

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 12

By: Dahm

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5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,
8 Section 1272, as last amended by Section 1, Chapter
68, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1272),
9 which relates to unlawful carry; modifying
inclusions; allowing certain carry; providing
10 exceptions; prohibiting certain carry; amending 21
O.S. 2011, Section 1277, as last amended by Section
11 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp. 2018,
Section 1277), which relates to unlawful carry in
12 certain places; modifying inclusions; updating
language; expanding definition; amending 21 O.S.
13 2011, Section 1283, as last amended by Section 1,
Chapter 179, O.S.L. 2014 (21 O.S. Supp. 2018, Section
14 1283), which relates to convicted felons and
delinquents; making certain carry illegal; providing
15 for misdemeanor offense; providing penalty; amending
21 O.S. 2011, Section 1289.6, as last amended by
16 Section 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp.
2018, Section 1289.6), which relates to conditions
17 under which firearms may be carried; modifying
conditions of carry; modifying restrictions; amending
18 21 O.S. 2011, Section 1289.7, as amended by Section
12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018,
19 Section 1289.7), which relates to firearms in
vehicles; modifying language; removing definition;
20 making certain transport illegal; providing for
misdemeanor offense; providing for penalty; amending
21 21 O.S. 2011, Section 1289.13, as amended by Section
18, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018,
22 Section 1289.13), which relates to transporting a
loaded firearm; modifying language; amending 21 O.S.
23 2011, Section 1289.13A, as amended by Section 19,
Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018, Section
24 1289.13A), which relates to improper transportation
of firearms; modifying citation requirement;

1 modifying language; amending 21 O.S. 2011, Section
2 1289.23, as last amended by Section 5, Chapter 210,
3 O.S.L. 2016 (21 O.S. Supp. 2018, Section 1289.23),
4 which relates to concealed firearm for off-duty
5 police officer; modifying allowable firearms for
6 officers; modifying inclusions; amending 21 O.S.
7 2011, Section 1289.24, as last amended by Section 1,
8 Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2018, Section
9 1289.24), which relates to state preemption of
10 firearm regulation; modifying language; modifying
11 statutory reference; amending 21 O.S. 2011, Section
12 1290.1, which relates to the short title; modifying
13 statutory reference; amending 21 O.S. 2011, Section
14 1290.7, as last amended by Section 3, Chapter 366,
15 O.S.L. 2013 (21 O.S. Supp. 2018, Section 1290.7),
16 which relates to the construing authority of license;
17 providing certain construing provision; amending 21
18 O.S. 2011, Section 1290.22, as last amended by
19 Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp.
20 2018, Section 1290.22), which relates to business
21 owner's rights; modifying language; repealing 21 O.S.
22 2011, Section 1277, as last amended by Section 8,
23 Chapter 304, O.S.L. 2018 (21 O.S. Supp. 2018, Section
24 1277), which relates to unlawful carry in certain
places; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
last amended by Section 1, Chapter 68, O.S.L. 2018 (21 O.S. Supp.
2018, Section 1272), is amended to read as follows:

Section 1272.

UNLAWFUL CARRY

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

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

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

- 13 a. assault and battery pursuant to the provisions of
14 Section 644 of this title which caused serious
15 physical injury to the victim,
- 16 b. aggravated assault and battery pursuant to the
17 provisions of Section 646 of this title,
- 18 c. assault and battery that qualifies as domestic abuse
19 as defined in Section 644 of this title,
- 20 d. stalking pursuant to the provisions of Section 1173 of
21 title,
- 22 e. a violation of an order issued under the Protection
23 from Domestic Abuse Act or a domestic abuse protection
24 order issued by another state, or

1 f. a violation relating to illegal drug use or possession
2 under the provisions of the Uniform Controlled
3 Dangerous Substances Act,
4 shall be prohibited from carrying a firearm under the provisions of
5 this paragraph. Any person who carries a firearm in the manner
6 provided for in this paragraph shall be prohibited from carrying the
7 firearm into any of the places prohibited in subsection A of Section
8 1277 of this title.

9 B. Any person convicted of violating the foregoing provision
10 shall be guilty of a misdemeanor punishable as provided in Section
11 1276 of this title.

12 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
13 last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp.
14 2018, Section 1277), is amended to read as follows:

15 Section 1277.

16 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

24

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

6 3. Any public or private elementary or public or private
7 secondary school, except as provided in subsections C and D of this
8 section;

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

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

13 6. Any other place specifically prohibited by law.

14 B. For purposes of subsection A of this section, the prohibited
15 place does not include and specifically excludes the following
16 property:

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

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

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

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

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

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

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

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

22 1. Possess a valid armed security guard license as provided for
23 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or
24

1 2. Hold a valid reserve peace officer certification as provided
2 for in Section 3311 of Title 70 of the Oklahoma Statutes.
3 Nothing in this subsection shall be construed to restrict authority
4 granted elsewhere in law to carry firearms.

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

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

23 1. Any property set aside for the use or parking of any
24 vehicle, whether attended or unattended, provided the handgun is

1 carried or stored as required by law and the handgun is not removed
2 from the vehicle without the prior consent of the college or
3 university president or technology center school administrator while
4 the vehicle is on any college, university or technology center
5 school property;

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

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

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

22 Nothing contained in any provision of this subsection shall be
23 construed to authorize or allow any college, university or
24 technology center school to establish any policy or rule that has

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

9 G. The provisions of this section shall not apply to any of the
10 following:

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

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

19 3. Private investigators with a firearms authorization when
20 acting in the course and scope of employment;

21 4. Elected officials of a county, who are in possession of a
22 valid handgun license issued pursuant to the provisions of the
23 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
24 in the performance of their duties within the courthouse of the

1 county in which he or she was elected. The provisions of this
2 paragraph shall not allow the elected county official to carry the
3 handgun into a courtroom;

4 5. The sheriff of any county may authorize certain employees of
5 the county, who possess a valid handgun license issued pursuant to
6 the provisions of the Oklahoma Self-Defense Act, to carry a
7 concealed handgun when acting in the course and scope of employment
8 within the courthouses in the county in which the person is
9 employed. Nothing in this act shall prohibit the sheriff from
10 requiring additional instruction or training before receiving
11 authorization to carry a concealed handgun within the courthouse.
12 The provisions of this paragraph and of paragraph 6 of this
13 subsection shall not allow the county employee to carry the handgun
14 into a courtroom, sheriff's office, adult or juvenile jail or any
15 other prisoner detention area; and

16 6. The board of county commissioners of any county may
17 authorize certain employees of the county, who possess a valid
18 handgun license issued pursuant to the provisions of the Oklahoma
19 Self-Defense Act, to carry a concealed handgun when acting in the
20 course and scope of employment on county annex facilities or grounds
21 surrounding the county courthouse.

22 H. For the purposes of this section, "motor vehicle" means any
23 automobile, truck, minivan ~~or~~, sports utility vehicle or motorcycle
24 as such term is defined in Section 1-135 of Title 47 of the Oklahoma

1 Statutes, equipped with a locked accessory container within or
2 affixed to the motorcycle.

3 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1283, as
4 last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.
5 2018, Section 1283), is amended to read as follows:

6 Section 1283.

7 CONVICTED FELONS AND DELINQUENTS

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

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

1 otherwise permitted by law, and the right to perform the duties of a
2 peace officer, gunsmith, or for firearms repair.

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

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

1 peace officer who is certified by the Council on Law Enforcement
2 Education and Training (CLEET) pursuant to the provisions of Section
3 3311 of Title 70 of the Oklahoma Statutes.

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

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

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 2018, 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
24

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. 2018,
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. 2018,
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. 2018,
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 2018, 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 weapon approved by the
11 employing agency, personal rifle or shotgun anywhere in the state of
12 Oklahoma, both while on active duty and during periods when the
13 officer is not on active duty as provided by the provisions of
14 subsection B of this section.

15 B. When a full-time duly appointed officer carries an approved
16 weapon, personal rifle or shotgun, the officer shall be wearing the
17 law enforcement uniform prescribed by the employing agency or
18 plainclothes. When not wearing the prescribed law enforcement
19 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 weapon approved by the employing agency,
23 rifle or shotgun; and
24

1 2. To keep the approved weapon, personal rifle or shotgun
2 concealed or unconcealed at all times, except when the weapon, rifle
3 or shotgun is used within the guidelines established by the
4 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 weapon,
13 personal rifle or shotgun when such officer is off duty as provided
14 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 weapon, personal rifle or
19 shotgun while the officers are off duty, and shall provide a copy of
20 such list to the Council on Law Enforcement Education and Training.
21 Any change to the list shall be made in writing and mailed to the
22 Council on Law Enforcement Education and Training within five (5)
23 days.

24

1 E. When an off-duty reserve peace officer carries an approved
2 weapon, personal rifle or shotgun, the officer shall be wearing the
3 law enforcement uniform prescribed by the employing agency or when
4 not wearing the prescribed law enforcement uniform, the officer
5 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 weapon, personal rifle or shotgun
9 concealed or unconcealed at all times, except when the weapon, rifle
10 or shotgun is used within the guidelines established by the
11 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. An off-duty, full-
20 time peace officer or reserve peace officer shall be deemed to have
21 elected to carry a handgun under the authority of the Oklahoma Self-
22 Defense Act when the officer:

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

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

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

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

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

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

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

22 c. two passport-size photographs of the peace officer
23 applicant;

24

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

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

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

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

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

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

18 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1289.24, as
19 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.
20 2018, Section 1289.24), is amended to read as follows:

21 Section 1289.24.

22 FIREARM REGULATION - STATE PREEMPTION

23 A. 1. The State Legislature hereby occupies and preempts the
24 entire field of legislation in this state touching in any way

1 firearms, knives, components, ammunition, and supplies to the
2 complete exclusion of any order, ordinance, or regulation by any
3 municipality or other political subdivision of this state. Any
4 existing or future orders, ordinances, or regulations in this field,
5 except as provided for in paragraph 2 of this subsection and
6 subsection C of this section, are null and void.

7 2. A municipality may adopt any ordinance:

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

17 3. As provided in the preemption provisions of this section,
18 the otherwise lawful ~~open carrying or possession~~ of a ~~handgun~~
19 firearm under the provisions of ~~the Oklahoma Self-Defense Act~~
20 Chapter 53 of this title shall not be punishable by any municipality
21 or other political subdivision of this state as disorderly conduct,
22 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~~7~~ and supplies.

11 C. Except as hereinafter provided, this section shall not
12 prohibit any order, ordinance~~7~~ 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~~7~~ 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 2018, 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 2018, 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.

18 SECTION 13. REPEALER 21 O.S. 2011, Section 1277, as last
19 amended by Section 8, Chapter 304, O.S.L. 2018 (21 O.S. Supp. 2018,
20 Section 1277), is hereby repealed.

21 SECTION 14. This act shall become effective November 1, 2019.

22

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