

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1212
Page 1 Section 1 Lines 14 1/2
Of the printed Bill
Of the Engrossed Bill

By inserting a new Section 1 to read as follows: (see attached);

Page 1, Section 1, Line 20: By inserting after the word "person" the following language: ", including a person";

Page 1, Section 1, Line 22: By inserting after the word "Act" a comma ",";

Page 4, Section 1, Line 1: By striking the word "from" and inserting in lieu thereof, the following language: "or otherwise in lawful"

Page 4, Section 1, Line 1: By striking all language beginning with the word "allowable" through the word "places";

Page 4, Section 1, Line 2: By inserting before the word "described" the following language: "from carrying or possessing the handgun on the property";

Page 5, Section 1, Line 17: By inserting after the word "Act" the following language: "or who is carrying or in possession of a handgun as otherwise permitted by law";

Page 5, Section 1, Lines 21-22: By striking all language beginning with the word "as" on Line 21 through the word "license" on Line 22 and inserting in lieu thereof, the following language: "to be college, university or technology center school property";

(amendments continued below)

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Jeff Coody

Adopted: _____

Reading Clerk

Page 7, Section 1, Line 2: By inserting after the word "license" the following language: "or any person in lawful possession of a handgun";

Page 7, Section 1, Lines 2-3: By striking all language beginning with the word "allowable" on Line 2 through the word "license" on Line 3;

Page 8, Section 1, Line 5 $\frac{1}{2}$: By inserting new Sections 3 through 12 to read as follows: (see attached); and

By renumbering the subsequent section of the bill.

1 "SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
2 last amended by Section 1, Chapter 217, O.S.L. 2016 (21 O.S. Supp.
3 2017, Section 1272), is amended to read as follows:

4 Section 1272.

5 UNLAWFUL CARRY

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

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

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

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

20 4. The carrying or use of weapons in a courthouse by a district
21 judge, associate district judge or special district judge within
22 this state, who is in possession of a valid handgun license issued
23 pursuant to the provisions of the Oklahoma Self-Defense Act and
24

1 whose name appears on a list maintained by the Administrative
2 Director of the Courts; ~~or~~

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

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

- 1 a. assault and battery pursuant to the provisions of
2 Section 644 of this title which caused serious
3 physical injury to the victim,
4 b. aggravated assault and battery pursuant to the
5 provisions of Section 646 of this title,
6 c. assault and battery that qualifies as domestic abuse
7 as defined in Section 644 of this title,
8 d. stalking pursuant to the provisions of Section 1173 of
9 this title,
10 e. a violation of an order issued under the Protection
11 from Domestic Abuse Act or a domestic abuse protection
12 order issued by another state, or
13 f. a violation relating to illegal drug use or possession
14 under the provisions of the Uniform Controlled
15 Dangerous Substances Act,

16 shall be prohibited from carrying a firearm under the provisions of
17 this paragraph. Any person who carries a firearm in the manner
18 provided for in this paragraph shall be prohibited from carrying the
19 firearm into any of the places prohibited in subsection A of Section
20 1277 of this title.

21 B. Any person convicted of violating the foregoing provision
22 shall be guilty of a misdemeanor punishable as provided in Section
23 1276 of this title.

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

4 Section 1283.

5 CONVICTED FELONS AND DELINQUENTS

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

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

1 C. It shall be unlawful for any person serving a term of
2 probation for any felony in any court of this state or of another
3 state or of the United States or under the jurisdiction of any
4 alternative court program to have in his or her possession or under
5 his or her immediate control, or at his or her residence, or in any
6 passenger vehicle which the person is operating or is riding as a
7 passenger, any pistol, shotgun or rifle, including any imitation or
8 homemade pistol, altered air or toy pistol, shotgun or rifle, while
9 such person is subject to supervision, probation, parole or inmate
10 status.

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

1 Education and Training (CLEET) pursuant to the provisions of Section
2 3311 of Title 70 of the Oklahoma Statutes.

3 E. It shall be unlawful for any person who is an alien
4 illegally or unlawfully in the United States to have in the
5 possession of the person or under the immediate control of the
6 person, or in any vehicle the person is operating, or at the
7 residence where the person resides, any pistol, imitation or
8 homemade pistol, altered air or toy pistol, shotgun, rifle or any
9 other dangerous or deadly firearm; provided, that nothing in this
10 subsection applies to prohibit the transport or detention of the
11 person by law enforcement officers or federal immigration
12 authorities. Any person who violates the provisions of this
13 subsection shall, upon conviction, be guilty of a misdemeanor
14 punishable by a fine of Two Hundred Fifty Dollars (\$250.00).

15 F. Any person having been issued a handgun license pursuant to
16 the provisions of the Oklahoma Self-Defense Act and who thereafter
17 knowingly or intentionally allows a convicted felon or adjudicated
18 delinquent or a youthful offender as prohibited by the provisions of
19 subsection A, C, or D of this section to possess or have control of
20 any pistol authorized by the Oklahoma Self-Defense Act shall, upon
21 conviction, be guilty of a felony punishable by a fine not to exceed
22 Five Thousand Dollars (\$5,000.00). In addition, the person shall
23 have the handgun license revoked by the Oklahoma State Bureau of
24

1 Investigation after a hearing and determination that the person has
2 violated the provisions of this section.

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

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

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

12 ~~I.~~ J. For purposes of this section, "altered air pistol" shall
13 mean any air pistol manufactured to propel projectiles by air
14 pressure which has been altered from its original manufactured
15 state.

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

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

22 Section 1289.6

23 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED
24

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

5 1. When hunting animals or fowl;

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

9 3. During participation in or in preparation for a military
10 function of the state military forces to be defined as the Oklahoma
11 Army or Air National Guard, Federal Military Reserve and active
12 military forces. It is further provided that Oklahoma Army or Air
13 National Guard personnel with proper authorization and performing a
14 military function may carry loaded or unloaded and concealed weapons
15 on Oklahoma Military Department facilities in accordance with rules
16 promulgated by the Adjutant General;

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

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

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

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

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

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

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

18 ~~2. For any legitimate purpose not in violation of the Oklahoma~~
19 ~~Firearms Act of 1971.~~

20 C. The provisions of this section shall not be construed to
21 prohibit educational or recreational activities, exhibitions,
22 displays or shows involving the use or display of rifles, shotguns
23 or pistols or other weapons if the activity is approved by the
24 property owner and sponsor of the activity.

1 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1289.7, as
2 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
3 Section 1289.7), is amended to read as follows:

4 Section 1289.7

5 FIREARMS IN VEHICLES

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

14 B. Any person, ~~except a convicted felon,~~ who is not otherwise
15 prohibited by law from possessing a firearm may transport in a motor
16 vehicle a rifle or shotgun open or ~~concealed behind a seat of the~~
17 ~~vehicle or within the interior of the vehicle,~~ provided the rifle or
18 shotgun is ~~not clip, magazine or chamber loaded. The authority to~~
19 ~~transport a clip or magazine loaded rifle or shotgun shall be~~
20 transported pursuant to the requirements of Section 1289.13 of this
21 title.

22 C. Any person who is the operator of a motor vehicle or is a
23 passenger in any motor vehicle wherein another person who is
24 licensed pursuant to the Oklahoma Self-Defense Act or is otherwise

1 permitted by law to carry a handgun, concealed or unconcealed, and
2 is carrying a handgun or has the handgun in such vehicle, shall not
3 be deemed in violation of the provisions of this section provided
4 the licensee or person permitted by law is in or near the motor
5 vehicle.

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

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

16 Section 1289.13

17 TRANSPORTING A LOADED FIREARM

18 Except as otherwise provided by ~~the provisions of the Oklahoma~~
19 ~~Self-Defense Act or another provision of law~~, it shall be unlawful
20 to transport a loaded ~~pistol~~, rifle or shotgun in a landborne motor
21 vehicle over a public highway or roadway. ~~However, a~~ unless the
22 rifle or shotgun ~~may be~~ is transported clip- or magazine-loaded, and
23 not chamber-loaded ~~when transported~~, and in an exterior locked
24 compartment of the vehicle or trunk of the vehicle or in the

1 interior compartment of the vehicle ~~notwithstanding the provisions~~
2 ~~of Section 1289.7 of this title when the person is in possession of~~
3 ~~a valid handgun license pursuant to the Oklahoma Self-Defense Act.~~

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

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

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

16 Section 1289.13A

17 IMPROPER TRANSPORTATION OF FIREARMS

18 A. Notwithstanding the provisions of Section 1272 or ~~1289.13~~
19 1289.7 of this title, any person stopped pursuant to a moving
20 traffic violation who is transporting a loaded pistol in the motor
21 vehicle without a valid handgun license authorized by the Oklahoma
22 Self-Defense Act or valid license from another state, or in
23 violation of any law related to the carrying or transporting of
24 firearms, whether the loaded firearm is concealed or unconcealed in

1 the vehicle, ~~shall~~ may be issued a traffic citation in the amount of
2 Seventy Dollars (\$70.00), plus court costs for transporting a
3 firearm improperly. In addition to the traffic citation provided in
4 this section, the person may also be arrested for any other
5 violation of law.

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

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

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

18 a. contraband, or

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

21 C. Nothing in this section shall be construed to require
22 confiscation of any firearm.
23
24

1 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1289.23, as
2 last amended by Section 5, Chapter 210, O.S.L. 2016 (21 O.S. Supp.
3 2017, Section 1289.23), is amended to read as follows:

4 Section 1289.23

5 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

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

15 B. When a full-time duly appointed officer carries an approved
16 service weapon, personal rifle or shotgun, the officer shall be
17 wearing the law enforcement uniform prescribed by the employing
18 agency or plainclothes. When not wearing the prescribed law
19 enforcement uniform, the officer shall be required:

20 1. To have the official peace ~~officers~~ officer's badge,
21 Commission Card and CLEET Certification Card on his or her person at
22 all times when carrying a service weapon approved by the employing
23 agency, personal rifle or shotgun; and
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1 2. To keep the approved service weapon, personal rifle or
2 shotgun concealed or unconcealed at all times, except when the
3 service weapon, personal rifle or shotgun is used within the
4 guidelines established by the employing agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 b. a fee of Twenty-five Dollars (\$25.00) for the handgun
23 license, and
24

1 c. two passport-size photographs of the peace officer
2 applicant;

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

20 3. The term of the handgun license for an active duty reserve
21 or full-time commissioned peace officer pursuant to this section
22 shall be as provided in Section 1290.5 of this title, renewable in
23 the same manner provided in this subsection for an original
24 application by a peace officer. The handgun license shall be valid

1 when the peace officer is in possession of a valid driver license
2 and law enforcement commission card;

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

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

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

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

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

23 Section 1289.24

24 FIREARM REGULATION - STATE PREEMPTION

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

9 2. A municipality may adopt any ordinance:

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

19 3. As provided in the preemption provisions of this section,
20 the otherwise lawful ~~open~~ carrying or possession of a ~~handgun~~
21 firearm under the provisions of ~~the Oklahoma Self-Defense Act~~
22 Chapter 53 of this title shall not be punishable by any municipality
23 or other political subdivision of this state as disorderly conduct,
24 disturbing the peace or similar offense against public order.

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

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

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

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

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

1 Section 1290.1

2 SHORT TITLE

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

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

8 Section 1290.7

9 CONSTRUING AUTHORITY OF LICENSE

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

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

16 2. Carry or possess any pistol in any manner or in any place
17 otherwise prohibited by law;

18 3. Carry or possess any prohibited ammunition or any illegal,
19 imitation or homemade pistol;

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

22 5. Point, discharge or use the pistol in any manner not
23 otherwise authorized by law.
24

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

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

10 Section 1290.22

11 BUSINESS OWNER'S RIGHTS

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

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

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

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

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

19 2. Any public property sports field, including any adjacent
20 seating or adjacent area set aside for viewing a sporting event,
21 where an elementary or secondary school, collegiate, or professional
22 sporting event or an International Olympic Committee or organization
23 or any committee subordinate to the International Olympic Committee
24 event is being held;

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

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

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

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

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

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

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

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