,
Wesselhoft, Joyner,
Christian, Scott, Rogers,
Cleveland, Lockhart,
Roberts (Dustin), Wallace,
Sanders, Denney, Echols,
Wood, Ownbey, Proctor,
Russ, Wright, Strohm and
McBride of the House

and

Dahm, Brecheen, Silk and
Shortey of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to firearms; amending 21 O.S. 2011,
Section 1272, as last amended by Section 1 of
Enrolled Senate Bill No. 1159 of the 2nd Session of
the 55th Oklahoma Legislature, which relates to the
unlawful carry of firearms; deleting reference to the
Oklahoma Self-Defense Act; modifying exceptions;
amending 21 O.S. 2011, Section 1277, as last amended

1 by Section 3 of Enrolled House Bill No. 3201 of the
2 2nd Session of the 55th Oklahoma Legislature, which
3 relates to the unlawful carry of firearms in certain
4 places; modifying scope of prohibited acts;
5 clarifying construing provision; updating statutory
6 citation; amending 21 O.S. 2011, Sections 1289.3,
7 1289.6, as amended by Section 11, Chapter 259, O.S.L.
8 2012, 1289.7, as amended by Section 12, Chapter 259,
9 O.S.L. 2012, 1289.13A, as amended by Section 19,
10 Chapter 259, O.S.L. 2012 and 1289.24, as last amended
11 by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.
12 2015, Sections 1289.6, 1289.7, 1289.13A and 1289.24),
13 which relate to the Firearms Act of 1971; modifying
14 certain definition; clarifying conditions for
15 firearms carry; authorizing certain persons to carry
16 unconcealed pistols or handguns; prohibiting the
17 carrying of pistols or handguns into certain places;
18 declaring authority of persons to carry unconcealed
19 firearms; prohibiting the disarming or physical
20 restraint of persons carrying firearms; providing an
21 exception; construing certain provision; stating age
22 limitation for carrying firearms in vehicles;
23 clarifying manner in which persons may carry firearms
24 in vehicles; deleting certain definition; making
certain acts unlawful; providing penalty; modifying
firearms confiscation provision; providing statutory
reference; 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, 1290.12, as last amended by
Section 7 of Enrolled House Bill No. 3201 of the 2nd
Session of the 55th Oklahoma Legislature, 1290.22, as
last amended by Section 2 of Enrolled Senate Bill No.
1057 of the 2nd Session of the 55th Oklahoma
Legislature and 1290.26, as last amended by Section
18, Chapter 15, O.S.L. 2013 (21 O.S. Supp. 2015,
Sections 1290.2, 1290.3 and 1290.26), which relate to
the Oklahoma Self-Defense Act; updating statutory
reference; modifying certain definitions; modifying
authorization of the Oklahoma State Bureau of
Investigation to issue handgun licenses; removing
authority of the Oklahoma State Bureau of
Investigation to issue unconcealed handgun licenses;
recognizing previously issued handgun licenses;
modifying certain handgun license application
requirement; clarifying provision relating to the
carrying of firearms on posted property; clarifying

1 and updating certain terms relating to reciprocal
2 agreement authority; and providing an effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
6 last amended by Section 1 of Enrolled Senate Bill No. 1159 of the
7 2nd Session of the Oklahoma Legislature, is amended to read as
8 follows:

9 Section 1272.

10 UNLAWFUL CARRY

11 A. It shall be unlawful for any person to carry upon or about
12 his or her person, or in a purse or other container belonging to the
13 person, any pistol, revolver, shotgun or rifle whether loaded or
14 unloaded or any blackjack, loaded cane, billy, hand chain, metal
15 knuckles, or any other offensive weapon, whether such weapon be
16 concealed or unconcealed, except this section shall not prohibit:

17 1. The proper use of guns and knives for self-defense, hunting,
18 fishing, educational or recreational purposes;

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

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

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

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

15 6. The unconcealed carrying of firearms pursuant to the
16 definitions provided for in Sections 1289.3, 1289.4, 1289.5 and
17 paragraph 2 of subsection A of Section 1290.2 of this title by a
18 person who is a legal resident, twenty-one (21) years of age or
19 older, is not a convicted felon or who is otherwise not disqualified
20 from the possession or legal purchase of a firearm under state or
21 federal law and is not involved in a crime. Any person who carries
22 a firearm in the manner provided for in this paragraph shall be
23 prohibited from carrying the firearm into any of the places
24 prescribed in subsections A and F of Section 1277 of this title.

1 B. Any person convicted of violating the foregoing provision
2 shall be guilty of a misdemeanor punishable as provided in Section
3 1276 of this title.

4 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
5 last amended by Section 3 of Enrolled House Bill No. 3201 of the 2nd
6 Session of the 55th Oklahoma Legislature, is amended to read as
7 follows:

8 Section 1277.

9 UNLAWFUL CARRY IN CERTAIN PLACES

10 A. It shall be unlawful for any person ~~in possession of a valid~~
11 ~~handgun license issued~~ pursuant to the provisions of the Oklahoma
12 Self-Defense Act to carry ~~any concealed or unconcealed handgun~~ a
13 firearm into any of the following places:

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

17 2. Any prison, jail, detention facility or any facility used to
18 process, hold or house arrested persons, prisoners or persons
19 alleged delinquent or adjudicated delinquent, except as provided in
20 Section 21 of Title 57 of the Oklahoma Statutes;

21 3. Any public or private elementary or public or private
22 secondary school, except as provided in subsections C and D of this
23 section;

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

1 5. Any place where pari-mutuel wagering is authorized by law;
2 and

3 6. Any other place specifically prohibited by law.

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

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

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

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

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

1 5. Any property set aside by a public or private elementary or
2 secondary school for the use or parking of any vehicle, whether
3 attended or unattended; provided, however, ~~said handgun~~ the firearm
4 shall be stored and hidden from view in a locked motor vehicle when
5 the motor vehicle is left unattended on school property.

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

14 C. A concealed or unconcealed weapon may be carried onto
15 private school property or in any school bus or vehicle used by any
16 private school for transportation of students or teachers by a
17 person who is licensed pursuant to the Oklahoma Self-Defense Act,
18 provided a policy has been adopted by the governing entity of the
19 private school that authorizes the carrying and possession of a
20 weapon on private school property or in any school bus or vehicle
21 used by a private school. Except for acts of gross negligence or
22 willful or wanton misconduct, a governing entity of a private school
23 that adopts a policy which authorizes the possession of a weapon on
24 private school property, a school bus or vehicle used by the private

1 school shall be immune from liability for any injuries arising from
2 the adoption of the policy. The provisions of this subsection shall
3 not apply to claims pursuant to the Workers' Compensation Code.

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

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

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

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

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

20 F. No person ~~in possession of a valid handgun license issued~~
21 pursuant to the provisions of the Oklahoma Self-Defense Act or
22 Oklahoma Firearms Act of 1971 shall be authorized to carry ~~the~~
23 ~~handgun~~ a firearm into or upon any college, university or technology
24 center school property, except as provided in this subsection. For

1 purposes of this subsection, the following property shall not be
2 construed as prohibited for persons having a valid handgun license:

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

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

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

17 The college, university or technology center school may notify
18 the Oklahoma State Bureau of Investigation within ten (10) days of a
19 violation of any provision of this subsection by a licensee. Upon
20 receipt of a written notification of violation, the Bureau shall
21 give a reasonable notice to the licensee and hold a hearing. At the
22 hearing, upon a determination that the licensee has violated any
23 provision of this subsection, the licensee may be subject to an
24

1 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
2 have the handgun license suspended for three (3) months.

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

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

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

3 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1289.3, is
4 amended to read as follows:

5 Section 1289.3

6 DEFINITIONS FOR FIREARMS ACT

7 "Pistols" or "handguns" as used in the Oklahoma Firearms Act of
8 1971, ~~Sections 1289.1 through 1289.17 of this title,~~ shall mean any
9 firearm capable of discharging a ~~projectile~~ single or multiple
10 projectiles from a single round of ammunition composed of any
11 material which may reasonably be expected to be able to cause lethal
12 injury, with a barrel or barrels less than sixteen (16) inches in
13 length, and using ~~either gunpowder, gas or any means of rocket~~
14 ~~propulsion~~ a combustible propellant charge, but not to include flare
15 guns, underwater fishing guns or blank pistols.

16 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.6, as
17 amended by Section 11, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
18 Section 1289.6), is amended to read as follows:

19 Section 1289.6

20 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

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

1 1. When hunting animals or fowl;

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

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

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

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

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

17 7. When carried unconcealed pursuant to the definitions
18 provided for in Sections 1289.3, 1289.4, 1289.5 and paragraph 2 of
19 subsection A of Section 1290.2 of this title by a person who is:

20 a. a legal resident,

21 b. twenty-one (21) years of age or older,

22 c. not a convicted felon or who is otherwise not
23 disqualified from the possession or legal purchase of
24 a firearm under state or federal law, and

1 d. not involved in a crime.

2 Any person who carries a firearm in the manner provided for in this
3 paragraph shall be prohibited from carrying the firearm into any of
4 the places prescribed in subsections A and F of Section 1277 of this
5 title; or

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

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

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

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

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

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

3 D. Except as otherwise prohibited by law, a person shall have
4 authority to carry an unconcealed firearm in this state. In the
5 absence of reasonable and articulable suspicion of other criminal
6 activity, a person carrying a firearm shall not be disarmed or
7 physically restrained. Nothing in this section shall be construed
8 to authorize a law enforcement officer to inspect any unconcealed
9 firearm without probable cause that a crime has been committed.

10 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1289.7, as
11 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
12 Section 1289.7), is amended to read as follows:

13 Section 1289.7

14 FIREARMS IN VEHICLES

15 A. Any person twenty-one (21) years of age or older, except a
16 convicted felon, may transport in a motor vehicle a rifle, shotgun
17 or pistol or handgun, open and loaded or unloaded, at any time. For
18 purposes of this section "open" means the firearm is transported in
19 plain view, in a case designed for carrying firearms, which case is
20 wholly or partially visible, in a gun rack mounted in the vehicle,
21 in an exterior locked compartment or a trunk of a vehicle for the
22 purpose of self-defense, provided the person is not involved in a
23 crime.

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

8 C. It shall be unlawful for any person to fail or refuse to
9 identify the fact that the person is in actual possession of a
10 firearm pursuant to the authority of the Oklahoma Self-Defense Act
11 or the Oklahoma Firearms Act of 1971 when the person comes into
12 contact with any law enforcement officer of this state or its
13 political subdivisions or a federal law enforcement officer during
14 the course of any arrest, detainment, or routine traffic stop. Said
15 identification to the law enforcement officer shall be made at the
16 first opportunity. Any violation of the provisions of this
17 subsection shall, upon conviction, be a misdemeanor punishable by a
18 fine not exceeding One Hundred Dollars (\$100.00).

19 D. Any person who is the operator of a vehicle or is a
20 passenger in any vehicle wherein another person who is licensed
21 pursuant to the Oklahoma Self-Defense Act to carry a handgun,
22 concealed or unconcealed, and is carrying a handgun or has the
23 handgun in such vehicle, shall not be deemed in violation of the
24

1 provisions of this section provided the licensee is in or near the
2 vehicle.

3 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
4 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
5 Section 1289.13A), is amended to read as follows:

6 Section 1289.13A

7 IMPROPER TRANSPORTATION OF FIREARMS

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

19 B. ~~When the arresting officer determines that a valid handgun~~
20 ~~license exists, pursuant to the Oklahoma Self-Defense Act or any~~
21 ~~provision of law from another state, for any person in the stopped~~
22 ~~vehicle, any firearms permitted to be carried pursuant to that~~
23 ~~license shall not be confiscated~~ Any firearms lawfully carried or
24 transported as permitted pursuant to state law or a valid license or

1 any provision of law from another state shall not be confiscated,
2 unless:

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

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

9 a. contraband, or

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

12 C. Nothing in this section shall be construed to require
13 confiscation of any firearm.

14 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.24, as
15 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.
16 2015, Section 1289.24), is amended to read as follows:

17 Section 1289.24

18 FIREARM REGULATION - STATE PREEMPTION

19 A. 1. The State Legislature hereby occupies and preempts the
20 entire field of legislation in this state touching in any way
21 firearms, knives, components, ammunition, and supplies to the
22 complete exclusion of any order, ordinance, or regulation by any
23 municipality or other political subdivision of this state. Any
24 existing or future orders, ordinances, or regulations in this field,

1 except as provided for in paragraph 2 of this subsection and
2 subsection C of this section, are null and void.

3 2. A municipality may adopt any ordinance:

4 a. relating to the discharge of firearms within the
5 jurisdiction of the municipality, and

6 b. allowing the municipality to issue a traffic citation
7 for transporting a firearm improperly as provided for
8 in Section 1289.13A of this title, provided however,
9 that penalties contained for violation of any
10 ordinance enacted pursuant to the provisions of this
11 subparagraph shall not exceed the penalties
12 established in the Oklahoma Self-Defense Act.

13 3. As provided in the preemption provisions of this section,
14 the otherwise lawful ~~open~~ carrying of a ~~handgun~~ firearm under the
15 provisions of the Oklahoma Self-Defense Act or the Oklahoma Firearms
16 Act of 1971 shall not be punishable by any municipality or other
17 political subdivision of this state as disorderly conduct,
18 disturbing the peace or similar offense against public order.

19 4. A public or private school may create a policy regulating
20 the possession of knives by students on school property or in any
21 school bus or vehicle used by the school for purposes of
22 transportation.

23 B. No municipality or other political subdivision of this state
24 shall adopt any order, ordinance, or regulation concerning in any

1 way the sale, purchase, purchase delay, transfer, ownership, use,
2 keeping, possession, carrying, bearing, transportation, licensing,
3 permit, registration, taxation other than sales and compensating use
4 taxes, or other controls on firearms, knives, components,
5 ammunition, and supplies.

6 C. Except as hereinafter provided, this section shall not
7 prohibit any order, ordinance, or regulation by any municipality
8 concerning the confiscation of property used in violation of the
9 ordinances of the municipality as provided for in Section 28-121 of
10 Title 11 of the Oklahoma Statutes. Provided, however, no municipal
11 ordinance relating to transporting a firearm or knife improperly may
12 include a provision for confiscation of property.

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

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

20 Section 1290.1

21 SHORT TITLE

22 Sections ~~4~~ 1290.1 through ~~25~~ 1290.27 of this ~~act~~ title shall be
23 known and may be cited as the "Oklahoma Self-Defense Act".
24

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

Section 1290.2

DEFINITIONS

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

1. "Concealed handgun firearm carry" means a loaded or unloaded firearm, rifle, shotgun or pistol, ~~the presence of which is not~~ openly ~~discernible~~ visible to the ordinary observation of a reasonable person;

2. "Unconcealed handgun firearm or open carry" means a loaded or unloaded firearm, rifle, shotgun or pistol carried upon the person in a ~~belt holster or shoulder holster that is wholly or partially~~ where the firearm is visible, or carried upon the person ~~in using~~ a scabbard, sling or case designed for carrying firearms ~~that is wholly or partially visible~~; and

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

a. has an overall barrel or barrels length of less than sixteen (16) inches,

b. is capable of discharging a ~~projectile~~ single or multiple projectiles from a single round of ammunition composed of any material which may reasonably be expected to be able to cause lethal injury,

- 1 c. ~~is designed to~~ can be held and fired by the use of a
2 ~~single hand~~ one or both hands, and
3 d. uses ~~either gunpowder, gas or any means of rocket~~
4 ~~propulsion~~ a combustible propellant charge to
5 ~~discharge~~ propel the projectile or projectiles.

6 B. The definition of pistol or handgun for purposes of the
7 Oklahoma Self-Defense Act shall not apply to ~~homemade or~~ imitation
8 pistols, flare guns, underwater fishing guns or blank pistols.

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

12 Section 1290.3

13 AUTHORITY TO ISSUE LICENSE

14 ~~The~~ On or after November 1, 2016, the Oklahoma State Bureau of
15 Investigation is hereby authorized to license an eligible person to
16 carry a concealed ~~or unconcealed~~ handgun as provided by the
17 provisions of the Oklahoma Self-Defense Act. The authority of the
18 Bureau shall be limited to the provisions specifically provided in
19 the Oklahoma Self-Defense Act. The Bureau shall promulgate rules,
20 forms and procedures necessary to implement the provisions of the
21 Oklahoma Self-Defense Act. Any license issued prior to November 1,
22 2016, shall remain in full force and effect until such time as the
23 license is subject to renewal, suspension or revocation pursuant to
24 the provisions of Section 1290.17 of this title.

SECTION 11. AMENDATORY 21 O.S. 2011, Section 1290.12, as last amended by Section 7 of Enrolled House Bill No. 3201 of the 2nd Session of the 55th Oklahoma Legislature, is amended to read as follows:

Section 1290.12

PROCEDURE FOR APPLICATION

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

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

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

2. The person shall be required to successfully complete a firearms safety and training course from a firearms instructor who is approved and registered in this state as provided in Section 1290.14 of this title or from an interactive online firearms safety

1 and training course available electronically via the Internet
2 approved and certified by the Council on Law Enforcement Education
3 and Training, and the person shall be required to demonstrate
4 competency and qualification with a pistol authorized for concealed
5 or unconcealed carry by the Oklahoma Self-Defense Act. The original
6 certificate of successful completion of a firearms safety and
7 training course and an original certificate of successful
8 demonstration of competency and qualification to carry and handle a
9 pistol shall be submitted with the application for a handgun
10 license. No duplicate, copy, facsimile or other reproduction of the
11 certificate of training, certificate of competency and qualification
12 or exemption from training shall be acceptable as proof of training
13 as required by the provisions of the Oklahoma Self-Defense Act. A
14 person exempt from the training requirements as provided in Section
15 1290.15 of this title must show the required proof of such exemption
16 to the firearms instructor to receive an exemption certificate. The
17 original exemption certificate must be submitted with the
18 application for a handgun license when the person claims an
19 exemption from training and qualification;

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

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

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

5 a. a money order or a cashier's check made payable to the
6 Oklahoma State Bureau of Investigation,

7 b. by a nationally recognized credit card issued to the
8 applicant. For purposes of this paragraph,

9 "nationally recognized credit card" means any

10 instrument or device, whether known as a credit card,

11 credit plate, charge plate, or by any other name,

12 issued with or without fee by the issuer for the use

13 of the cardholder in obtaining goods, services, or

14 anything else of value on credit which is accepted by

15 over one thousand merchants in the state. The

16 Oklahoma State Bureau of Investigation shall determine

17 which nationally recognized credit cards will be

18 accepted by the Bureau, or

19 c. by electronic funds transfer.

20 Any person paying application fees to the Oklahoma State Bureau of
21 Investigation by means of a nationally recognized credit card or by
22 means of an electronic funds transfer shall be required to complete
23 and submit his or her application through the online application
24 process of the Bureau.

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

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

19 6. Two passport-size photographs of the applicant shall be
20 submitted with the completed application. The cost of the
21 photographs shall be the responsibility of the applicant. The
22 sheriff is authorized to take the photograph of the applicant for
23 purposes of the Oklahoma Self-Defense Act and, if such photographs
24 are taken by the sheriff, the cost of the photographs shall not

1 exceed Ten Dollars (\$10.00) for the two photos. All money received
2 by the sheriff from photographing applicants pursuant to the
3 provisions of this paragraph shall be retained by the sheriff and
4 deposited into the Sheriff's Service Fee Account;

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

14 8. Upon verification of the identity of the applicant, the
15 sheriff shall take two complete sets of fingerprints of the
16 applicant. Both sets of fingerprints shall be submitted by the
17 sheriff with the completed application, certificate of training or
18 an exemption certificate, photographs and processing fee to the
19 Oklahoma State Bureau of Investigation within fourteen (14) days of
20 taking the fingerprints. The cost of the fingerprints shall be paid
21 by the applicant and shall not exceed Twenty-five Dollars (\$25.00)
22 for the two sets. All fees collected by the sheriff from taking
23 fingerprints pursuant to the provisions of this paragraph shall be
24

1 retained by the sheriff and deposited into the Sheriff's Service Fee
2 Account;

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

17 10. The Oklahoma State Bureau of Investigation, upon receipt of
18 the application and required information from the sheriff, shall
19 forward one full set of fingerprints of the applicant to the Federal
20 Bureau of Investigation for a national criminal history records
21 search. The cost of processing the fingerprints nationally shall be
22 paid from the processing fee collected by the Oklahoma State Bureau
23 of Investigation;

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

22 12. The Oklahoma State Bureau of Investigation shall make a
23 reasonable effort to investigate the information submitted by the
24 applicant and the sheriff, to ascertain whether or not the issuance

1 of a handgun license would be in violation of the provisions of the
2 Oklahoma Self-Defense Act. The investigation by the Bureau of an
3 applicant shall include, but shall not be limited to: a statewide
4 criminal history records search, a national criminal history records
5 search, a Federal Bureau of Investigation fingerprint search, and if
6 applicable, an investigation of medical records or other records or
7 information deemed by the Bureau to be relevant to the application.

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

17 (1) with a "Yes" answer, if the records of the
18 Department indicate that the person was
19 involuntarily committed to a mental institution
20 in Oklahoma,

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

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

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

21 (1) If the Bureau finds a record on the JOLTS that
22 indicates the person was adjudicated a delinquent
23 for an offense that would constitute a felony
24

offense if committed by an adult within the last ten (10) years the Bureau shall deny the license,

(2) If the Bureau finds no record on the JOLTS indicating the named person was adjudicated delinquent for an offense that would constitute a felony offense if committed by an adult within the last ten (10) years, or

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

13. If the background check set forth in paragraph 12 of this subsection reveals no records pertaining to the applicant, the Oklahoma State Bureau of Investigation shall either issue a handgun license or deny the application within sixty (60) days of the date of receipt of the applicant's completed application and the required

1 information from the sheriff. In all other cases, the Oklahoma
2 State Bureau of Investigation shall either issue a handgun license
3 or deny the application within ninety (90) days of the date of the
4 receipt of the applicant's completed application and the required
5 information from the sheriff. The Bureau shall approve an applicant
6 who appears to be in full compliance with the provisions of the
7 Oklahoma Self-Defense Act, if completion of the federal fingerprint
8 search is the only reason for delay of the issuance of the handgun
9 license to that applicant. Upon receipt of the federal fingerprint
10 search information, if the Bureau receives information which
11 precludes the person from having a handgun license, the Bureau shall
12 revoke the handgun license previously issued to the applicant. The
13 Bureau shall deny a license when the applicant fails to properly
14 complete the application form or application process or is
15 determined not to be eligible as specified by the provisions of
16 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall
17 approve an application in all other cases. If an application is
18 denied, the Bureau shall notify the applicant in writing of its
19 decision. The notification shall state the grounds for the denial
20 and inform the applicant of the right to an appeal as may be
21 provided by the provisions of the Administrative Procedures Act.
22 All notices of denial shall be mailed by first-class mail to the
23 address of the applicant listed in the application. Within sixty
24 (60) calendar days from the date of mailing a denial of application

1 to an applicant, the applicant shall notify the Bureau in writing of
2 the intent to appeal the decision of denial or the right of the
3 applicant to appeal shall be deemed waived. Any administrative
4 hearing on a denial which may be provided shall be conducted by a
5 hearing examiner appointed by the Bureau. The decision of the
6 hearing examiner shall be a final decision appealable to a district
7 court in accordance with the Administrative Procedures Act. When an
8 application is approved, the Bureau shall issue the license and
9 shall mail the license by first-class mail to the address of the
10 applicant listed in the application.

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

17 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1290.22, as
18 last amended by Section 2 of Enrolled Senate Bill No. 1057 of the
19 2nd Session of the 55th Oklahoma Legislature, is amended to read as
20 follows:

21 Section 1290.22

22 BUSINESS OWNER'S RIGHTS

23 A. Except as provided in subsections B, C and D of this
24 section, nothing contained in any provision of the Oklahoma Self-

1 Defense Act shall be construed to limit, restrict or prohibit in any
2 manner the existing rights of any person, property owner, tenant,
3 employer, place of worship or business entity to control the
4 possession of weapons on any property owned or controlled by the
5 person or business entity.

6 B. No person, property owner, tenant, employer, holder of an
7 event permit, place of worship or business entity shall be permitted
8 to establish any policy or rule that has the effect of prohibiting
9 any person, except a convicted felon, from transporting and storing
10 firearms in a locked vehicle on any property set aside for any
11 vehicle.

12 C. A property owner, tenant, employer, place of worship or
13 business entity may prohibit any person from carrying a concealed or
14 unconcealed firearm on the property. If the building or property is
15 open to the public, the property owner, tenant, employer, place of
16 worship or business entity shall post signs on or about the property
17 stating such prohibition.

18 D. No person, property owner, tenant, employer, holder of an
19 event permit, place of worship or business entity shall be permitted
20 to establish any policy or rule that has the effect of prohibiting
21 any person from carrying a concealed or unconcealed firearm on
22 property within the specific exclusion provided for in paragraph 4
23 of subsection B of Section 1277 of this title; provided that
24

1 carrying a concealed or unconcealed firearm may be prohibited in the
2 following places:

3 1. The portion of a public property structure or building
4 during an event authorized by the city, town, county, state or
5 federal governmental authority owning or controlling such building
6 or structure;

7 2. Any public property sports field, including any adjacent
8 seating or adjacent area set aside for viewing a sporting event,
9 where an elementary or secondary school, collegiate, or professional
10 sporting event or an International Olympic Committee or organization
11 or any committee subordinate to the International Olympic Committee
12 event is being held;

13 3. The fairgrounds during the Oklahoma State Fair or the Tulsa
14 State Fair; and

15 4. The portion of a public property structure or building that
16 is leased or under contract to a business or not-for-profit entity
17 or group for offices.

18 E. The carrying of a concealed or unconcealed firearm ~~by a~~
19 ~~person who has been issued a handgun license~~ on property that has
20 signs prohibiting the carrying of firearms shall not be deemed a
21 criminal act but may subject the person to being denied entrance
22 onto the property or removed from the property. If the person
23 refuses to leave the property and a peace officer is summoned, the
24

1 person may be issued a citation for an amount not to exceed Two
2 Hundred Fifty Dollars (\$250.00).

3 F. A person, property owner, tenant, employer, holder of an
4 event permit, place of worship or business entity that does or does
5 not prohibit any individual except a convicted felon from carrying a
6 loaded or unloaded, concealed or unconcealed weapon on property that
7 the person, property owner, tenant, employer, holder of an event
8 permit, place of worship or business entity owns, or has legal
9 control of, is immune from any liability arising from that decision.
10 Except for acts of gross negligence or willful or wanton misconduct,
11 an employer who does or does not prohibit their employees from
12 carrying a concealed or unconcealed weapon is immune from any
13 liability arising from that decision. A person, property owner,
14 tenant, employer, holder of an event permit, place of worship or
15 business entity that does not prohibit persons from carrying a
16 concealed or unconcealed weapon pursuant to subsection D of this
17 section shall be immune from any liability arising from the carrying
18 of a concealed or unconcealed weapon on the property. The
19 provisions of this subsection shall not apply to claims pursuant to
20 the Administrative Workers' Compensation Act.

21 G. It shall not be considered part of an employee's job
22 description or within the employee's scope of employment if an
23 employee is allowed to carry or discharge a weapon pursuant to this
24 section.

1 H. Nothing in subsections F and G shall prevent an employer,
2 employee or person who has suffered loss resulting from the
3 discharge of a weapon to seek redress or damages of the person who
4 discharged the weapon or used the weapon outside the provisions of
5 the Oklahoma Self-Defense Act.

6 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1290.26, as
7 last amended by Section 18, Chapter 15, O.S.L. 2013 (21 O.S. Supp.
8 2015, Section 1290.26), is amended to read as follows:

9 Section 1290.26

10 RECIPROCAL AGREEMENT AUTHORITY

11 The State of Oklahoma hereby recognizes any valid concealed or
12 unconcealed carry weapons permit or license issued by another state,
13 or if the state is a nonpermitting carry state, this state shall
14 reciprocate under the permitting law of that state.

15 A. Any person entering this state in possession of a firearm
16 authorized for concealed or unconcealed carry upon the authority and
17 license of another state is authorized to continue to carry a
18 concealed or unconcealed firearm and license in this state; provided
19 the license from the other state remains valid. The firearm must
20 either be carried unconcealed or concealed ~~from detection and view,~~
21 and upon coming in contact with any peace officer of this state, the
22 person must disclose the fact that he or she is in possession of a
23 concealed or unconcealed firearm pursuant to a valid concealed or
24 unconcealed carry weapons permit or license issued in another state.

1 B. Any person entering this state in possession of a firearm
2 authorized for concealed carry upon the authority of a state that is
3 a ~~nonpermitted~~ non-permitted carry state and the person is in
4 compliance with the Oklahoma Self-Defense Act, the person is
5 authorized to carry a concealed or unconcealed firearm in this
6 state. The firearm must be carried fully concealed ~~from detection~~
7 ~~and view,~~ or unconcealed and upon coming in contact with any peace
8 officer of this state, the person must disclose the fact that he or
9 she is in possession of a concealed or unconcealed firearm pursuant
10 to the ~~nonpermitted~~ non-permitting laws of the state in which he or
11 she is a legal resident. The person shall present proper
12 identification by a valid photo ID as proof that he or she is a
13 legal resident in such a non-permitting state. The Department of
14 Public Safety shall keep a current list of non-permitting states for
15 law enforcement officers to confirm that a state is ~~nonpermitted~~
16 non-permitting.

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

21 SECTION 14. This act shall become effective November 1, 2016.

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23 55-2-9905 GRS 05/03/16
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