

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1227

By: Brecheen

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5
6 AS INTRODUCED

7 An Act relating to firearms licenses; amending 21
8 O.S. 2011, Sections 1272, as last amended by Section
9 1, Chapter 217, O.S.L. 2016, 1272.1, as amended by
10 Section 2, Chapter 259, O.S.L. 2012, 1272.2, as
11 amended by Section 3, Chapter 259, O.S.L. 2012, 1273,
12 as last amended by Section 1, Chapter 193, O.S.L.
13 2014, 1276, as amended by Section 5, Chapter 259,
14 O.S.L. 2012, 1277, as last amended by Section 1,
15 Chapter 165, O.S.L. 2017, 1278, as amended by Section
16 7, Chapter 259, O.S.L. 2012, 1279, as amended by
17 Section 1, Chapter 171, O.S.L. 2013, 1280, 1283, as
18 last amended by Section 1, Chapter 179, O.S.L. 2014,
19 1287, as amended by Section 10, Chapter 259, O.S.L.
20 2012, 1289.6, as amended by Section 1, Chapter 268,
21 O.S.L. 2016, 1289.7, as amended by Section 12,
22 Chapter 259, O.S.L. 2012, 1289.9, as amended by
23 Section 14, Chapter 259, O.S.L. 2012, 1289.10, as
24 amended by Section 15, Chapter 259, O.S.L. 2012,
1289.11, as amended by Section 16, Chapter 259,
O.S.L. 2012, 1289.12, as amended by Section 17,
Chapter 259, O.S.L. 2012, 1289.13, as amended by
Section 18, Chapter 259, O.S.L. 2012, 1289.13A, as
amended by Section 19, Chapter 259, O.S.L. 2012,
1289.16, as amended by Section 1, Chapter 266, O.S.L.
2017, 1289.23, as last amended by Section 5, Chapter
210, O.S.L. 2016, 1289.25, as amended by Section 2,
Chapter 266, O.S.L. 2017, 1290.6, as amended by
Section 27, Chapter 259, O.S.L. 2012, 1290.10, as
last amended by Section 1, Chapter 86, O.S.L. 2015,
1290.11, as last amended by Section 2, Chapter 259,
O.S.L. 2014, 1290.14, as last amended by Section 2,
Chapter 207, O.S.L. 2015, 1290.15, as last amended by
Section 3, Chapter 298, O.S.L. 2017, 1290.22, as
amended by Section 1, Chapter 358, O.S.L. 2017 (21
O.S. Supp. 2017, Sections 1272, 1272.1, 1272.2, 1273,

1 1276, 1277, 1278, 1279, 1280, 1283, 1287, 1289.6,
2 1289.7, 1289.9, 1289.10, 1289.11, 1289.12, 1289.13,
3 1289.13A, 1289.16, 1289.23, 1289.25, 1290.6, 1290.10,
4 1290.11, 1290.14, 1290.15, 1290.22), which relates to
5 unlawful carry, carrying firearms where liquor is
6 consumed, penalty for firearm in liquor
7 establishment, allowing minors to possess firearms,
8 penalties, unlawful carry in certain places, unlawful
9 intent to carry, misdemeanor pointing a firearm,
10 convicted felons and delinquents, use of a firearm
11 while committing a felony, conditions under which
12 firearms may be carried, firearms in vehicles,
13 carrying weapons under influence of alcohol,
14 furnishing firearms to incompetent persons, reckless
15 conduct, giving firearms to convicted persons,
16 transporting a loaded firearm, improper
17 transportation of firearms, felony pointing firearms,
18 concealed firearm for off-duty police officer,
19 physical or deadly force against intruder, prohibited
20 ammunition, mandatory and other preclusions, safety
21 and training course, persons exempt from training
22 course, ;deleting certain authorization; deleting
23 certain requirement; removing certain violation;
24 removing certain suspensions; removing certain
notification; disallowing certain confiscation;
making certain allowances; updating language;
repealing 21 O.S. 2011, Sections 1290.3, 1290.17,
1290.19, 1290.20, 1290.23 and 1290.25, as amended by
Section 24, 36, 38, 39, 41, 42 and 43, Chapter 259,
O.S.L. 2012 (21 O.S. Supp. 2017, Sections 1290.3,
1290.17, 1290.19, 1290.20, 1290.23, 1290.24 and
1290.25), which relates to authority to issue
license, suspension and revocation of license,
license form, penalty for refusal to submit or
falsification, deposit of fees by OSBI, immunity and
legislative intent; repealing 21 O.S. 2011, Section
1290.5, as last amended by Section 1, Chapter 122,
O.S.L. 2014 (21 O.S. Supp. 2016, Section 1290.5),
which relates to term of license and renewal;
repealing 21 O.S. 2011, Sections 1290.7 and 1290.21,
as last amended by Sections 3 and 6, Chapter 366,
O.S.L. 2013 (21 O.S. Supp. 2017, Sections 1290.7 and
1290.21), which relates to construing authority of
license and replacement licenses; repealing 21 O.S.
2011, Section 1290.8, as last amended by Section 1,
Chapter 298, O.S.L. 2017 (21 O.S. Supp. 2017, Section
1290.8), which relates to possession of license

1 required; repealing 21 O.S. 2011, Section 1290.9, as
2 last amended by Section 2, Chapter 4, O.S.L. 2017 (21
3 O.S. Supp. 2017, Section 1290.9), which relates to
4 eligibility; repealing 21 O.S. 2011, Section 1290.12,
5 as last amended by Section 2, Chapter 2298, O.S.L.
6 2017 (21 O.S. Supp. 2017, Section 1290.12), which
7 relates to procedure for application; repealing 21
8 O.S. 2011, Section 1290.13, as last amended by
9 Section 1, Chapter 161, O.S.L. 2014 (21 O.S. Supp.
10 2017, Section 1290.13), which relates to automatic
11 listing of licenses; repealing 21 O.S. 2011, Section
12 1290.16, which relates to statistical report;
13 repealing 21 O.S. 2011, Section 1290.18, as last
14 amended by Section 1, Chapter 200, O.S.L. 2015 (21
15 O.S. Supp. 2017, Section 1290.18), which relates to
16 application form contents; repealing 21 O.S. 2011,
17 Section 1290.24 (21 O.S. Supp. 2017, Section
18 1290.24), which relates to immunity; repealing 21
19 O.S. 2011, Section 1290.26, as last amended by
20 Section 4, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
21 2017, Section 1290.26), which relates to reciprocal
22 agreement authority; and providing an effective date.
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14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
16 last amended by Section 1, Chapter 217, O.S.L. 2016 (21 O.S. Supp.
17 2017, Section 1272), is amended to read as follows:

18 Section 1272.

19 UNLAWFUL CARRY

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

3 1. The proper use of guns and knives for 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.

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

4 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1272.1, as
5 amended by Section 2, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
6 Section 1272.1), is amended to read as follows:

7 Section 1272.1.

8 CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

9 A. It shall be unlawful for any person to carry or possess any
10 weapon designated in Section 1272 of this title in any establishment
11 where low-point beer, as defined by Section 163.2 of Title 37 of the
12 Oklahoma Statutes, or alcoholic beverages, as defined by Section 506
13 of Title 37 of the Oklahoma Statutes, are consumed. This provision
14 shall not apply to a peace officer, as defined in Section 99 of this
15 title, or to private investigators with a firearms authorization
16 when acting in the scope and course of employment, and shall not
17 apply to an owner or proprietor of the establishment having a
18 pistol, rifle, or shotgun on the premises. Provided however, a
19 person ~~possessing a valid handgun license pursuant to the provisions~~
20 ~~of the Oklahoma Self-Defense Act~~ may carry ~~the~~ a concealed or
21 unconcealed handgun into any restaurant or other establishment
22 licensed to dispense low-point beer or alcoholic beverages where the
23 sale of low-point beer or alcoholic beverages does not constitute
24 the primary purpose of the business.

1 Provided further, nothing in this section shall be interpreted
2 to authorize any peace officer in actual physical possession of a
3 weapon to consume low-point beer or alcoholic beverages, except in
4 the authorized line of duty as an undercover officer.

5 Nothing in this section shall be interpreted to authorize any
6 private investigator with a firearms authorization in actual
7 physical possession of a weapon to consume low-point beer or
8 alcoholic beverages in any establishment where low-point beer or
9 alcoholic beverages are consumed.

10 B. Any person violating the provisions of this section shall be
11 punished as provided in Section 1272.2 of this title.

12 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1272.2, as
13 amended by Section 3, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
14 Section 1272.2), is amended to read as follows:

15 Section 1272.2.

16 PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

17 Any person who intentionally or knowingly carries on his or her
18 person any weapon in violation of Section 1272.1 of this title,
19 shall, upon conviction, be guilty of a felony punishable by a fine
20 not to exceed One Thousand Dollars (\$1,000.00), or imprisonment in
21 the custody of the Department of Corrections for a period not to
22 exceed two (2) years, or by both such fine and imprisonment.

23 ~~Any person convicted of violating the provisions of this section~~
24 ~~after having been issued a handgun license pursuant to the~~

1 ~~provisions of the Oklahoma Self-Defense Act shall have the license~~
2 ~~revoked by the Oklahoma State Bureau of Investigation after a~~
3 ~~hearing and determination that the person is in violation of Section~~
4 ~~1272.1 of this title.~~

5 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1273, as
6 last amended by Section 1, Chapter 193, O.S.L. 2014 (21 O.S. Supp.
7 2017, Section 1273), is amended to read as follows:

8 Section 1273.

9 ALLOWING MINORS TO POSSESS FIREARMS

10 A. It shall be unlawful for any person within this state to
11 sell or give to any child any of the arms or weapons designated in
12 Section 1272 of this title; provided, the provisions of this section
13 shall not prohibit a parent of a child or legal guardian of a child,
14 or a person acting with the permission of the parent of the child or
15 legal guardian of the child, from giving the child a firearm for
16 participation in hunting animals or fowl, hunter safety classes,
17 education and training in the safe use and handling of firearms,
18 target shooting, skeet, trap or other sporting events or
19 competitions, except as provided in subsection B of this section.

20 B. It shall be unlawful for any parent or guardian to
21 intentionally, knowingly, or recklessly permit his or her child to
22 possess any of the arms or weapons designated in Section 1272 of
23 this title, including any firearm, if such parent is aware of a
24 substantial risk that the child will use the weapon to commit a

1 criminal offense or if the child has either been adjudicated a
2 delinquent or has been convicted as an adult for any criminal
3 offense that contains as an element the threat or use of physical
4 force against the person of another.

5 C. It shall be unlawful for any child to possess any of the
6 arms or weapons designated in Section 1272 of this title, except
7 firearms used for participation in hunting animals or fowl, hunter
8 safety classes, education and training in the safe use and handling
9 of firearms, target shooting, skeet, trap or other sporting events
10 or competitions. Provided, this section shall not authorize the
11 possession of such weapons by any person who is subject to the
12 provisions of Section 1283 of this title.

13 D. Any person violating the provisions of this section shall,
14 upon conviction, be punished as provided in Section 1276 of this
15 title, and, any child violating the provisions of this section shall
16 be subject to adjudication as a delinquent. In addition, any person
17 violating the provisions of subsection A or B of this section shall
18 be liable for civil damages for any injury or death to any person
19 and for any damage to property, as provided in Section 10 of Title
20 23 of the Oklahoma Statutes, resulting from any discharge of a
21 firearm by the child or use of any other weapon that the person had
22 given to the child or permitted the child to possess. ~~Any person~~
23 ~~convicted of violating the provisions of this section after having~~
24 ~~been issued a handgun license pursuant to the provisions of the~~

1 ~~Oklahoma Self-Defense Act may be liable for an administrative~~
2 ~~violation as provided in Section 1276 of this title.~~

3 E. As used in this section, "child" means a person under
4 eighteen (18) years of age.

5 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1276, as
6 amended by Section 5, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
7 Section 1276), is amended to read as follows:

8 Section 1276.

9 PENALTY FOR 1272 AND 1273

10 Any person violating the provisions of Section 1272 or 1273 of
11 this title shall, upon a first conviction, be adjudged guilty of a
12 misdemeanor and the party offending shall be punished by a fine of
13 not less than One Hundred Dollars (\$100.00) nor more than Two
14 Hundred Fifty Dollars (\$250.00), or by imprisonment in the county
15 jail for a period not to exceed thirty (30) days or both such fine
16 and imprisonment. On the second and every subsequent violation, the
17 party offending shall, upon conviction, be punished by a fine of not
18 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
19 Hundred Dollars (\$500.00), or by imprisonment in the county jail for
20 a period not less than thirty (30) days nor more than three (3)
21 months, or by both such fine and imprisonment.

22 ~~Any person convicted of violating the provisions of Section 1272~~
23 ~~or 1273 of this title after having been issued a handgun license~~
24 ~~pursuant to the provisions of the Oklahoma Self-Defense Act shall~~

1 ~~have the license suspended for a period of six (6) months and shall~~
2 ~~be liable for an administrative fine of Fifty Dollars (\$50.00) upon~~
3 ~~a hearing and determination by the Oklahoma State Bureau of~~
4 ~~Investigation that the person is in violation of the provisions of~~
5 ~~this section.~~

6 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1277, as
7 last amended by Section 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp.
8 2016, Section 1277), is amended to read as follows:

9 Section 1277.

10 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

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

8 6. Any other place specifically prohibited by law.

9 B. For purposes of subsection A of this section, the prohibited
10 place does not include and specifically excludes the following
11 property:

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

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

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

21 4. Any property designated by a city, town, county or state
22 governmental authority as a park, recreational area, or fairgrounds;
23 provided, nothing in this paragraph shall be construed to authorize
24 any entry by a person in possession of a concealed or unconcealed

1 handgun into any structure, building or office space which is
2 specifically prohibited by the provisions of subsection A of this
3 section; and

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

9 Nothing contained in any provision of this subsection or
10 subsection C of this section shall be construed to authorize or
11 allow any person in control of any place described in subsection A
12 of this section to establish any policy or rule that has the effect
13 of prohibiting any person in lawful possession of a handgun license
14 from possession of a handgun allowable under such license in places
15 described in this subsection.

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

1 that adopts a policy which authorizes the possession of a weapon on
2 private school property, a school bus or vehicle used by the private
3 school shall be immune from liability for any injuries arising from
4 the adoption of the policy. The provisions of this subsection shall
5 not apply to claims pursuant to the Administrative Workers'
6 Compensation Act.

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

- 13 1. Possess a valid armed security guard license as provided for
14 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or
- 15 2. Hold a valid reserve peace officer certification as provided
16 for in Section 3311 of Title 70 of the Oklahoma Statutes.

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

19 E. Any person violating the provisions of paragraph 2 or 3 of
20 subsection A of this section shall, upon conviction, be guilty of a
21 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
22 Dollars (\$250.00). A person violating any other provision of
23 subsection A of this section may be denied entrance onto the
24 property or removed from the property. If the person refuses to

1 leave the property and a peace officer is summoned, the person may
2 be issued a citation for an amount not to exceed Two Hundred Fifty
3 Dollars (\$250.00).

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

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

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

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

1 ~~The college, university or technology center school may notify~~
2 ~~the Oklahoma State Bureau of Investigation within ten (10) days of a~~
3 ~~violation of any provision of this subsection by a licensee. Upon~~
4 ~~receipt of a written notification of violation, the Bureau shall~~
5 ~~give a reasonable notice to the licensee and hold a hearing. At the~~
6 ~~hearing, upon a determination that the licensee has violated any~~
7 ~~provision of this subsection, the licensee may be subject to an~~
8 ~~administrative fine of Two Hundred Fifty Dollars (\$250.00) and may~~
9 ~~have the handgun license suspended for three (3) months.~~

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

21 G. The provisions of this section shall not apply to the
22 following:

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

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

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

9 4. Elected officials of a county, who are in possession of a
10 valid handgun license issued pursuant to the provisions of the
11 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
12 in the performance of their duties within the courthouses of the
13 county in which he or she was elected. The provisions of this
14 paragraph shall not allow the elected county official to carry the
15 handgun into a courtroom.

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

18 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1278, as
19 amended by Section 7, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
20 Section 1278), is amended to read as follows:

21 Section 1278.

22 UNLAWFUL INTENT TO CARRY

23 Any person in this state who carries or wears any deadly weapons
24 or dangerous instrument whatsoever with the intent or for the avowed

1 purpose of unlawfully injuring another person, upon conviction,
2 shall be guilty of a felony punishable by a fine not exceeding Five
3 Thousand Dollars (\$5,000.00), by imprisonment in the custody of the
4 Department of Corrections for a period not exceeding two (2) years,
5 or by both such fine and imprisonment. The mere possession of such
6 a weapon or dangerous instrument, without more, however, shall not
7 be sufficient to establish intent as required by this section.

8 ~~Any person convicted of violating the provisions of this section~~
9 ~~after having been issued a handgun license pursuant to the~~
10 ~~provisions of the Oklahoma Self-Defense Act shall have the license~~
11 ~~permanently revoked and shall be liable for an administrative fine~~
12 ~~of One Thousand Dollars (\$1,000.00) upon a hearing and determination~~
13 ~~by the Oklahoma State Bureau of Investigation that the person is in~~
14 ~~violation of the provisions of this section.~~

15 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1279, as
16 amended by Section 1, Chapter 171, O.S.L. 2013 (21 O.S. Supp. 2017,
17 Section 1279), is amended to read as follows:

18 Section 1279.

19 MISDEMEANOR POINTING A FIREARM

20 Except for an act of self-defense, it shall be unlawful for any
21 person to point any pistol or any other deadly weapon whether loaded
22 or not, at any other person or persons. Any person violating the
23 provisions of this section shall, upon conviction, be guilty of a
24 misdemeanor punishable as provided in Section 1280 of this title.

1 ~~Any person convicted of violating the provisions of this section~~
2 ~~after having been issued a handgun license pursuant to the~~
3 ~~provisions of the Oklahoma Self-Defense Act may be subject to an~~
4 ~~administrative violation as provided in Section 1280 of this title.~~

5 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1280, is
6 amended to read as follows:

7 Section 1280.

8 PENALTY FOR 1279

9 Any person violating the provisions of Section 1279 of this
10 title, upon conviction, shall be guilty of a misdemeanor. The
11 person offending shall be punished by a fine of not less than One
12 Hundred Dollars (\$100.00) nor more than One Thousand Dollars
13 (\$1,000.00) and shall be imprisoned in the county jail for a period
14 not less than three (3) nor more than twelve (12) months. ~~Any~~
15 ~~person convicted of violating the provisions of Section 1279 of this~~
16 ~~title after having been issued a handgun license pursuant to the~~
17 ~~provisions of the Oklahoma Self-Defense Act, Sections 1 through 25~~
18 ~~of this act, shall have the handgun license permanently revoked and~~
19 ~~shall be liable for an administrative fine of Fifty Dollars (\$50.00)~~
20 ~~upon a hearing and determination by the Oklahoma State Bureau of~~
21 ~~Investigation that the person is in violation of the provisions of~~
22 ~~this section.~~

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

4 Section 1283.

5 CONVICTED FELONS AND DELINQUENTS

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

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

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

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

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

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

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

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

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

23 I. For purposes of this section, "altered air pistol" shall
24 mean any air pistol manufactured to propel projectiles by air

1 pressure which has been altered from its original manufactured
2 state.

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

6 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1287, as
7 amended by Section 10, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
8 Section 1287), is amended to read as follows:

9 Section 1287.

10 USE OF FIREARM WHILE COMMITTING A FELONY

11 A. Any person who, while committing or attempting to commit a
12 felony, possesses a pistol, shotgun or rifle or any other offensive
13 weapon in such commission or attempt, whether the pistol, shotgun or
14 rifle is loaded or not, or who possesses a blank or imitation
15 pistol, altered air or toy pistol, shotgun or rifle capable of
16 raising in the mind of one threatened with such device a fear that
17 it is a real pistol, shotgun or rifle, or who possesses an air gun
18 or carbon dioxide or other gas-filled weapon, electronic dart gun,
19 conductive energy weapon, knife, dagger, dirk, switchblade knife,
20 blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in
21 addition to the penalty provided by statute for the felony committed
22 or attempted, upon conviction shall be guilty of a felony for
23 possessing such weapon or device, which shall be a separate offense
24 from the felony committed or attempted and shall be punishable by

1 imprisonment in the custody of the Department of Corrections for a
2 period of not less than two (2) years nor for more than ten (10)
3 years for the first offense, and for a period of not less than ten
4 (10) years nor more than thirty (30) years for any second or
5 subsequent offense.

6 ~~B. Any person convicted of violating the provisions of this~~
7 ~~section after having been issued a handgun license pursuant to the~~
8 ~~provisions of the Oklahoma Self-Defense Act shall have the license~~
9 ~~permanently revoked and shall be liable for an administrative fine~~
10 ~~of One Thousand Dollars (\$1,000.00) upon a hearing and determination~~
11 ~~by the Oklahoma State Bureau of Investigation that the person is in~~
12 ~~violation of the provisions of this section.~~

13 ~~C.~~ As used in this section, "altered toy pistol" shall mean any
14 toy weapon which has been altered from its original manufactured
15 state to resemble a real weapon.

16 ~~D.~~ C. As used in this section, "altered air pistol" shall mean
17 any air pistol manufactured to propel projectiles by air pressure
18 which has been altered from its original manufactured state.

19 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1289.6, as
20 last amended by Section 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp.
21 2017, Section 1289.6), is amended to read as follows:

22 Section 1289.6.

23 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

24

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

5 1. When hunting animals or fowl;

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

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

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

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

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

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

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

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

15 2. For any legitimate purpose not in violation of the Oklahoma
16 Firearms Act of 1971.

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

22 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1289.7, as
23 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
24 Section 1289.7), is amended to read as follows:

1 Section 1289.7.

2 FIREARMS IN VEHICLES

3 Any person, except a convicted felon, may transport in a motor
4 vehicle a rifle, shotgun or pistol, open and unloaded, at any time.
5 For purposes of this section "open" means the firearm is transported
6 in plain view, in a case designed for carrying firearms, which case
7 is wholly or partially visible, in a gun rack mounted in the
8 vehicle, in an exterior locked compartment or a trunk of a vehicle.

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

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

21 SECTION 14. AMENDATORY 21 O.S. 2011, Section 1289.9, as
22 amended by Section 14, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
23 Section 1289.9), is amended to read as follows:

24 Section 1289.9.

1 CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

2 It shall be unlawful for any person to carry or use shotguns,
3 rifles or pistols in any circumstances while under the influence of
4 beer, intoxicating liquors or any hallucinogenic, or any unlawful or
5 unprescribed drug, and it shall be unlawful for any person to carry
6 or use shotguns, rifles or pistols when under the influence of any
7 drug prescribed by a licensed physician if the aftereffects of such
8 consumption affect mental, emotional or physical processes to a
9 degree that would result in abnormal behavior. Any person convicted
10 of a violation of the provisions of this section shall be punished
11 as provided in Section 1289.15 of this title.

12 ~~Any person convicted of a violation of the provisions of this~~
13 ~~section after having been issued a handgun license pursuant to the~~
14 ~~provisions of the Oklahoma Self-Defense Act shall have the license~~
15 ~~suspended for a term of six (6) months and shall be subject to an~~
16 ~~administrative fine of Fifty Dollars (\$50.00), upon a hearing and~~
17 ~~determination by the Oklahoma State Bureau of Investigation that the~~
18 ~~person is in violation of the provisions of this section.~~

19 SECTION 15. AMENDATORY 21 O.S. 2011, Section 1289.10, as
20 amended by Section 15, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
21 Section 1289.10), is amended to read as follows:

22 Section 1289.10.

23 FURNISHING FIREARMS TO INCOMPETENT PERSONS
24

1 It shall be unlawful for any person to knowingly transmit,
2 transfer, sell, lend or furnish any shotgun, rifle or pistol to any
3 person who is under an adjudication of mental incompetency, or to
4 any person who is mentally deficient or of unsound mind. Any person
5 convicted of a violation of the provisions of this section shall be
6 punished as provided in Section 1289.15 of this title.

7 ~~Any person convicted of a violation of the provisions of this~~
8 ~~section after having been issued a handgun license pursuant to the~~
9 ~~provisions of the Oklahoma Self-Defense Act shall have the license~~
10 ~~suspended for a term of six (6) months and shall be subject to an~~
11 ~~administrative fine of Fifty Dollars (\$50.00), upon a hearing and~~
12 ~~determination by the Oklahoma State Bureau of Investigation that the~~
13 ~~person is in violation of the provisions of this section.~~

14 SECTION 16. AMENDATORY 21 O.S. 2011, Section 1289.11, as
15 amended by Section 16, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
16 Section 1289.11), is amended to read as follows:

17 Section 1289.11.

18 RECKLESS CONDUCT

19 It shall be unlawful for any person to engage in reckless
20 conduct while having in his or her possession any shotgun, rifle or
21 pistol, such actions consisting of creating a situation of
22 unreasonable risk and probability of death or great bodily harm to
23 another, and demonstrating a conscious disregard for the safety of
24 another person. Any person convicted of violating the provisions of

1 this section shall be punished as provided in Section 1289.15 of
2 this title.

3 ~~Any person convicted of a violation of the provisions of this~~
4 ~~section after having been issued a handgun license pursuant to the~~
5 ~~Oklahoma Self-Defense Act shall have the license revoked and shall~~
6 ~~be subject to an administrative fine of One Thousand Dollars~~
7 ~~(\$1,000.00), upon a hearing and determination by the Oklahoma State~~
8 ~~Bureau of Investigation that the person is in violation of the~~
9 ~~provisions of this section.~~

10 SECTION 17. AMENDATORY 21 O.S. 2011, Section 1289.12, as
11 amended by Section 17, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
12 Section 1289.12), is amended to read as follows:

13 Section 1289.12.

14 GIVING FIREARMS TO CONVICTED PERSONS

15 It shall be unlawful for any person within this state to
16 knowingly sell, trade, give, transmit or otherwise cause the
17 transfer of rifles, shotguns or pistols to any convicted felon or an
18 adjudicated delinquent, and it shall be unlawful for any person
19 within this state to knowingly sell, trade, give, transmit or
20 otherwise cause the transfer of any shotgun, rifle or pistol to any
21 individual who is under the influence of alcohol or drugs or is
22 mentally or emotionally unbalanced or disturbed. All persons who
23 engage in selling, trading or otherwise transferring firearms will
24 display this section prominently in full view at or near the point

1 of normal firearms sale, trade or transfer. Any person convicted of
2 violating the provisions of this section shall be punished as
3 provided in Section 1289.15 of this title.

4 ~~Any person convicted of a violation of this section after having~~
5 ~~been issued a handgun license pursuant to the Oklahoma Self-Defense~~
6 ~~Act shall have the license suspended for six (6) months and shall be~~
7 ~~liable for an administrative fine of Fifty Dollars (\$50.00), upon a~~
8 ~~hearing and determination by the Oklahoma State Bureau of~~
9 ~~Investigation that the person is in violation of the provisions of~~
10 ~~this section.~~

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

14 Section 1289.13.

15 TRANSPORTING A LOADED FIREARM

16 Except as otherwise provided by ~~the provisions of the Oklahoma~~
17 ~~Self-Defense Act~~ or another provision of law, it shall be unlawful
18 to transport a loaded pistol, rifle or shotgun in a ~~landborne~~ land
19 borne motor vehicle over a public highway or roadway. However, a
20 rifle or shotgun may be transported clip or magazine loaded and not
21 chamber loaded when transported in an exterior locked compartment of
22 the vehicle or trunk of the vehicle or in the interior compartment
23 of the vehicle notwithstanding the provisions of Section 1289.7 of
24

1 this title ~~when the person is in possession of a valid handgun~~
2 ~~license pursuant to the Oklahoma Self-Defense Act.~~

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

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

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

15 Section 1289.13A.

16 IMPROPER TRANSPORTATION OF FIREARMS

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

1 the traffic citation provided in this section, the person may also
2 be arrested 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, The arresting officer shall not~~
8 ~~confiscate any firearm being transported in a vehicle unless:~~

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

14 2. The officer has probable cause to believe the weapon is:
15 a. contraband, or
16 b. a firearm used in the commission of a crime other than
17 a violation of subsection A of this section.

18 C. Nothing in this section shall be construed to require
19 confiscation of any firearm.

20 SECTION 20. AMENDATORY 21 O.S. 2011, Section 1289.16, as
21 last amended by Section 1, Chapter 266, O.S.L. 2017 (21 O.S. Supp.
22 2017, Section 1289.16), is amended to read as follows:

23 Section 1289.16.

24 ELONY POINTING FIREARMS

1 Except for an act of self-defense, it shall be unlawful for any
2 person to willfully or without lawful cause point a shotgun, rifle
3 or pistol, or any deadly weapon, whether loaded or not, at any
4 person or persons for the purpose of threatening or with the
5 intention of discharging the firearm or with any malice or for any
6 purpose of injuring, either through physical injury or mental or
7 emotional intimidation or for purposes of whimsy, humor or prank, or
8 in anger or otherwise, but not to include the pointing of shotguns,
9 rifles or pistols by law enforcement authorities in the performance
10 of their duties, armed security guards licensed by the Council on
11 Law Enforcement Education and Training pursuant to the Oklahoma
12 Security Guard and Private Investigator Act in the performance of
13 their duties, members of the state military forces in the
14 performance of their duties, members of the federal military reserve
15 and active military components in the performance of their duties,
16 or any federal government law enforcement officer in the performance
17 of any duty, or in the performance of a play on stage, rodeo,
18 television or on film, or in defense of any person, one's home or
19 property. Any person convicted of a violation of the provisions of
20 this section shall be punished as provided in Section 1289.17 of
21 this title.

22 ~~Any person convicted of a violation of the provisions of this~~
23 ~~section after having been issued a handgun license pursuant to the~~
24 ~~Oklahoma Self-Defense Act shall have the license revoked and shall~~

1 ~~be subject to an administrative fine of One Thousand Dollars~~
2 ~~(\$1,000.00), upon a hearing and determination by the Oklahoma State~~
3 ~~Bureau of Investigation that the person is in violation of the~~
4 ~~provisions of this section.~~

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

8 Section 1289.23.

9 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

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

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

23
24

1 1. To have the official peace officers badge, Commission Card
2 and CLEET Certification Card on his or her person at all times when
3 carrying a weapon approved by the employing agency; and

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

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

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

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

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

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

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

7 2. To keep the approved weapon concealed or unconcealed at all
8 times, except when the weapon is used within the guidelines
9 established by the employing agency.

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

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

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

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

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

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

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

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

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

20 ~~c. two passport-size photographs of the peace officer~~
21 ~~applicant;~~

22 ~~2. Upon receiving the required information, CLEET shall~~
23 ~~determine whether the peace officer is in good standing, has CLEET~~
24 ~~certification and training, and is otherwise eligible for a handgun~~

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

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

22 ~~4. If the commission card of a law enforcement officer is~~
23 ~~terminated, revoked or suspended, the handgun license shall be~~
24 ~~immediately returned to CLEET. When a peace officer in possession~~

1 ~~of a handgun license pursuant to this subsection changes employment,~~
2 ~~the person must notify CLEET within ninety (90) days and send a new~~
3 ~~letter verifying employment and status as a full-time commissioned~~
4 ~~or reserve peace officer;~~

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

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

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

15 SECTION 22. AMENDATORY 21 O.S. 2011, Section 1289.25, as
16 amended by Section 2, Chapter 266, O.S.L. 2017 (21 O.S. Supp. 2017,
17 Section 1289.25), is amended to read as follows:

18 Section 1289.25.

19 PHYSICAL OR DEADLY FORCE AGAINST INTRUDER

20 A. The Legislature hereby recognizes that the citizens of the
21 State of Oklahoma have a right to expect absolute safety within
22 their own homes or places of business.

23 B. A person or an owner, manager or employee of a business is
24 presumed to have held a reasonable fear of imminent peril of death

1 or great bodily harm to himself or herself or another when using
2 defensive force that is intended or likely to cause death or great
3 bodily harm to another if:

4 1. The person against whom the defensive force was used was in
5 the process of unlawfully and forcefully entering, or had unlawfully
6 and forcibly entered, a dwelling, residence, occupied vehicle, or a
7 place of business, or if that person had removed or was attempting
8 to remove another against the will of that person from the dwelling,
9 residence, occupied vehicle, or place of business; and

10 2. The person who uses defensive force knew or had reason to
11 believe that an unlawful and forcible entry or unlawful and forcible
12 act was occurring or had occurred.

13 C. The presumption set forth in subsection B of this section
14 does not apply if:

15 1. The person against whom the defensive force is used has the
16 right to be in or is a lawful resident of the dwelling, residence,
17 or vehicle, such as an owner, lessee, or titleholder, and there is
18 not a protective order from domestic violence in effect or a written
19 pretrial supervision order of no contact against that person;

20 2. The person or persons sought to be removed are children or
21 grandchildren, or are otherwise in the lawful custody or under the
22 lawful guardianship of, the person against whom the defensive force
23 is used; or

24

1 3. The person who uses defensive force is engaged in an
2 unlawful activity or is using the dwelling, residence, occupied
3 vehicle, or place of business to further an unlawful activity.

4 D. A person who is not engaged in an unlawful activity and who
5 is attacked in any other place where he or she has a right to be has
6 no duty to retreat and has the right to stand his or her ground and
7 meet force with force, including deadly force, if he or she
8 reasonably believes it is necessary to do so to prevent death or
9 great bodily harm to himself or herself or another or to prevent the
10 commission of a forcible felony.

11 E. A person who unlawfully and by force enters or attempts to
12 enter the dwelling, residence, occupied vehicle of another person,
13 or a place of business is presumed to be doing so with the intent to
14 commit an unlawful act involving force or violence.

15 F. A person who uses defensive force, as permitted pursuant to
16 the provisions of subsections B and D of this section, is justified
17 in using such defensive force and is immune from criminal
18 prosecution and civil action for the use of such defensive force.
19 As used in this subsection, the term "criminal prosecution" includes
20 charging or prosecuting the defendant.

21 G. A law enforcement agency may use standard procedures for
22 investigating the use of defensive force, but the law enforcement
23 agency may not arrest the person for using defensive force unless it
24

1 determines that there is probable cause that the defensive force
2 that was used was unlawful.

3 H. The court shall award reasonable attorney fees, court costs,
4 compensation for loss of income, and all expenses incurred by the
5 defendant in defense of any civil action brought by a plaintiff if
6 the court finds that the defendant is immune from prosecution as
7 provided in subsection F of this section.

8 I. The provisions of this section ~~and the provisions of the~~
9 ~~Oklahoma Self-Defense Act~~ shall not be construed to require any
10 person using a weapon pursuant to the provisions of this section to
11 be licensed in any manner.

12 J. A person pointing a weapon at a perpetrator in self-defense
13 or in order to thwart, stop or deter a forcible felony or attempted
14 forcible felony shall not be deemed guilty of committing a criminal
15 act.

16 K. As used in this section:

17 1. "Defensive force" includes, but shall not be limited to,
18 pointing a weapon at a perpetrator in self-defense or in order to
19 thwart, stop or deter a forcible felony or attempted forcible
20 felony;

21 2. "Dwelling" means a building or conveyance of any kind,
22 including any attached porch, whether the building or conveyance is
23 temporary or permanent, mobile or immobile, which has a roof over
24 it, including a tent, and is designed to be occupied by people;

1 3. "Residence" means a dwelling in which a person resides
2 either temporarily or permanently or is visiting as an invited
3 guest; and

4 4. "Vehicle" means a conveyance of any kind, whether or not
5 motorized, which is designed to transport people or property.

6 SECTION 23. AMENDATORY 21 O.S. 2011, Section 1290.6, as
7 amended by Section 27, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
8 Section 1290.6), is amended to read as follows:

9 Section 1290.6.

10 PROHIBITED AMMUNITION

11 Any concealed or unconcealed handgun when carried ~~in a manner~~
12 ~~authorized by the provisions of the Oklahoma Self-Defense Act~~ and
13 when loaded with any ammunition which is either a restricted bullet
14 as defined by Section 1289.19 of this title or is larger than .45
15 caliber or is otherwise prohibited by law shall be deemed a
16 prohibited weapon ~~for purposes of the Oklahoma Self-Defense Act.~~
17 Any person violating the provisions of this section shall be
18 punished for a criminal offense as provided by Section 1272 of this
19 title or any other applicable provision of law. In addition to any
20 criminal prosecution for a violation of the provisions of this
21 section, the licensee shall be subject to an administrative fine of
22 Five Hundred Dollars (\$500.00), upon a hearing and determination by
23 the Oklahoma State Bureau of Investigation that the person is in
24 violation of the provisions of this section.

1 SECTION 24. AMENDATORY 21 O.S. 2011, Section 1290.10, as
2 last amended by Section 1, Chapter 86, O.S.L. 2015 (21 O.S. Supp.
3 2017, Section 1290.10), is amended to read as follows:

4 Section 1290.10.

5 MANDATORY PRECLUSIONS

6 ~~In addition to the requirements stated in Section 1290.9 of this~~
7 ~~title, the conditions stated in this section shall preclude a person~~
8 ~~from eligibility for a handgun license pursuant to the provisions of~~
9 ~~the Oklahoma Self-Defense Act.~~ The occurrence of any one of the
10 following conditions shall deny ~~the~~ a person the right to ~~have a~~
11 ~~handgun license pursuant to the provisions of the Oklahoma Self-~~
12 ~~Defense Act~~ carry a firearm in the State of Oklahoma. Prohibited
13 conditions are:

14 1. Ineligible to possess a pistol due to any felony conviction
15 or adjudication as a delinquent as provided by Section 1283 of this
16 title, except as provided in subsection B of Section 1283 of this
17 title;

18 2. Any felony conviction pursuant to any law of another state,
19 a felony conviction pursuant to any provision of the United States
20 Code, or any conviction pursuant to the laws of any foreign country,
21 provided such foreign conviction would constitute a felony offense
22 in this state if the offense had been committed in this state,
23 except as provided in subsection B of Section 1283 of this title;

24

1 3. Adjudication as a mentally incompetent person pursuant to
2 the provisions of the Oklahoma Mental Health Law, or an adjudication
3 of incompetency entered in another state pursuant to any provision
4 of law of that state, unless the person has been granted relief from
5 the disqualifying disability pursuant to Section 1290.27 of this
6 title;

7 4. ~~Any false or misleading statement on the application for a~~
8 ~~handgun license as provided by paragraph 5 of subsection A of~~
9 ~~Section 1290.12 of this title;~~

10 ~~5.~~ Conviction of any one of the following misdemeanor offenses
11 in this state or in any other state:

12 a. any assault and battery which caused serious physical
13 injury to the victim, or any second or subsequent
14 assault and battery conviction,

15 b. any aggravated assault and battery,

16 c. any stalking pursuant to Section 1173 of this title,
17 or a similar law of another state,

18 d. a violation relating to the Protection from Domestic
19 Abuse Act or any violation of a victim protection
20 order of another state,

21 e. any conviction relating to illegal drug use or
22 possession, or

23 f. an act of domestic abuse as defined by Section 644 of
24 this title or an act of domestic assault and battery

1 or any comparable acts under the laws of another
2 state.

3 The preclusive period for a misdemeanor conviction related to
4 illegal drug use or possession shall be ten (10) years from the date
5 of completion of a sentence. For purposes of this subsection, "date
6 of completion of a sentence" shall mean the day an offender
7 completes all incarceration, probation, and parole pertaining to
8 such sentence;

9 ~~6.~~ 5. An attempted suicide or other condition relating to or
10 indicating mental instability or an unsound mind which occurred
11 within the preceding ten-year period from the date of the
12 application for a license to carry a concealed firearm or that
13 occurs during the period of licensure;

14 ~~7.~~ 6. Currently undergoing treatment for a mental illness,
15 condition, or disorder. For purposes of this paragraph, "currently
16 undergoing treatment for a mental illness, condition, or disorder"
17 means the person has been diagnosed by a licensed physician as being
18 afflicted with a substantial disorder of thought, mood, perception,
19 psychological orientation, or memory that significantly impairs
20 judgment, behavior, capacity to recognize reality, or ability to
21 meet the ordinary demands of life;

22 ~~8.~~ 7. Significant character defects of the applicant as
23 evidenced by a misdemeanor criminal record indicating habitual
24 criminal activity;

1 ~~9.~~ 8. Ineligible to possess a pistol due to any provision of law
2 of this state or the United States Code, except as provided in
3 subsection B of Section 1283 of this title;

4 ~~10. Failure to pay an assessed fine or surrender the handgun
5 license as required by a decision by the administrative hearing
6 examiner pursuant to authority of the Oklahoma Self-Defense Act;~~

7 ~~11.~~ 9. Being subject to an outstanding felony warrant issued in
8 this state or another state or the United States; or

9 ~~12.~~ 10. Adjudication as a delinquent as provided by Section 1283
10 of this title, except as provided in subsection B of Section 1283 of
11 this title.

12 SECTION 25. AMENDATORY 21 O.S. 2011, Section 1290.11, as
13 last amended by Section 2, Chapter 259, O.S.L. 2014 (21 O.S. Supp.
14 2017, Section 1290.11), is amended to read as follows:

15 Section 1290.11.

16 OTHER PRECLUSIONS

17 A. The following conditions shall preclude a person from being
18 eligible ~~for a handgun license pursuant to the provisions of the
19 Oklahoma Self-Defense Act~~ to carry a firearm in the state of
20 Oklahoma for a period of time as prescribed in each of the following
21 paragraphs:

22 1. An arrest for an alleged commission of a felony offense or a
23 felony charge pending in this state, another state or pursuant to
24

1 the United States Code. The preclusive period shall be until the
2 final determination of the matter;

3 2. The person is subject to the provisions of a deferred
4 sentence or deferred prosecution in this state or another state or
5 pursuant to federal authority for the commission of a felony
6 offense. The preclusive period shall be three (3) years and shall
7 begin upon the final determination of the matter;

8 3. Any involuntary commitment for a mental illness, condition,
9 or disorder pursuant to the provisions of Section 5-410 of Title 43A
10 of the Oklahoma Statutes or any involuntary commitment in another
11 state pursuant to any provisions of law of that state. The
12 preclusive period shall be permanent as provided by Title 18 of the
13 United States Code Section 922(g)(4) unless the person has been
14 granted relief from the disqualifying disability pursuant to Section
15 3 of this act;

16 4. The person has previously undergone treatment for a mental
17 illness, condition, or disorder which required medication or
18 supervision as defined by paragraph 7 of Section 1290.10 of this
19 title. The preclusive period shall be three (3) years from the last
20 date of treatment or upon presentation of a certified statement from
21 a licensed physician stating that the person is either no longer
22 disabled by any mental or psychiatric illness, condition, or
23 disorder or that the person has been stabilized on medication for
24 ten (10) years or more;

1 5. Inpatient treatment for substance abuse. The preclusive
2 period shall be three (3) years from the last date of treatment or
3 upon presentation of a certified statement from a licensed physician
4 stating that the person has been free from substance use for twelve
5 (12) months or more preceding the filing of an application for a
6 handgun license;

7 6. Two or more convictions of public intoxication pursuant to
8 Section 8 of Title 37 of the Oklahoma Statutes, or a similar law of
9 another state. The preclusive period shall be three (3) years from
10 the date of the completion of the last sentence;

11 7. Two or more misdemeanor convictions relating to intoxication
12 or driving under the influence of an intoxicating substance or
13 alcohol. The preclusive period shall be three (3) years from the
14 date of the completion of the last sentence or shall require a
15 certified statement from a licensed physician stating that the
16 person is not in need of substance abuse treatment;

17 8. A court order for a final Victim Protection Order against
18 the applicant, as authorized by the Protection from Domestic Abuse
19 Act, or any court order granting a final victim protection order
20 against the applicant from another state. The preclusive period
21 shall be three (3) years from the date of the entry of the final
22 court order, or sixty (60) days from the date an order was vacated,
23 canceled or withdrawn;

1 9. An adjudicated delinquent or convicted felon residing in the
2 residence of the applicant which may be a violation of Section 1283
3 of this title. The preclusive period shall be thirty (30) days from
4 the date the person no longer resides in the same residence as the
5 applicant; or

6 10. An arrest for an alleged commission of, a charge pending
7 for, or the person is subject to the provisions of a deferred
8 prosecution for any one or more of the following misdemeanor
9 offenses in this state or another state:

10 a. any assault and battery which caused serious physical
11 injury to the victim or any second or subsequent
12 assault and battery,

13 b. any aggravated assault and battery,

14 c. any stalking pursuant to Section 1173 of this title,
15 or a similar law of another state,

16 d. any violation of the Protection from Domestic Abuse
17 Act or any violation of a victim protection order of
18 another state,

19 e. any violation relating to illegal drug use or
20 possession, or

21 f. an act of domestic abuse as defined by Section 644 of
22 this title or an act of domestic assault and battery
23 or any comparable acts under the law of another state.

1 The preclusive period shall be until the final determination of the
2 matter. The preclusive period for a person subject to the
3 provisions of a deferred sentence for the offenses mentioned in this
4 paragraph shall be three (3) years and shall begin upon the final
5 determination of the matter.

6 B. Nothing in this section shall be construed to require a full
7 investigation ~~of the applicant~~ by the Oklahoma State Bureau of
8 Investigation.

9 SECTION 26. AMENDATORY 21 O.S. 2011, Section 1290.14, as
10 last amended by Section 2, Chapter 207, O.S.L. 2015 (21 O.S. Supp.
11 2017, Section 1290.14), is amended to read as follows:

12 Section 1290.14.

13 SAFETY AND TRAINING COURSE

14 A. ~~Each applicant for a license to carry a concealed or~~
15 ~~unconcealed handgun pursuant to the Oklahoma Self-Defense Act~~ An
16 eligible person who desires to carry a concealed or unconcealed
17 handgun must successfully complete a firearms safety and training
18 course in this state conducted by a registered and approved firearms
19 instructor as provided by the provisions of this section or from an
20 interactive online firearms safety and training course available
21 electronically via the Internet approved and certified by the
22 Council on Law Enforcement Education and Training before carrying a
23 firearm. The applicant must further demonstrate competence and
24 qualification with an authorized pistol of the type or types that

1 the ~~applicant~~ person desires to carry as a concealed or unconcealed
2 handgun ~~pursuant to the provisions of the Oklahoma Self-Defense Act,~~
3 except certain persons may be exempt from such training requirement
4 as provided by the provisions of Section 1290.15 of this title.

5 B. The Council on Law Enforcement Education and Training
6 (CLEET) shall establish criteria for approving firearms instructors
7 and interactive online firearms safety and training courses
8 available electronically via the Internet for purposes of training
9 and qualifying individuals ~~for a handgun license pursuant to the~~
10 ~~provisions of the Oklahoma Self-Defense Act.~~ Prior to submitting an
11 application for CLEET approval as a firearms instructor, applicants
12 shall attend a firearms instructor school, meeting the following
13 minimum requirements:

14 1. Firearms instructor training conducted by one of the
15 following entities:

- 16 a. Council on Law Enforcement Education and Training,
- 17 b. National Rifle Association,
- 18 c. Oklahoma Rifle Association,
- 19 d. federal law enforcement agencies, or
- 20 e. other professionally recognized organizations;

21 2. The course shall be at least sixteen (16) hours in length;

22 3. Upon completion of the course, the applicant shall be
23 qualified to provide instruction on revolvers, semiautomatic
24 pistols, or both; and

1 4. Receive a course completion certificate.

2 All firearms instructors shall be required to meet the
3 eligibility requirements ~~for a handgun license~~ as provided in
4 Sections ~~1290.9~~, 1290.10~~7~~, and 1290.11 of this title ~~and the~~
5 ~~application shall be processed as provided for applicants in Section~~
6 ~~1290.12 of this title, including the state and national criminal~~
7 ~~history records search and fingerprint search.~~ A firearms
8 instructor shall be required to pay a fee of One Hundred Dollars
9 (\$100.00) to the Council on Law Enforcement Education and Training
10 (CLEET) each time the person makes application for CLEET approval as
11 a firearms instructor pursuant to the provisions of the Oklahoma
12 Self-Defense Act. The fee shall be retained by CLEET and shall be
13 deposited into the Firearms Instructors Revolving Fund. CLEET shall
14 promulgate the rules, forms and procedures necessary to implement
15 the approval of firearms instructors as authorized by the provisions
16 of this subsection. CLEET shall periodically review each approved
17 instructor during a training and qualification course to assure
18 compliance with the rules and course contents. Any violation of the
19 rules may result in the revocation or suspension of CLEET and
20 Oklahoma State Bureau of Investigation approval. Unless the
21 approval has been revoked or suspended, a firearms instructor's
22 CLEET approval shall be for a term of five (5) years. Beginning on
23 July 1, 2003, any firearms instructor who has been issued a four-
24 year CLEET approval shall not be eligible for the five-year approval

1 until the expiration of the approval previously issued. CLEET shall
2 be responsible for notifying all approved firearms instructors of
3 statutory and policy changes related to the Oklahoma Self-Defense
4 Act. A firearms instructor shall not be required to submit his or
5 her fingerprints for a fingerprint search when renewing a firearms
6 instructor's CLEET approval.

7 C. 1. All firearms instructors approved by CLEET to train and
8 qualify individuals ~~for a handgun license~~ shall be required to apply
9 for registration with the Oklahoma State Bureau of Investigation
10 after receiving CLEET approval. All firearms instructors teaching
11 the approved course ~~for a handgun license~~ must display their
12 registration certificate during each training and qualification
13 course. Each approved firearms instructor shall complete a
14 registration form provided by the Bureau and shall have the option
15 to pay a registration fee of either One Hundred Dollars (\$100.00)
16 for a five-year registration certificate or Two Hundred Dollars
17 (\$200.00) for a ten-year registration certificate to the Bureau at
18 the time of each application for registration, except as provided in
19 paragraph 2 of this subsection. Registration certificates issued by
20 the Bureau shall be valid for a period of five (5) years or ten (10)
21 years from the date of issuance. The Bureau shall issue a five-year
22 or ten-year handgun license to an approved firearms instructor at
23 the time of issuance of a registration certificate and no additional
24 fee shall be required or charged. The Bureau shall maintain a

1 current listing of all registered firearms instructors in this
2 state. Nothing in this paragraph shall be construed to eliminate
3 the requirement for registration and training with CLEET as provided
4 in subsection B of this section. Failure to register or be trained
5 as required shall result in a revocation or suspension of the
6 instructor certificate by the Bureau.

7 2. On or after July 1, 2003, the registered instructors listed
8 in subparagraphs a and b of this paragraph shall not be required to
9 renew the firearms instructor registration certificate with the
10 Oklahoma State Bureau of Investigation at the expiration of the
11 registration term, provided the instructor is not subject to any
12 suspension or revocation of the firearms instructor certificate.
13 The firearms instructor registration with the Oklahoma State Bureau
14 of Investigation shall automatically renew ~~together with the handgun~~
15 ~~license authorized in paragraph 1 of this subsection~~ for an
16 additional five-year term and no additional cost or fee may be
17 charged for the following individuals:

- 18 a. an active duty law enforcement officer of this state
19 or any of its political subdivisions or of the federal
20 government who has a valid CLEET approval as a
21 firearms instructor ~~pursuant to the Oklahoma Self-~~
22 ~~Defense Act,~~ and
- 23 b. a retired law enforcement officer authorized to carry
24 a firearm pursuant to Section 1289.8 of this title who

1 has a valid CLEET approval as a firearms instructor
2 ~~pursuant to the Oklahoma Self-Defense Act.~~

3 D. The Oklahoma State Bureau of Investigation shall approve
4 registration for a firearms instructor applicant who is in full
5 compliance with CLEET rules regarding firearms instructors and the
6 provisions of subsection B of this section, if completion of the
7 federal fingerprint search is the only reason for delay of
8 registration of that firearms instructor applicant. Upon receipt of
9 the federal fingerprint search information, if the Bureau receives
10 information which precludes the person from having a handgun
11 license, the Bureau shall revoke ~~both the registration and the~~
12 ~~handgun license previously~~ issued to the firearms instructor.

13 E. The required firearms safety and training course and the
14 actual demonstration of competency and qualification required of the
15 applicant shall be designed and conducted in such a manner that the
16 course can be reasonably completed by the applicant within an eight-
17 hour period. CLEET shall establish the course content and
18 promulgate rules, procedures and forms necessary to implement the
19 provisions of this subsection. For the training and qualification
20 course, an applicant may be charged a fee which shall be determined
21 by the instructor or entity that is conducting the course. The
22 maximum class size shall be determined by the instructor conducting
23 the course; provided, however, practice shooting sessions shall not
24 have more than ten participating students at one time. CLEET may

1 establish criteria for assistant instructors and any other
2 requirements deemed necessary to conduct a safe and effective
3 training and qualification course. The course content shall include
4 a safety inspection of the firearm to be used by the applicant in
5 the training course; instruction on pistol handling, safety and
6 storage; dynamics of ammunition and firing; methods or positions for
7 firing a pistol; information about the criminal provisions of the
8 Oklahoma law relating to firearms; ~~the requirements of the Oklahoma~~
9 ~~Self-Defense Act as it relates to the applicant;~~ self-defense and
10 the use of appropriate force; a practice shooting session; and a
11 familiarization course. The firearms instructor shall refuse to
12 train or qualify any person when the pistol to be used or carried by
13 the person is either deemed unsafe or unfit for ~~firing or is a~~
14 ~~weapon not authorized by the Oklahoma Self-Defense Act.~~ The course
15 shall provide an opportunity for the applicant to qualify himself or
16 herself on either a derringer, a revolver, a semiautomatic pistol or
17 any combination of a derringer, a revolver and a semiautomatic
18 pistol, provided no pistol shall be capable of firing larger than
19 .45 caliber ammunition. Any applicant who successfully trains and
20 qualifies himself or herself with a semiautomatic pistol may be
21 approved by the firearms instructor on the training certificate for
22 a semiautomatic pistol, a revolver and a derringer upon request of
23 the applicant. Any person who qualifies on a derringer or revolver
24 shall not be eligible for a semiautomatic rating until the person

1 has demonstrated competence and qualifications on a semiautomatic
2 pistol. Upon successful completion of the training and
3 qualification course, a certificate of training and a certificate of
4 competency and qualification shall be issued to each applicant who
5 successfully completes the course. The certificate of training and
6 certificate of competency and qualification shall comply with the
7 forms established by CLEET ~~and shall be submitted with an~~
8 ~~application for a handgun license pursuant to the provisions of~~
9 ~~paragraph 2 of subsection A of Section 1290.12 of this title.~~ The
10 certificate of training and certificate of competency and
11 qualification issued to an applicant shall be valid for a period of
12 three (3) years.

13 F. There is hereby created a revolving fund for the Council on
14 Law Enforcement Education and Training (CLEET), to be designated the
15 "Firearms Instructors Revolving Fund". The fund shall be a
16 continuing fund, not subject to fiscal year limitations, and shall
17 consist of all funds received for approval of firearms instructors
18 ~~for purposes of the Oklahoma Self-Defense Act.~~ All funds received
19 shall be deposited to the fund. All monies accruing to the credit
20 of said fund are hereby appropriated and may be budgeted and
21 expended by the Council on Law Enforcement Education and Training,
22 for implementation of the training and qualification course
23 contents, approval of firearms instructors and any other CLEET
24 requirement ~~pursuant to the provisions of the Oklahoma Self-Defense~~

1 ~~Act~~ or as may otherwise be deemed appropriate by CLEET.

2 Expenditures from said fund shall be made upon warrants issued by
3 the State Treasurer against claims filed as prescribed by law with
4 the Director of the Office of Management and Enterprise Services for
5 approval and payment.

6 G. Firearms instructors shall keep on file for a period of not
7 less than three (3) years a roster of each training class, the
8 safety test score of each individual, the caliber and type of weapon
9 each individual used when qualifying and whether or not each
10 individual successfully completed the training course. Firearms
11 instructors shall be authorized to destroy all training documents
12 and records upon expiration of the three-year time period.

13 SECTION 27. AMENDATORY 21 O.S. 2011, Section 1290.15, as
14 last amended by Section 3, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
15 2017, Section 1290.15), is amended to read as follows:

16 Section 1290.15.

17 PERSONS EXEMPT FROM TRAINING COURSE

18 A. The following individuals may be exempt from all or part of
19 the required training and qualification course established pursuant
20 to the provisions of Section 1290.14 of this title:

21 1. A firearms instructor registered with the Oklahoma State
22 Bureau of Investigation ~~for purposes of the Oklahoma Self-Defense~~
23 ~~Act;~~

24

1 2. An active duty or reserve duty law enforcement officer of
2 this state or any of its political subdivisions or of the federal
3 government;

4 3. A retired law enforcement officer authorized by this state
5 pursuant to Section 1289.8 of this title to carry a firearm;

6 4. A Council on Law Enforcement Education and Training (CLEET)
7 certified armed security officer, armed guard, correctional officer,
8 or any other person having a CLEET certification to carry a firearm
9 in the course of their employment;

10 5. A person on active military duty, National Guard duty or
11 regular military reserve duty who is a legal resident of this state
12 and who is trained and qualified in the use of handguns;

13 6. A person honorably discharged from active military duty,
14 National Guard duty or military reserves ~~within twenty (20) years~~
15 ~~preceding the date of the application for a handgun license pursuant~~
16 ~~to the provisions of the Oklahoma Self-Defense Act,~~ who is a legal
17 resident of this state, and who has been trained and qualified in
18 the use of handguns;

19 7. A person retired as a peace officer in good standing from a
20 law enforcement agency located in another state, who is a legal
21 resident of this state, and who has received training equivalent to
22 the training required for CLEET certification in this state; and

23 8. Any person who is otherwise deemed qualified for a training
24 exemption by CLEET.

1 B. No person who is determined to be exempt from training or
2 qualification may carry a concealed or unconcealed firearm pursuant
3 ~~to the authority of the Oklahoma Self-Defense Act~~ until issued a
4 valid handgun license or possesses a valid military identification
5 card as provided for qualified persons in Section 1290.8 of this
6 title.

7 C. Nothing contained in any provision of the Oklahoma Self-
8 Defense Act shall be construed to alter, amend, or modify the
9 authority of any active duty law enforcement officer, or any person
10 certified by the Council on Law Enforcement Education and Training
11 to carry a pistol during the course of their employment, to carry
12 any pistol in any manner authorized by law or authorized by the
13 employing agency.

14 SECTION 28. AMENDATORY 21 O.S. 2011, Section 1290.22, as
15 last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp.
16 2017, Section 1290.22), is amended to read as follows:

17 Section 1290.22.

18 BUSINESS OWNER'S RIGHTS

19 A. Except as provided in subsections B, C and D of this
20 section, ~~nothing contained in any provision of the Oklahoma Self-~~
21 ~~Defense Act~~ shall be construed to limit, restrict or prohibit in any
22 manner the existing rights of any person, property owner, tenant,
23 employer, place of worship or business entity to control the
24

1 possession of weapons on any property owned or controlled by the
2 person or business entity.

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

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

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

23 1. The portion of a public property structure or building
24 during an event authorized by the city, town, county, state or

1 federal governmental authority owning or controlling such building
2 or structure;

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

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

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

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

22 F. A person, property owner, tenant, employer, holder of an
23 event permit, place of worship or business entity that does or does
24 not prohibit any individual except a convicted felon from carrying a

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

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

21 H. Nothing in subsections F and G shall prevent an employer,
22 employee or person who has suffered loss resulting from the
23 discharge of a weapon to seek redress or damages of the person who
24

1 discharged the weapon or used the weapon outside the provisions of
2 the Oklahoma Self-Defense Act.

3 SECTION 29. REPEALER 21 O.S. 2011, Sections 1290.3,
4 1290.17, 1290.19, 1290.20, 1290.23 and 1290.25, as amended by
5 Sections 24, 36, 38, 39, 41, 42, and 43, Chapter 259, O.S.L. 2012
6 (21 O.S. Supp. 2017, Sections 1290.3, 1290.17, 1290.19, 1290.20,
7 1290.23, 1290.24 and 1290.25) are hereby repealed.

8 SECTION 30. REPEALER 21 O.S. 2011, Section 1290.5, as
9 last amended by Section 1, Chapter 122, O.S.L. 2014 (21 O.S. Supp.
10 2017, Section 1290.5), is hereby repealed.

11 SECTION 31. REPEALER 21 O.S. 2011, Sections 1290.7 and
12 1290.21, as last amended by Sections 3 and 6, Chapter 366, O.S.L.
13 2013 (21 O.S. Supp. 2017, Sections 1290.7 and 1290.21), are hereby
14 repealed.

15 SECTION 32. REPEALER 21 O.S. 2011, Section 1290.8, as
16 last amended by Section 1, Chapter 298, O.S.L. 2017 (O.S. Supp.
17 2017, Section 1290.8), is hereby repealed.

18 SECTION 33. REPEALER 21 O.S. 2011, Section 1290.9, as
19 last amended by Section 2, Chapter 4, O.S.L. 2017 (21 O.S. Supp.
20 2017, Section 1290.9), is hereby repealed.

21 SECTION 34. REPEALER 21 O.S. 2011, Section 1290.12, as
22 last amended by Section 2, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
23 2017, Section 1290.12), is hereby repealed.

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1 SECTION 35. REPEALER 21 O.S. 2011, Section 1290.13, as
2 last amended by Section 1, Chapter 161, O.S.L. 2014 (21 O.S. Supp.
3 2017, Section 1290.13), is hereby repealed.

4 SECTION 36. REPEALER 21 O.S. 2011, Section 1290.16, is
5 hereby repealed.

6 SECTION 37. REPEALER 21 O.S. 2011, Section 1290.18, as
7 last amended by Section 1, Chapter 200, O.S.L. 2015 (21 O.S. Supp.
8 2017, Section 1290.18), is hereby repealed.

9 SECTION 38. REPEALER 21 O.S. 2011, Section 1290.24, as
10 last amended by Section 3, Chapter 185, O.S.L. 2016 (21 O.S. Supp.
11 2017, Section 1290.24), is hereby repealed.

12 SECTION 39. REPEALER 21 O.S. 2011, Section 1290.26, as
13 last amended by Section 4, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
14 2017, Section 1290.26), is hereby repealed.

15 SECTION 40. This act shall become effective November 1, 2018.

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