

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2951

By: Coody

COMMITTEE SUBSTITUTE

An Act relating to firearms; amending 21 O.S. 2011, Sections 1272, as last amended by Section 1, Chapter 217, O.S.L. 2016, 1277, as last amended by Section 1, Chapter 165, O.S.L. 2017 and 1283, as last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp. 2017, Sections 1272, 1277 and 1283), which relate to the manner in which firearms may be carried; expanding scope of certain exception; adding exception that allows certain persons to carry pistols or handguns; prohibiting the carrying of pistols or handguns into certain places; expanding scope of certain prohibited act; modifying construing provision to include persons who lawfully possess handguns; prohibiting the carrying of handguns by nonlicensed persons on college campuses; making certain acts unlawful; providing penalty; amending 21 O.S. 2011, Sections 1289.6, as last amended by Section 1, Chapter 268, O.S.L. 2016, 1289.7, as amended by Section 12, Chapter 259, O.S.L. 2012, 1289.13, as amended by Section 18, Chapter 259, O.S.L. 2012, 1289.13A, as amended by Section 19, Chapter 259, O.S.L. 2012, 1289.23, as last amended by Section 5, Chapter 210, O.S.L. 2016 and 1289.24, as last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2017, Sections 1289.6, 1289.7, 1289.13, 1289.13A, 1289.23 and 1289.24), which relate to the Oklahoma Firearms Act of 1971; modifying and adding conditions that permit the carrying of loaded and unloaded shotguns, rifles and pistols; clarifying manner in which persons may transport loaded or unloaded pistols or handguns in motor vehicles; deleting definition; clarifying manner in which persons may transport rifles or shotguns in motor

1 vehicles; making certain acts unlawful; providing
2 penalty; clarifying scope of certain prohibited act;
3 making issuance of citation for improper
4 transportation of firearms optional; modifying
5 firearm confiscation requirements; allowing full-time
6 and reserve police officers to carry personal rifles
7 or shotguns under certain conditions; deleting manner
8 in which firearms may be carried by law enforcement
9 officers who are not in uniform and off-duty reserve
10 peace officers; adding statutory reference for
11 certain state preemption requirement; amending 21
12 O.S. 2011, Sections 1290.1, 1290.7, as last amended
13 by Section 3, Chapter 366, O.S.L. 2013 and 1290.22,
14 as last amended by Section 1, Chapter 358, O.S.L.
15 2017 (21 O.S. Supp. 2017, Sections 1290.7 and
16 1290.22), which relate to the Oklahoma Self-Defense
17 Act; updating statutory citations; stating authority
18 to transport or carry handguns or pistols without a
19 license; deleting handgun license reference in
20 private property prohibition; and providing an
21 effective date.

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

26 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
27 last amended by Section 1, Chapter 217, O.S.L. 2016 (21 O.S. Supp.
28 2017, Section 1272), is amended to read as follows:

29 Section 1272.

30 UNLAWFUL CARRY

31 A. It shall be unlawful for any person to carry upon or about
32 his or her person, or in a purse or other container belonging to the
33 person, any pistol, revolver, shotgun or rifle whether loaded or
34 unloaded or any blackjack, loaded cane, billy, hand chain, metal

1 knuckles, or any other offensive weapon, whether such weapon be
2 concealed or unconcealed, except this section shall not prohibit:

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

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

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

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

17 5. The carrying and use of firearms and other weapons provided
18 in this subsection when used for the purpose of living history
19 reenactment. For purposes of this paragraph, "living history
20 reenactment" means depiction of historical characters, scenes,
21 historical life or events for entertainment, education, or
22 historical documentation through the wearing or use of period,
23 historical, antique or vintage clothing, accessories, firearms,
24 weapons, and other implements of the historical period; or

1 6. The carrying of a pistol or handgun, concealed or
2 unconcealed, loaded or unloaded, by a person who is at least twenty-
3 one (21) years of age or older, or eighteen (18) years of age but
4 not yet twenty-one (21) years of age and the person is a member or
5 veteran of the United States Armed Forces, the Reserves or National
6 Guard or was discharged under honorable conditions from the United
7 States Armed Forces, Reserves or National Guard, and who is
8 otherwise not disqualified from the possession or purchase of a
9 firearm under state or federal law and is not carrying the firearm
10 in furtherance of a crime. Except as provided in subsection B of
11 Section 1283 of this title, any person convicted of the following
12 offenses in this state or a violation of the equivalent law of
13 another state:

14 a. assault and battery pursuant to the provisions of
15 Section 644 of this title which caused serious
16 physical injury to the victim,

17 b. aggravated assault and battery pursuant to the
18 provisions of Section 646 of this title,

19 c. assault and battery that qualifies as domestic abuse
20 as defined in Section 644 of this title,

21 d. stalking pursuant to the provisions of Section 1173 of
22 this title,

- 1 e. a violation of an order issued under the Protection
2 from Domestic Abuse Act or a domestic abuse protection
3 order issued by another state, or
4 f. a violation relating to illegal drug use or possession
5 under the provisions of the Uniform Controlled
6 Dangerous Substances Act,

7 shall be prohibited from carrying a firearm under the provisions of
8 this paragraph. Any person who carries a pistol or handgun in the
9 manner provided for in this paragraph shall be prohibited from
10 carrying the pistol or handgun into any of the places prohibited in
11 subsection A of Section 1277 of this title.

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

15 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
16 last amended by Section 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp.
17 2017, Section 1277), is amended to read as follows:

18 Section 1277.

19 UNLAWFUL CARRY IN CERTAIN PLACES

20 A. It shall be unlawful for any person, including a person in
21 possession of a valid handgun license issued pursuant to the
22 provisions of the Oklahoma Self-Defense Act, to carry any concealed
23 or unconcealed handgun into any of the following places:

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

4 2. Any courthouse, courtroom, prison, jail, detention facility
5 or any facility used to process, hold or house arrested persons,
6 prisoners or persons alleged delinquent or adjudicated delinquent,
7 except as provided in Section 21 of Title 57 of the Oklahoma
8 Statutes;

9 3. Any public or private elementary or public or private
10 secondary school, except as provided in subsections C and D of this
11 section;

12 4. Any publicly owned or operated sports arena or venue during
13 a professional sporting event, unless allowed by the event holder;

14 5. Any place where gambling is authorized by law, unless
15 allowed by the property owner; and

16 6. Any other place specifically prohibited by law.

17 B. For purposes of subsection A of this section, the prohibited
18 place does not include and specifically excludes the following
19 property:

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

1 2. Any property set aside for the use or parking of any
2 vehicle, whether attended or unattended, which is open to the
3 public, or by any entity engaged in gambling authorized by law;

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

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

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

19 Nothing contained in any provision of this subsection or
20 subsection C of this section shall be construed to authorize or
21 allow any person in control of any place described in subsection A
22 of this section to establish any policy or rule that has the effect
23 of prohibiting any person in lawful possession of a handgun license
24 ~~from~~ or otherwise in lawful possession of a handgun ~~allowable under~~

1 ~~such license in places~~ from carrying or possessing the handgun on
2 the property described in this subsection.

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

18 D. Notwithstanding paragraph 3 of subsection A of this section,
19 a board of education of a school district may adopt a policy
20 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
21 authorize the carrying of a handgun onto school property by school
22 personnel specifically designated by the board of education,
23 provided such personnel either:
24

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

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

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

7 E. Any person violating the provisions of paragraph 2 or 3 of
8 subsection A of this section shall, upon conviction, be guilty of a
9 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
10 Dollars (\$250.00). A person violating any other provision of
11 subsection A of this section may be denied entrance onto the
12 property or removed from the property. If the person refuses to
13 leave the property and a peace officer is summoned, the person may
14 be issued a citation for an amount not to exceed Two Hundred Fifty
15 Dollars (\$250.00).

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

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.

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

12 G. The provisions of this section shall not apply to the
13 following:

14 1. Any peace officer or any person authorized by law to carry a
15 pistol in the course of employment;

16 2. District judges, associate district judges and special
17 district judges, who are in possession of a valid handgun license
18 issued pursuant to the provisions of the Oklahoma Self-Defense Act
19 and whose names appear on a list maintained by the Administrative
20 Director of the Courts, when acting in the course and scope of
21 employment within the courthouses of this state;

22 3. Private investigators with a firearms authorization when
23 acting in the course and scope of employment; and
24

1 4. Elected officials of a county, who are in possession of a
2 valid handgun license issued pursuant to the provisions of the
3 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
4 in the performance of their duties within the courthouses of the
5 county in which he or she was elected. The provisions of this
6 paragraph shall not allow the elected county official to carry the
7 handgun into a courtroom.

8 H. For the purposes of this section, "motor vehicle" means any
9 automobile, truck, minivan or sports utility vehicle.

10 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1283, as
11 last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.
12 2017, Section 1283), is amended to read as follows:

13 Section 1283.

14 CONVICTED FELONS AND DELINQUENTS

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

1 B. Any person who has previously been convicted of a nonviolent
2 felony in any court of this state or of another state or of the
3 United States, and who has received a full and complete pardon from
4 the proper authority and has not been convicted of any other felony
5 offense which has not been pardoned, shall have restored the right
6 to possess any firearm or other weapon prohibited by subsection A of
7 this section, the right to apply for and carry a handgun, concealed
8 or unconcealed, pursuant to the Oklahoma Self-Defense Act or as
9 otherwise permitted by law, and the right to perform the duties of a
10 peace officer, gunsmith, or for firearms repair.

11 C. It shall be unlawful for any person serving a term of
12 probation for any felony in any court of this state or of another
13 state or of the United States or under the jurisdiction of any
14 alternative court program to have in his or her possession or under
15 his or her immediate control, or at his or her residence, or in any
16 passenger vehicle which the person is operating or is riding as a
17 passenger, any pistol, shotgun or rifle, including any imitation or
18 homemade pistol, altered air or toy pistol, shotgun or rifle, while
19 such person is subject to supervision, probation, parole or inmate
20 status.

21 D. It shall be unlawful for any person previously adjudicated
22 as a delinquent child or a youthful offender for the commission of
23 an offense, which would have constituted a felony offense if
24 committed by an adult, to have in the possession of the person or

1 under the immediate control of the person, or have in any vehicle
2 which he or she is driving or in which the person is riding as a
3 passenger, or at the residence of the person, any pistol, imitation
4 or homemade pistol, altered air or toy pistol, machine gun, sawed-
5 off shotgun or rifle, or any other dangerous or deadly firearm
6 within ten (10) years after such adjudication; provided, that
7 nothing in this subsection shall be construed to prohibit the
8 placement of the person in a home with a full-time duly appointed
9 peace officer who is certified by the Council on Law Enforcement
10 Education and Training (CLEET) pursuant to the provisions of Section
11 3311 of Title 70 of the Oklahoma Statutes.

12 E. It shall be unlawful for any person who is an alien
13 illegally or unlawfully in the United States to have in the
14 possession of the person or under the immediate control of the
15 person, or in any vehicle the person is operating or in which the
16 person is riding as a passenger, or at the residence where the
17 person resides, any pistol, imitation or homemade pistol, altered
18 air or toy pistol, shotgun, rifle or any other dangerous or deadly
19 firearm; provided, that nothing in this subsection applies to
20 prohibit the transport or detention of the person by law enforcement
21 officers or federal immigration authorities. Any person who
22 violates the provisions of this subsection shall, upon conviction,
23 be guilty of a misdemeanor punishable by a fine of Two Hundred Fifty
24 Dollars (\$250.00).

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

12 ~~F.~~ G. Any convicted or adjudicated person violating the
13 provisions of this section shall, upon conviction, be guilty of a
14 felony punishable as provided in Section 1284 of this title.

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

18 ~~H.~~ I. For purposes of this section, "altered toy pistol" shall
19 mean any toy weapon which has been altered from its original
20 manufactured state to resemble a real weapon.

21 ~~I.~~ J. For purposes of this section, "altered air pistol" shall
22 mean any air pistol manufactured to propel projectiles by air
23 pressure which has been altered from its original manufactured
24 state.

1 ~~J.~~ K. For purposes of this section, "alternative court program"
2 shall mean any drug court, Anna McBride or mental health court, DUI
3 court or veterans court.

4 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.6, as
5 last amended by Section 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp.
6 2017, Section 1289.6), is amended to read as follows:

7 Section 1289.6

8 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

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

13 1. When hunting animals or fowl;

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

17 3. During participation in or in preparation for a military
18 function of the state military forces to be defined as the Oklahoma
19 Army or Air National Guard, Federal Military Reserve and active
20 military forces. It is further provided that Oklahoma Army or Air
21 National Guard personnel with proper authorization and performing a
22 military function may carry loaded or unloaded and concealed weapons
23 on Oklahoma Military Department facilities in accordance with rules
24 promulgated by the Adjutant General;

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

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

6 6. As provided for in subsection A of Section 1272 of this
7 title; or

8 7. For lawful self-defense and self-protection or any other
9 legitimate purpose ~~in or on property that is owned, leased, rented,~~
10 ~~or otherwise legally controlled by the person; or~~

11 ~~7. For any legitimate purpose not in violation of the Oklahoma~~
12 ~~Firearms Act of 1971 or any legislative enactment regarding the use,~~
13 carrying, 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~~ 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 5. AMENDATORY 21 O.S. 2011, Section 1289.7, as
9 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
10 Section 1289.7), is amended to read as follows:

11 Section 1289.7

12 FIREARMS IN VEHICLES

13 A. Any person, except a convicted felon, who is not otherwise
14 prohibited by law from possessing a firearm may transport in a motor
15 vehicle a ~~rifle, shotgun or pistol~~ or handgun, ~~open and loaded or~~
16 ~~unloaded, at any time. For purposes of this section "open" means~~
17 ~~the firearm is transported in plain view, in a case designed for~~
18 ~~carrying firearms, which case is wholly or partially visible, in a~~
19 ~~gun rack mounted in the vehicle, in an exterior locked compartment~~
20 ~~or a trunk of a vehicle.~~

21 B. Any person, except a convicted felon, who is not otherwise
22 prohibited by law from possessing a firearm may transport in a motor
23 vehicle a rifle or shotgun open or ~~concealed behind a seat of the~~
24 ~~vehicle or within the interior of the vehicle,~~ provided the rifle or

1 ~~shotgun is not clip, magazine or chamber loaded. The authority to~~
2 ~~transport a clip or magazine loaded rifle or shotgun shall be~~
3 transported pursuant to the requirements of Section 1289.13 of this
4 title.

5 C. Any person who is the operator of a motor vehicle or is a
6 passenger in any motor vehicle wherein another person who is
7 licensed pursuant to the Oklahoma Self-Defense Act or is otherwise
8 permitted by law to carry a handgun, concealed or unconcealed, and
9 is carrying a handgun or has the handgun in such vehicle, shall not
10 be deemed in violation of the provisions of this section provided
11 the licensee or person permitted by law is in or near the motor
12 vehicle.

13 D. It shall be unlawful for any person transporting a firearm
14 in a motor vehicle to fail or refuse to identify that the person is
15 in actual possession of a firearm when asked to do so by a law
16 enforcement officer of this state during a traffic stop, arrest or
17 detention. Any person who violates the provisions of this
18 subsection shall, upon conviction, be guilty of a misdemeanor
19 punishable by a fine not to exceed One Hundred Dollars (\$100.00).

20 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.13, as
21 amended by Section 18, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
22 Section 1289.13), is amended to read as follows:

23 Section 1289.13

24 TRANSPORTING A LOADED FIREARM

1 Except as otherwise provided by ~~the provisions of the Oklahoma~~
2 ~~Self-Defense Act or another provision of law~~, it shall be unlawful
3 to transport a loaded ~~pistol~~, rifle or shotgun in a landborne motor
4 vehicle over a public highway or roadway. ~~However, a~~ unless the
5 rifle or shotgun ~~may be~~ is transported clip- or magazine-loaded, and
6 not chamber-loaded ~~when transported~~, and in an exterior locked
7 compartment of the vehicle or trunk of the vehicle or in the
8 interior compartment of the vehicle ~~notwithstanding the provisions~~
9 ~~of Section 1289.7 of this title when the person is in possession of~~
10 ~~a valid handgun license pursuant to the Oklahoma Self-Defense Act.~~

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

13 Any person who is the operator of a vehicle or is a passenger in
14 any vehicle wherein another person who is licensed pursuant to the
15 Oklahoma Self-Defense Act to carry a handgun, concealed or
16 unconcealed, and ~~is carrying a handgun or~~ has a ~~handgun or~~ rifle or
17 shotgun in such vehicle shall not be deemed in violation of the
18 provisions of this section provided the licensee is in or near the
19 vehicle.

20 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
21 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
22 Section 1289.13A), is amended to read as follows:

23 Section 1289.13A

24 IMPROPER TRANSPORTATION OF FIREARMS

1 A. Notwithstanding the provisions of Section 1272 or ~~1289.13~~
2 1289.7 of this title, any person stopped pursuant to a moving
3 traffic violation who is transporting a loaded pistol in the motor
4 vehicle without a valid handgun license authorized by the Oklahoma
5 Self-Defense Act or valid license from another state, or in
6 violation of any law related to the carrying or transporting of
7 firearms, whether the loaded firearm is concealed or unconcealed in
8 the vehicle, ~~shall~~ may be issued a traffic citation in the amount of
9 Seventy Dollars (\$70.00), plus court costs for transporting a
10 firearm improperly. In addition to the traffic citation provided in
11 this section, the person may also be arrested for any other
12 violation of law.

13 B. ~~When the arresting officer determines that a valid handgun~~
14 ~~license exists, pursuant to the Oklahoma Self-Defense Act or any~~
15 ~~provision of law from another state, for any person in the stopped~~
16 ~~vehicle, any firearms permitted to be~~ Any firearm lawfully carried
17 or transported as permitted pursuant to ~~that license~~ state law shall
18 not be confiscated, unless:

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

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

1 a. contraband, or

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

4 C. Nothing in this section shall be construed to require
5 confiscation of any firearm.

6 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1289.23, as
7 last amended by Section 5, Chapter 210, O.S.L. 2016 (21 O.S. Supp.
8 2017, Section 1289.23), is amended to read as follows:

9 Section 1289.23

10 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

11 A. Notwithstanding any provision of law to the contrary, a
12 full-time duly appointed peace officer who is certified by the
13 Council on Law Enforcement Education and Training (CLEET), pursuant
14 to the provisions of Section 3311 of Title 70 of the Oklahoma
15 Statutes, is hereby authorized to carry a service weapon approved
16 and issued by the employing agency ~~anywhere in,~~ personal rifle or
17 shotgun throughout the State of Oklahoma, both while on active duty
18 and during periods when the officer is not on active duty as
19 provided by the provisions of subsection B of this section.

20 B. When a full-time duly appointed officer carries an approved
21 service weapon, personal rifle or shotgun, the officer shall be
22 wearing the law enforcement uniform prescribed by the employing
23 agency or plainclothes. When not wearing the prescribed law
24 enforcement uniform, the officer shall be required:

1 1. To have the official peace ~~officers~~ officer's badge,
2 Commission Card and CLEET Certification Card on his or her person at
3 all times when carrying a service weapon approved by the employing
4 agency, personal rifle or shotgun; and

5 2. To keep the approved service weapon, personal rifle or
6 shotgun concealed or unconcealed at all times, except when the
7 service weapon, personal rifle or shotgun is used within the
8 guidelines established by the employing agency.

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

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

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

21 2. The employing agency shall maintain a current list of any
22 officers authorized to carry an approved service weapon, personal
23 rifle or shotgun while the officers are off duty, and shall provide
24 a copy of such list to the Council on Law Enforcement Education and

1 Training. Any change to the list shall be made in writing and
2 mailed to the Council on Law Enforcement Education and Training
3 within five (5) days.

4 E. When an off-duty reserve peace officer carries an approved
5 service weapon, personal rifle or shotgun, the officer shall be
6 wearing the law enforcement uniform prescribed by the employing
7 agency or when not wearing the prescribed law enforcement uniform,
8 the officer shall be required:

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

11 2. To keep the approved service weapon, personal rifle or
12 shotgun concealed or unconcealed at all times, except when the
13 service weapon, personal rifle or shotgun is used within the
14 guidelines established by the employing agency.

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

19 G. Nothing in this section shall be construed to limit or
20 restrict any peace officer or reserve peace officer from carrying a
21 handgun, concealed or unconcealed, as allowed by the Oklahoma Self-
22 Defense Act after issuance of a valid license, or as otherwise
23 permitted by law. An off-duty, full-time peace officer or reserve
24 peace officer shall be deemed to have elected to carry a handgun

1 under the authority of the Oklahoma Self-Defense Act when the
2 officer:

3 1. Has been issued a valid handgun license and is carrying a
4 handgun not authorized by the employing agency; or

5 2. Is carrying a handgun in a manner or in a place not
6 specifically authorized for off-duty carry by the employing agency.

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

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

14 1. The officer shall apply in writing to the Council on Law
15 Enforcement Education and Training (CLEET) stating that the officer
16 desires to have a handgun license pursuant to the Oklahoma Self-
17 Defense Act and certifying that he or she has no preclusions to
18 having such handgun license. The officer shall submit with the
19 application:

20 a. an official letter from his or her employing agency
21 confirming the officer's employment and status as a
22 full-time commissioned peace officer or an active
23 reserve peace officer,
24

- 1 b. a fee of Twenty-five Dollars (\$25.00) for the handgun
2 license, and
3 c. two passport-size photographs of the peace officer
4 applicant;

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

22 3. The term of the handgun license for an active duty reserve
23 or full-time commissioned peace officer pursuant to this section
24 shall be as provided in Section 1290.5 of this title, renewable in

1 the same manner provided in this subsection for an original
2 application by a peace officer. The handgun license shall be valid
3 when the peace officer is in possession of a valid driver license
4 and law enforcement commission card;

5 4. If the commission card of a law enforcement officer is
6 terminated, revoked or suspended, the handgun license shall be
7 immediately returned to CLEET. When a peace officer in possession
8 of a handgun license pursuant to this subsection changes employment,
9 the person must notify CLEET within ninety (90) days and send a new
10 letter verifying employment and status as a full-time commissioned
11 or reserve peace officer;

12 5. There shall be no refund of any fee for any unexpired term
13 of any handgun license that is suspended, revoked or voluntarily
14 returned to CLEET, or that is denied, suspended or revoked by the
15 OSBI;

16 6. CLEET may promulgate any rules, forms or procedures
17 necessary to implement the provisions of this section; and

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

22 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1289.24, as
23 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.
24 2017, Section 1289.24), is amended to read as follows:

1 Section 1289.24

2 FIREARM REGULATION - STATE PREEMPTION

3 A. 1. The State Legislature hereby occupies and preempts the
4 entire field of legislation in this state touching in any way
5 firearms, knives, components, ammunition, and supplies to the
6 complete exclusion of any order, ordinance, or regulation by any
7 municipality or other political subdivision of this state. Any
8 existing or future orders, ordinances, or regulations in this field,
9 except as provided for in paragraph 2 of this subsection and
10 subsection C of this section, are null and void.

11 2. A municipality may adopt any ordinance:

- 12 a. relating to the discharge of firearms within the
13 jurisdiction of the municipality, and
14 b. allowing the municipality to issue a traffic citation
15 for transporting a firearm improperly as provided for
16 in Section 1289.13A of this title, provided however,
17 that penalties contained for violation of any
18 ordinance enacted pursuant to the provisions of this
19 subparagraph shall not exceed the penalties
20 established in the Oklahoma Self-Defense Act.

21 3. As provided in the preemption provisions of this section,
22 the otherwise lawful ~~open~~ carrying or possession of a ~~handgun~~
23 firearm under the provisions of ~~the Oklahoma Self-Defense Act~~
24 Chapter 53 of this title shall not be punishable by any municipality

1 or other political subdivision of this state as disorderly conduct,
2 disturbing the peace or similar offense against public order.

3 4. A public or private school may create a policy regulating
4 the possession of knives on school property or in any school bus or
5 vehicle used by the school for purposes of transportation.

6 B. No municipality or other political subdivision of this state
7 shall adopt any order, ordinance, or regulation concerning in any
8 way the sale, purchase, purchase delay, transfer, ownership, use,
9 keeping, possession, carrying, bearing, transportation, licensing,
10 permit, registration, taxation other than sales and compensating use
11 taxes, or other controls on firearms, knives, components,
12 ammunition, and supplies.

13 C. Except as hereinafter provided, this section shall not
14 prohibit any order, ordinance, or regulation by any municipality
15 concerning the confiscation of property used in violation of the
16 ordinances of the municipality as provided for in Section 28-121 of
17 Title 11 of the Oklahoma Statutes. Provided, however, no municipal
18 ordinance relating to transporting a firearm or knife improperly may
19 include a provision for confiscation of property.

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

1 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.1, is
2 amended to read as follows:

3 Section 1290.1

4 SHORT TITLE

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

7 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1290.7, as
8 last amended by Section 3, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
9 2017, Section 1290.7), is amended to read as follows:

10 Section 1290.7

11 CONSTRUING AUTHORITY OF LICENSE

12 A. The authority to carry a concealed or unconcealed handgun
13 pursuant to a valid handgun license as authorized by the provisions
14 of the Oklahoma Self-Defense Act shall not be construed to authorize
15 any person to:

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

18 2. Carry or possess any pistol in any manner or in any place
19 otherwise prohibited by law;

20 3. Carry or possess any prohibited ammunition or any illegal,
21 imitation or homemade pistol;

22 4. Carry or possess any pistol when the person is prohibited by
23 state or federal law from carrying or possessing any firearm; or
24

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

3 B. The availability of a license to carry pursuant to the
4 provisions of the Oklahoma Self-Defense Act shall not be construed
5 to prohibit the lawful transport or carrying of a handgun or pistol
6 in a vehicle or on or about the person whether concealed or
7 unconcealed, loaded or unloaded and without a valid handgun license
8 as permitted by law.

9 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1290.22, as
10 last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp.
11 2017, Section 1290.22), is amended to read as follows:

12 Section 1290.22

13 BUSINESS OWNER'S RIGHTS

14 A. Except as provided in subsections B, C and D of this
15 section, nothing contained in any provision of the Oklahoma Self-
16 Defense Act shall be construed to limit, restrict or prohibit in any
17 manner the existing rights of any person, property owner, tenant,
18 employer, place of worship or business entity to control the
19 possession of weapons on any property owned or controlled by the
20 person or business entity.

21 B. No person, property owner, tenant, employer, holder of an
22 event permit, place of worship or business entity shall be permitted
23 to establish any policy or rule that has the effect of prohibiting
24 any person, except a convicted felon, from transporting and storing

1 firearms in a locked vehicle on any property set aside for any
2 vehicle.

3 C. A property owner, tenant, employer, place of worship or
4 business entity may prohibit any person from carrying a concealed or
5 unconcealed firearm on the property. If the building or property is
6 open to the public, the property owner, tenant, employer, place of
7 worship or business entity shall post signs on or about the property
8 stating such prohibition.

9 D. No person, property owner, tenant, employer, holder of an
10 event permit, place of worship or business entity shall be permitted
11 to establish any policy or rule that has the effect of prohibiting
12 any person from carrying a concealed or unconcealed firearm on
13 property within the specific exclusion provided for in paragraph 4
14 of subsection B of Section 1277 of this title; provided that
15 carrying a concealed or unconcealed firearm may be prohibited in the
16 following places:

17 1. The portion of a public property structure or building
18 during an event authorized by the city, town, county, state or
19 federal governmental authority owning or controlling such building
20 or structure;

21 2. Any public property sports field, including any adjacent
22 seating or adjacent area set aside for viewing a sporting event,
23 where an elementary or secondary school, collegiate, or professional
24 sporting event or an International Olympic Committee or organization

1 or any committee subordinate to the International Olympic Committee
2 event is being held;

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

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

8 E. The otherwise lawful carrying of a concealed or unconcealed
9 firearm by a person ~~who has been issued a handgun license~~ on
10 property that has signs prohibiting the carrying of firearms shall
11 not be deemed a criminal act but may subject the person to being
12 denied entrance onto the property or removed from the property. If
13 the person refuses to leave the property and a peace officer is
14 summoned, the person may be issued a citation for an amount not to
15 exceed Two Hundred Fifty Dollars (\$250.00).

16 F. A person, property owner, tenant, employer, holder of an
17 event permit, place of worship or business entity that does or does
18 not prohibit any individual except a convicted felon from carrying a
19 loaded or unloaded, concealed or unconcealed weapon on property that
20 the person, property owner, tenant, employer, holder of an event
21 permit, place of worship or business entity owns, or has legal
22 control of, is immune from any liability arising from that decision.
23 Except for acts of gross negligence or willful or wanton misconduct,
24 an employer who does or does not prohibit their employees from

1 carrying a concealed or unconcealed weapon is immune from any
2 liability arising from that decision. A person, property owner,
3 tenant, employer, holder of an event permit, place of worship or
4 business entity that does not prohibit persons from carrying a
5 concealed or unconcealed weapon pursuant to subsection D of this
6 section shall be immune from any liability arising from the carrying
7 of a concealed or unconcealed weapon, while in the scope of
8 employment, on the property or in or about a business entity
9 vehicle. The provisions of this subsection shall not apply to
10 claims pursuant to the Administrative Workers' Compensation Act.

11 G. It shall not be considered part of an employee's job
12 description or within the employee's scope of employment if an
13 employee is allowed to carry or discharge a weapon pursuant to this
14 section.

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

20 SECTION 13. This act shall become effective November 1, 2018.

21

22 56-2-10079 GRS 03/01/18

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