

**FLOOR AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB6  
Page 1 Section 1 Lines 19  
Of the printed Bill  
Of the Engrossed Bill

By removing Section 1 from the bill in its entirety and inserting in lieu thereof, new Sections 1 through 11 to read as follows:

(see attached)

and by renumbering the subsequent section of the bill.

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Jeff Coody

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

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 2016, 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 firearms pursuant to the definitions  
12 provided for in Sections 1289.3, 1289.4, 1289.5 and subsection A of  
13 Section 1290.2 of this title by a person who is a legal resident,  
14 twenty-one (21) years of age or older, is not a convicted felon or  
15 who is otherwise not disqualified from the possession or legal  
16 purchase of a firearm under state or federal law and is not involved  
17 in a crime. Any person who carries a firearm in the manner provided  
18 for in this paragraph shall be prohibited from carrying the firearm  
19 into any of the places prescribed in subsection A of Section 1277 of  
20 this title. In addition, any person that has been dishonorably  
21 discharged from the armed forces, indicted for a felony offense or  
22 convicted of the following offenses in this state or another state:

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

15 shall be prohibited from carrying a firearm under the provisions of  
16 this paragraph. Persons who have been deemed mentally incompetent  
17 or have been involuntarily committed due to a mental illness,  
18 condition or disorder as provided in Section 1290.27 of this title  
19 or who have been precluded from possessing a firearm under state or  
20 federal law shall also be prohibited from carrying a firearm under  
21 the provisions of this paragraph.

22        B. Any person convicted of violating the foregoing provision  
23 shall be guilty of a misdemeanor punishable as provided in Section  
24 1276 of this title.

1       SECTION 2.       AMENDATORY       21 O.S. 2011, Section 1277, as  
2 last amended by Section 9 of Enrolled Senate Bill No. 833 of the 1st  
3 Session of the 56th Oklahoma Legislature, is amended to read as  
4 follows:

5       Section 1277.

6                       UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

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

3        6. Any other place specifically prohibited by law.

4        B. For purposes of subsection A of this section, the prohibited  
5 place does not include and specifically excludes the following  
6 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, which is open to the  
12 public, or by any entity engaged in gambling authorized by law;

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

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

23       5. Any property set aside by a public or private elementary or  
24 secondary school for the use or parking of any vehicle, whether

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

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

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

1 not apply to claims pursuant to the ~~Administrative~~ Administrative  
2 Workers' Compensation Act.

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

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

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

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

15 E. Any person violating the provisions of paragraphs 2 or 3 of  
16 subsection A of this section shall, upon conviction, be guilty of a  
17 misdemeanor punishable by a fine not to exceed Two Hundred Fifty  
18 Dollars (\$250.00). A person violating any other provision of  
19 subsection A of this section may be denied entrance onto the  
20 property or removed from the property. If the person refuses to  
21 leave the property and a peace officer is summoned, the person may  
22 be issued a citation for an amount not to exceed Two Hundred Fifty  
23 Dollars (\$250.00).

1 F. No person that is in possession or is not in possession of a  
2 valid handgun license issued pursuant to the provisions of the  
3 Oklahoma Self-Defense Act shall be authorized to carry ~~the~~ a  
4 handgun, rifle or shotgun into or upon any college, university or  
5 technology center school property, except as provided in this  
6 subsection. For purposes of this subsection, the following property  
7 shall not be construed as prohibited for persons having a valid  
8 handgun license:

9 1. Any property set aside for the use or parking of any  
10 vehicle, whether attended or unattended, provided the handgun is  
11 carried or stored as required by law and the handgun is not removed  
12 from the vehicle without the prior consent of the college or  
13 university president or technology center school administrator while  
14 the vehicle is on any college, university or technology center  
15 school property;

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

18 3. Any property authorized by the written consent of the  
19 college or university president or technology center school  
20 administrator, provided the written consent is carried with the  
21 handgun and the valid handgun license while on college, university  
22 or technology center school property.

23 The college, university or technology center school may notify  
24 the Oklahoma State Bureau of Investigation within ten (10) days of a

1 violation of any provision of this subsection by a licensee. Upon  
2 receipt of a written notification of violation, the Bureau shall  
3 give a reasonable notice to the licensee and hold a hearing. At the  
4 hearing, upon a determination that the licensee has violated any  
5 provision of this subsection, the licensee may be subject to an  
6 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may  
7 have the handgun license suspended for three (3) months.

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

19       G. The provisions of this section shall not apply to any peace  
20 officer or to any person authorized by law to carry a pistol in the  
21 course of employment. District judges, associate district judges  
22 and special district judges, who are in possession of a valid  
23 handgun license issued pursuant to the provisions of the Oklahoma  
24 Self-Defense Act and whose names appear on a list maintained by the

1 Administrative Director of the Courts, shall be exempt from this  
2 section when acting in the course and scope of employment within the  
3 courthouses of this state. Private investigators with a firearms  
4 authorization shall be exempt from this section when acting in the  
5 course and scope of employment.

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

8 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1283, as  
9 last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.  
10 2016, Section 1283), is amended to read as follows:

11 Section 1283.

12 CONVICTED FELONS AND DELINQUENTS

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

22 B. Any person who has previously been convicted of a nonviolent  
23 felony in any court of this state or of another state or of the  
24 United States, and who has received a full and complete pardon from

1 the proper authority and has not been convicted of any other felony  
2 offense which has not been pardoned, shall have restored the right  
3 to possess any firearm or other weapon prohibited by subsection A of  
4 this section, the right to apply for and carry a handgun, concealed  
5 or unconcealed, pursuant to the Oklahoma Self-Defense Act and the  
6 right to perform the duties of a peace officer, gunsmith, or for  
7 firearms repair.

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

18 D. It shall be unlawful for any person previously adjudicated  
19 as a delinquent child or a youthful offender for the commission of  
20 an offense, which would have constituted a felony offense if  
21 committed by an adult, to have in the possession of the person or  
22 under the immediate control of the person, or have in any vehicle  
23 which he or she is driving or in which the person is riding as a  
24 passenger, or at the residence of the person, any pistol, imitation

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

9 E. It shall be unlawful for any person who is not lawfully  
10 present in the United States to have in the possession of the person  
11 or under the immediate control of the person, or in any vehicle the  
12 person is operating or in which the person is riding as a passenger,  
13 or at the residence where the person resides, any pistol, imitation  
14 or homemade pistol, altered air or toy pistol, shotgun, rifle or any  
15 other dangerous or deadly firearm. Any person who violates the  
16 provisions of this subsection shall, upon conviction, be guilty of a  
17 misdemeanor punishable by a fine of Two Hundred Fifty Dollars  
18 (\$250.00).

19 F. Any person having been issued a handgun license pursuant to  
20 the provisions of the Oklahoma Self-Defense Act and who thereafter  
21 knowingly or intentionally allows a convicted felon or adjudicated  
22 delinquent or a youthful offender as prohibited by the provisions of  
23 subsection A, C, or D of this section to possess or have control of  
24 any pistol authorized by the Oklahoma Self-Defense Act shall, upon

1 conviction, be guilty of a felony punishable by a fine not to exceed  
2 Five Thousand Dollars (\$5,000.00). In addition, the person shall  
3 have the handgun license revoked by the Oklahoma State Bureau of  
4 Investigation after a hearing and determination that the person has  
5 violated the provisions of this section.

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

9 ~~G.~~ H. For purposes of this section, ~~"sawed-off shotgun or~~  
10 ~~rifle"~~ shall mean:

11 1. "Sawed-off shotgun or rifle" means any shotgun or rifle  
12 which has been shortened to any length.

13 ~~H.~~ For purposes of this section, ~~"altered toy pistol"~~ shall  
14 ~~mean;~~

15 2. "Altered toy pistol" means any toy weapon which has been  
16 altered from its original manufactured state to resemble a real  
17 weapon.

18 ~~I.~~ For purposes of this section, ~~"altered air pistol"~~ shall  
19 ~~mean;~~

20 3. "Altered air pistol" means any air pistol manufactured to  
21 propel projectiles by air pressure which has been altered from its  
22 original manufactured state.

23 ~~J.~~ For purposes of this section, ~~"alternative court program"~~  
24 ~~shall mean; and~~

1        4. "Alternative court program" means any drug court, Anna  
2 McBride or mental health court, DUI court or veterans court.

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

6        Section 1289.6

7                        CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

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

12            1. When hunting animals or fowl;

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

16            3. During participation in or in preparation for a military  
17 function of the state military forces to be defined as the Oklahoma  
18 Army or Air National Guard, Federal Military Reserve and active  
19 military forces. It is further provided that Oklahoma Army or Air  
20 National Guard personnel with proper authorization and performing a  
21 military function may carry loaded or unloaded and concealed weapons  
22 on Oklahoma Military Department facilities in accordance with rules  
23 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. For lawful self-defense and self-protection or any other  
7 legitimate purpose ~~in or on property that is owned, leased, rented,~~  
8 ~~or otherwise legally controlled by the person; or~~

9       7. When carried pursuant to the definitions provided for in  
10 Sections 1289.3, 1289.4, 1289.5 and subsection A of Section 1290.2  
11 of this title by a person who is:

12           a. a legal resident,

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

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

17           d. not involved in a crime.

18 Any person who carries a firearm in the manner provided for in this  
19 paragraph shall be prohibited from carrying the firearm into any of  
20 the places prescribed in subsection A of Section 1277 of this title;  
21 or

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

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

5 1. When going to or from the person's private residence or  
6 vehicle or a vehicle in which the person is riding as a passenger to  
7 a place designated or authorized for firearms repairs or  
8 reconditioning, or for firearms trade, sale, or barter, or gunsmith,  
9 or hunting animals or fowl, or hunter safety course, or target  
10 shooting, or skeet or trap shooting or any recognized firearms  
11 activity or event and while in such places; or

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

14 C. The provisions of this section shall not be construed to  
15 prohibit educational or recreational activities, exhibitions,  
16 displays or shows involving the use or display of rifles, shotguns  
17 or pistols or other weapons if the activity is approved by the  
18 property owner and sponsor of the activity.

19 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1289.7, as  
20 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
21 Section 1289.7), is amended to read as follows:

22 Section 1289.7

23 FIREARMS IN VEHICLES  
24

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

10        B. Any person, except a convicted felon, may transport in a  
11 motor vehicle a rifle ~~or,~~ shotgun concealed, pistol or handgun  
12 behind a seat of the vehicle or within the interior of the vehicle  
13 provided the rifle or shotgun is not clip-, magazine- or ~~chamber~~  
14 ~~loaded~~ chamber-loaded. The authority to transport a clip- or  
15 ~~magazine-loaded~~ magazine-loaded rifle or shotgun shall be pursuant  
16 to Section 1289.13 of this title.

17        C. It shall be unlawful for any person to fail or refuse to  
18 identify the fact that the person is in actual possession of a  
19 firearm pursuant to the authority of the Oklahoma Self-Defense Act  
20 when the person comes into contact with any law enforcement officer  
21 of this state or its political subdivisions or a federal law  
22 enforcement officer during the course of any arrest, detainment or  
23 routine traffic stop. Said identification to the law enforcement  
24 officer shall be made at the first opportunity. Any violation of

1 the provisions of this subsection shall, upon conviction, be a  
2 misdemeanor punishable by a fine not exceeding One Hundred Dollars  
3 (\$100.00).

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

11 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.13A, as  
12 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
13 Section 1289.13A), is amended to read as follows:

14 Section 1289.13A

15 IMPROPER TRANSPORTATION OF FIREARMS

16 A. Notwithstanding the provisions of Section 1272 or 1289.13 of  
17 this title, any person stopped pursuant to a moving traffic  
18 violation who is transporting a loaded pistol in the motor vehicle  
19 without a valid handgun license authorized by the Oklahoma Self-  
20 Defense Act ~~or~~, a valid license from another state or as otherwise  
21 permitted by law, whether the loaded firearm is concealed or  
22 unconcealed in the vehicle, ~~shall~~ may be issued a traffic citation  
23 in the amount of Seventy Dollars (\$70.00), plus court costs for  
24 transporting a firearm improperly. In addition to the traffic

1 citation provided in this section, the person may also be arrested  
2 for any other violation of law.

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

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

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

17 a. contraband, or

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

20 C. ~~Nothing~~ Absent a criminal act, nothing in this section shall  
21 be construed to require confiscation of any firearm.

22 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.23, as  
23 last amended by Section 5, Chapter 210, O.S.L. 2016 (21 O.S. Supp.  
24 2016, Section 1289.23), is amended to read as follows:

1       Section 1289.23

2               CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

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

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

17       1. To have the official peace officers badge, Commission Card  
18 and CLEET Certification Card on his or her person at all times when  
19 carrying a service weapon approved by the employing agency, personal  
20 rifle or shotgun; and

21       2. To keep the approved service weapon, personal rifle or  
22 shotgun concealed or unconcealed at all times, except when the  
23 weapon, rifle or shotgun is used within the guidelines established  
24 by the employing agency.

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

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

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

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

20 E. When an off-duty reserve peace 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 when not wearing the prescribed law enforcement uniform,  
24 the officer shall be required:

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

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

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

11        G. Nothing in this section shall be construed to limit or  
12 restrict any peace officer or reserve peace officer from carrying a  
13 handgun, concealed or unconcealed, as allowed by the Oklahoma Self-  
14 Defense Act after issuance of a valid license. An off-duty, full-  
15 time peace officer or reserve peace officer shall be deemed to have  
16 elected to carry a handgun under the authority of the Oklahoma Self-  
17 Defense Act when the officer:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1289.24, as  
14 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.  
15 2016, Section 1289.24), is amended to read as follows:

16 Section 1289.24

17 FIREARM REGULATION - STATE PREEMPTION

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

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 on school property or in any school bus or  
21 vehicle used by the school for purposes of transportation.

22 B. No municipality or other political subdivision of this state  
23 shall adopt any order, ordinance, or regulation concerning in any  
24 way the sale, purchase, purchase delay, transfer, ownership, use,

1 keeping, possession, carrying, bearing, transportation, licensing,  
2 permit, registration, taxation other than sales and compensating use  
3 taxes, or other controls on firearms, knives, components,  
4 ammunition, and supplies.

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

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

17 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1290.1, is  
18 amended to read as follows:

19 Section 1290.1

20 SHORT TITLE

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

1       SECTION 10.       AMENDATORY       21 O.S. 2011, Section 1290.3, as  
2 amended by Section 24, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
3 Section 1290.3), is amended to read as follows:

4       Section 1290.3

5                   AUTHORITY TO ISSUE LICENSE

6       ~~The~~ On or after November 1, 2017, the Oklahoma State Bureau of  
7 Investigation is hereby authorized to license an eligible person to  
8 carry a concealed or unconcealed handgun as provided by the  
9 provisions of the Oklahoma Self-Defense Act. The authority of the  
10 Bureau shall be limited to the provisions specifically provided in  
11 the Oklahoma Self-Defense Act. The Bureau shall promulgate rules,  
12 forms and procedures necessary to implement the provisions of the  
13 Oklahoma Self-Defense Act. Any license issued prior to November 1,  
14 2017, shall remain in full force and effect until such time as the  
15 license is subject to renewal, suspension or revocation pursuant to  
16 the provisions of Section 1290.17 of this title.

17       SECTION 11.       AMENDATORY       21 O.S. 2011, Section 1290.22, as  
18 last amended by Section 2, Chapter 18, O.S.L. 2016 (21 O.S. Supp.  
19 2016, Section 1290.22), is amended to read as follows:

20       Section 1290.22

21                   BUSINESS OWNER'S RIGHTS

22       A. Except as provided in subsections B, C and D of this  
23 section, nothing contained in any provision of the Oklahoma Self-  
24 Defense Act shall be construed to limit, restrict or prohibit in any

1 manner the existing rights of any person, property owner, tenant,  
2 employer, place of worship or business entity to control the  
3 possession of weapons on any property owned or controlled by the  
4 person or business entity.

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

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

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

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

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

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

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

16       E. The carrying of a concealed or unconcealed firearm ~~by a~~  
17 ~~person who has been issued a handgun license~~ on property that has  
18 signs prohibiting the carrying of firearms shall not be deemed a  
19 criminal act but may subject the person to being denied entrance  
20 onto the property or removed from the property. If the person  
21 refuses to leave the property and a peace officer is summoned, the  
22 person may be issued a citation for an amount not to exceed Two  
23 Hundred Fifty Dollars (\$250.00).  
24

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

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

23 H. Nothing in subsections F and G shall prevent an employer,  
24 employee or person who has suffered loss resulting from the

1 discharge of a weapon to seek redress or damages of the person who  
2 discharged the weapon or used the weapon outside the provisions of  
3 the Oklahoma Self-Defense Act."  
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