

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2597

6 By: Echols, Mize, Crosswhite
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11 COMMITTEE SUBSTITUTE

12 An Act relating to firearms; amending 21 O.S. 2011,
13 Section 1272, as last amended by Section 1, Chapter
14 68, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1272),
15 which relates to the unlawful carry of firearms;
16 adding exception to certain prohibited act; amending
17 21 O.S. 2011, Section 1277, as last amended by
18 Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp.
19 2018, Section 1277), which relates to the unlawful
20 carry of firearms in certain places; expanding scope
21 of crime to include certain persons; updating handgun
22 references; clarifying construing provision related
23 to the possession of firearms on certain property;
24 expanding scope of certain prohibited act on
university property; amending 21 O.S. 2011, Section
1283, as last amended by Section 1, Chapter 179,
O.S.L. 2014 (21 O.S. Supp. 2018, Section 1283), which
relates to penalties for unlawfully carrying firearms
by convicted felons and delinquents; making certain
act unlawful; providing penalties; amending 21 O.S.
2011, Sections 1289.6, as last amended by Section 1,
Chapter 268, O.S.L. 2016, 1289.7, as amended by
Section 12, Chapter 259, O.S.L. 2012, 1289.13, as
amended by Section 18, Chapter 259, O.S.L. 2012,
1289.13A, as amended by Section 19, Chapter 259,
O.S.L. 2012 and 1289.24, as last amended by Section
1, Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2018,
Sections 1289.6, 1289.7, 1289.13, 1289.13A and
1289.24), which relate to the Oklahoma Firearms Act
of 1971; clarifying manner by which firearms may be

1 lawfully carried; adding condition that allows for
2 firearms to be lawfully carried; deleting certain
3 conditions related to the carrying of unloaded
4 firearms; clarifying manner by which firearms may be
5 transported in motor vehicles; deleting certain
6 definition; making certain acts unlawful; providing
7 penalties; deleting statutory references and
8 references to certain act; clarifying scope of
9 certain prohibited act; modifying statutory
10 reference; expanding scope of certain prohibited act;
11 making issuance of citation discretionary; modifying
12 firearm confiscation requirements; changing statutory
13 reference in state preemption requirements; amending
14 21 O.S. 2011, Sections 1290.1, 1290.7, as last
15 amended by Section 3, Chapter 366, O.S.L. 2013,
16 1290.8, as last amended by Section 3, Chapter 68,
17 O.S.L. 2018 and 1290.22, as last amended by Section
18 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp. 2018,
19 Sections 1290.7, 1290.8 and 1290.22), which relate to
20 the Oklahoma Self-Defense Act; updating statutory
21 references; providing construing provision related to
22 the carrying of handguns or pistols without a handgun
23 license; deleting penalty for certain prohibited act;
24 clarifying firearm notification requirements; making
penalty for certain prohibited act discretionary;
clarifying scope of certain prohibited act; and
providing an effective date.

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

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

Section 1272.

UNLAWFUL CARRY

A. It shall be unlawful for any person to carry upon or about
his or her person, or in a purse or other container belonging to the

1 person, any pistol, revolver, shotgun or rifle whether loaded or
2 unloaded or any blackjack, loaded cane, hand chain, metal knuckles,
3 or any other offensive weapon, whether such weapon be concealed or
4 unconcealed, except this section shall not prohibit:

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

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

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

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

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

1 historical, antique or vintage clothing, accessories, firearms,
2 weapons, and other implements of the historical period; or

3 6. The carrying of a firearm, concealed or unconcealed, loaded
4 or unloaded, by a person who is twenty-one (21) years of age or
5 older or by a person who is eighteen (18) years of age but not yet
6 twenty-one (21) years of age and the person is a member or veteran
7 of the United States Armed Forces, Reserves or National Guard or was
8 discharged under honorable conditions from the United States Armed
9 Forces, Reserves or National Guard, and the person is otherwise not
10 disqualified from the possession or purchase of a firearm under
11 state or federal law and is not carrying the firearm in furtherance
12 of a crime.

13 Except as provided in subsection B of Section 1283 of this
14 title, a person who has been convicted of any one of the following
15 offenses in this state or a violation of the equivalent law of
16 another state:

17 a. assault and battery pursuant to the provisions of
18 Section 644 of this title which caused serious
19 physical injury to the victim,

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

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

24

1 d. stalking pursuant to the provisions of Section 1173 of
2 this title,

3 e. a violation of an order issued under the Protection
4 from Domestic Abuse Act or a domestic abuse protection
5 order issued by another state, or

6 f. a violation relating to illegal drug use or possession
7 under the provisions of the Uniform Controlled
8 Dangerous Substances Act,

9 shall be prohibited from carrying a firearm under the provisions of
10 this paragraph. Any person who carries a firearm in the manner
11 provided for in this paragraph shall be prohibited from carrying the
12 firearm into any of the places prohibited in subsection A of Section
13 1277 of this title or any other place currently prohibited by law.
14 Nothing in this section shall modify or otherwise change where a
15 person may legally carry a firearm.

16 B. Any person convicted of violating the foregoing provision
17 shall be guilty of a misdemeanor punishable as provided in Section
18 1276 of this title.

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

22 Section 1277.

23 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

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

20 6. Any other place specifically prohibited by law.

21 B. For purposes of subsection A of this section, the prohibited
22 place does not include and specifically excludes the following
23 property:

24

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

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

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

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

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

22 Nothing contained in any provision of this subsection or
23 subsection C of this section shall be construed to authorize or
24 allow any person in control of any place described in subsection A

1 of this section to establish any policy or rule that has the effect
2 of prohibiting any person in lawful possession of a handgun license
3 ~~from or otherwise in lawful possession of a handgun allowable under~~
4 ~~such license in places~~ firearm from carrying or possessing the
5 firearm on the property described in this subsection.

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

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

1 personnel specifically designated by the board of education,
2 provided such personnel either:

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

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

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

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

18 F. No person in possession of a valid handgun license issued
19 pursuant to the provisions of the Oklahoma Self-Defense Act or who
20 is carrying or in possession of a handgun as otherwise permitted by
21 law or who is carrying or in possession of a blackjack, loaded cane,
22 hand chain or metal knuckles shall be authorized to carry the
23 handgun, blackjack, loaded cane, hand chain or metal knuckles into
24 or upon any college, university or technology center school

1 property, except as provided in this subsection. For purposes of
2 this subsection, the following property shall not be construed as
3 ~~prohibited for persons having a valid handgun license~~ to be college,
4 university or technology center school property:

5 1. Any property set aside for the use or parking of any
6 vehicle, whether attended or unattended, provided the handgun,
7 blackjack, loaded cane, hand chain or metal knuckles is carried or
8 stored as required by law and the handgun, blackjack, loaded cane,
9 hand chain or metal knuckles is not removed from the vehicle without
10 the prior consent of the college or university president or
11 technology center school administrator while the vehicle is on any
12 college, university or technology center school property;

13 2. Any property authorized for possession or use of handguns,
14 blackjacks, loaded canes, hand chains or metal knuckles by college,
15 university or technology center school policy; and

16 3. Any property authorized by the written consent of the
17 college or university president or technology center school
18 administrator, provided the written consent is carried with the
19 handgun, blackjack, loaded cane, hand chain or metal knuckles and
20 the valid handgun license while on college, university or technology
21 center school property.

22 The college, university or technology center school may notify
23 the Oklahoma State Bureau of Investigation within ten (10) days of a
24 violation of any provision of this subsection by a licensee. Upon

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

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

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

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

24

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;

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 5. The sheriff of any county may authorize certain employees of
17 the county, who possess a valid handgun license issued pursuant to
18 the provisions of the Oklahoma Self-Defense Act, to carry a
19 concealed handgun when acting in the course and scope of employment
20 within the courthouses in the county in which the person is
21 employed. Nothing in this act shall prohibit the sheriff from
22 requiring additional instruction or training before receiving
23 authorization to carry a concealed handgun within the courthouse.
24 The provisions of this paragraph and of paragraph 6 of this

1 subsection shall not allow the county employee to carry the handgun
2 into a courtroom, sheriff's office, adult or juvenile jail or any
3 other prisoner detention area; and

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

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

12 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1283, as
13 last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.
14 2018, Section 1283), is amended to read as follows:

15 Section 1283.

16 CONVICTED FELONS AND DELINQUENTS

17 A. Except as provided in subsection B of this section, it shall
18 be unlawful for any person convicted of any felony in any court of
19 this state or of another state or of the United States to have in
20 his or her possession or under his or her immediate control, or in
21 any vehicle which the person is operating, or in which the person is
22 riding as a passenger, or at the residence where the convicted
23 person resides, any pistol, imitation or homemade pistol, altered
24

1 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
2 other dangerous or deadly firearm.

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

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

23 D. It shall be unlawful for any person previously adjudicated
24 as a delinquent child or a youthful offender for the commission of

1 an offense, which would have constituted a felony offense if
2 committed by an adult, to have in the possession of the person or
3 under the immediate control of the person, or have in any vehicle
4 which he or she is driving or in which the person is riding as a
5 passenger, or at the residence of the person, any pistol, imitation
6 or homemade pistol, altered air or toy pistol, machine gun, sawed-
7 off shotgun or rifle, or any other dangerous or deadly firearm
8 within ten (10) years after such adjudication; provided, that
9 nothing in this subsection shall be construed to prohibit the
10 placement of the person in a home with a full-time duly appointed
11 peace officer who is certified by the Council on Law Enforcement
12 Education and Training (CLEET) pursuant to the provisions of Section
13 3311 of Title 70 of the Oklahoma Statutes.

14 E. It shall be unlawful for any person who is an alien
15 illegally or unlawfully in the United States to have in the
16 possession of the person or under the immediate control of the
17 person, or in any vehicle the person is operating, or at the
18 residence where the person resides, any pistol, imitation or
19 homemade pistol, altered air or toy pistol, shotgun, rifle or any
20 other dangerous or deadly firearm; provided, that nothing in this
21 subsection applies to prohibit the transport or detention of the
22 person by law enforcement officers or federal immigration
23 authorities. Any person who violates the provisions of this
24

1 subsection shall, upon conviction, be guilty of a misdemeanor
2 punishable by a fine of Two Hundred Fifty Dollars (\$250.00).

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

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

20 ~~H.~~ I. 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.~~ J. 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.~~ K. 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 4. AMENDATORY 21 O.S. 2011, Section 1289.6, as
7 last amended by Section 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp.
8 2018, Section 1289.6), is amended to read as follows:

9 Section 1289.6

10 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

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

15 1. When hunting animals or fowl;

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

19 3. During participation in or in preparation for a military
20 function of the state military forces to be defined as the Oklahoma
21 Army or Air National Guard, ~~Federal Military Reserve~~ federal
22 military reserve and active military forces. It is further provided
23 that Oklahoma Army or Air National Guard personnel with proper
24 authorization and performing a military function may carry loaded or

1 unloaded and concealed weapons on Oklahoma Military Department
2 facilities in accordance with rules promulgated by the Adjutant
3 General;

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

7 5. During a practice for or a performance for entertainment
8 purposes;

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

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

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

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

21 ~~1.~~ ~~When~~ and when going to or from the person's private
22 residence or vehicle ~~or a vehicle in which the person is riding as a~~
23 ~~passenger to a place designated or authorized for firearms repairs~~
24 ~~or reconditioning, or for firearms trade, sale, or barter, or~~

1 ~~gunsmith, or hunting animals or fowl, or hunter safety course, or~~
2 ~~target shooting, or skeet or trap shooting or any recognized~~
3 ~~firearms activity or event and while in such places; or~~

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

6 C. The provisions of this section shall not be construed to
7 prohibit educational or recreational activities, exhibitions,
8 displays or shows involving the use or display of rifles, shotguns
9 or pistols or other weapons if the activity is approved by the
10 property owner and sponsor of the activity.

11 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1289.7, as
12 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018,
13 Section 1289.7), is amended to read as follows:

14 Section 1289.7

15 FIREARMS IN VEHICLES

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

1 B. Any person, ~~except a convicted felon,~~ who is not otherwise
2 prohibited by law from possessing a firearm may transport in a motor
3 vehicle a rifle or shotgun open or ~~concealed behind a seat of the~~
4 ~~vehicle or within the interior of the vehicle,~~ provided the rifle or
5 shotgun is ~~not clip, magazine or chamber loaded.~~ The authority to
6 ~~transport a clip or magazine loaded rifle or shotgun shall be~~
7 transported pursuant to the requirements of Section 1289.13 of this
8 title.

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

17 D. It shall be unlawful for any person transporting a firearm
18 in a motor vehicle to fail or refuse to identify that the person is
19 in actual possession of a firearm when asked to do so by a law
20 enforcement officer of this state during any arrest, detainment or
21 routine traffic stop. Any person who violates the provisions of
22 this subsection may be issued a citation for an amount not to exceed
23 One Hundred Dollars (\$100.00).
24

1 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.13, as
2 amended by Section 18, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018,
3 Section 1289.13), is amended to read as follows:

4 Section 1289.13

5 TRANSPORTING A LOADED FIREARM

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

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

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

1 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
2 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018,
3 Section 1289.13A), is amended to read as follows:

4 Section 1289.13A

5 IMPROPER TRANSPORTATION OF FIREARMS

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

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

24

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

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

7 a. contraband, or

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

10 C. Nothing in this section shall be construed to require
11 confiscation of any firearm.

12 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1289.24, as
13 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.
14 2018, Section 1289.24), is amended to read as follows:

15 Section 1289.24

16 FIREARM REGULATION - STATE PREEMPTION

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

1 2. A municipality may adopt any ordinance:

2 a. relating to the discharge of firearms within the
3 jurisdiction of the municipality, and

4 b. allowing the municipality to issue a traffic citation
5 for transporting a firearm improperly as provided for
6 in Section 1289.13A of this title, provided, however,
7 that penalties contained for violation of any
8 ordinance enacted pursuant to the provisions of this
9 subparagraph shall not exceed the penalties
10 established in the Oklahoma Self-Defense Act.

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

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

20 B. No municipality or other political subdivision of this state
21 shall adopt any order, ordinance, or regulation concerning in any
22 way the sale, purchase, purchase delay, transfer, ownership, use,
23 keeping, possession, carrying, bearing, transportation, licensing,
24 permit, registration, taxation other than sales and compensating use

1 taxes, or other controls on firearms, knives, components,
2 ammunition, and supplies.

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

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

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

17 Section 1290.1

18 SHORT TITLE

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

21 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.7, as
22 last amended by Section 3, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
23 2018, Section 1290.7), is amended to read as follows:

24 Section 1290.7

1 Section 1290.8

2 POSSESSION OF LICENSE REQUIRED

3 NOTIFICATION TO POLICE OF GUN

4 A. Except as otherwise prohibited by law, an eligible person
5 shall have authority to carry a concealed or unconcealed handgun in
6 this state when:

7 1. The person has been issued a handgun license from the
8 Oklahoma State Bureau of Investigation pursuant to the provisions of
9 the Oklahoma Self-Defense Act, provided the person is in compliance
10 with the provisions of the Oklahoma Self-Defense Act, and the
11 license has not expired or been subsequently suspended or revoked;

12 or

13 2. The person is twenty-one (21) years of age or older, and is
14 either:

15 a. active military, or

16 b. a member of the Reserve or National Guard to include
17 Drill Status Guard and Reserve, Active Guard Reserves
18 or Military Technicians,

19 and presents a valid military identification card that shall be
20 considered a valid handgun license issued pursuant to the Oklahoma
21 Self-Defense Act.

22 B. A person in possession of a valid handgun license or who
23 meets the criteria and presents a valid military identification card
24 as provided for in this section and in compliance with the

1 provisions of the Oklahoma Self-Defense Act shall be authorized to
2 carry such concealed or unconcealed handgun while scouting as it
3 relates to hunting or fishing or while hunting or fishing.

4 C. The person shall be required to have possession of his or
5 her valid handgun license or valid military identification card as
6 provided for qualified persons in this section and a valid Oklahoma
7 driver license or an Oklahoma State photo identification at all
8 times when in possession of an authorized pistol. The person shall
9 display the handgun license or a valid military identification card
10 as provided for qualified persons in this section on demand of a law
11 enforcement officer; provided, however, that in the absence of
12 reasonable and articulable suspicion of other criminal activity, an
13 individual carrying an unconcealed or concealed handgun shall not be
14 disarmed or physically restrained unless the individual fails to
15 display a valid handgun license or a valid military identification
16 card as provided for qualified persons in this section in response
17 to that demand. Any violation of the provisions of this subsection
18 may be punishable as a criminal offense as authorized by Section
19 1272 of this title or pursuant to any other applicable provision of
20 law. ~~Any second or subsequent violation of the provisions of this~~
21 ~~subsection shall be grounds for the Bureau to suspend the handgun~~
22 ~~license for a period of six (6) months, in addition to any other~~
23 ~~penalty imposed.~~

24

1 Upon the arrest of any person for a violation of the provisions
2 of this subsection, the person may show proof to the court that a
3 valid handgun license and the other required identification has been
4 issued to such person and the person may state any reason why the
5 handgun license, a valid military identification card as provided
6 for qualified persons in this section or the other required
7 identification was not carried by the person as required by the
8 Oklahoma Self-Defense Act. The court shall dismiss an alleged
9 violation of Section 1272 of this title upon payment of court costs,
10 if proof of a valid handgun license and other required
11 identification is shown to the court within ten (10) days of the
12 arrest of the person. The court shall report a dismissal of a
13 charge to the Bureau for consideration of administrative proceedings
14 against the licensee.

15 D. It shall be unlawful for any person to fail or refuse to
16 identify the fact that the person is in actual possession of a
17 concealed or unconcealed ~~handgun~~ firearm pursuant to the authority
18 of the Oklahoma Self-Defense Act ~~when the person comes into contact~~
19 ~~with any law enforcement officer of this state or its political~~
20 ~~subdivisions or a federal law enforcement officer~~ during the course
21 of any arrest, detainment, or routine traffic stop. Said
22 identification to the law enforcement officer shall be ~~made at~~
23 required upon the first opportunity demand of the law enforcement
24 officer. No person shall be required to identify himself or herself

1 as a handgun licensee or as lawfully in possession of any other
2 firearm if the law enforcement officer does not demand the
3 information. No person shall be required to identify himself or
4 herself as a handgun licensee when no handgun is in the possession
5 of the person or in any vehicle in which the person is driving or is
6 a passenger. Any violation of the provisions of this subsection
7 ~~shall, upon conviction, may be a misdemeanor punishable by a fine~~
8 issued a citation for an amount not exceeding One Hundred Dollars
9 (\$100.00).

10 E. Any law enforcement officer coming in contact with a person
11 whose handgun license is suspended, revoked, or expired, or who is
12 in possession of a handgun license which has not been lawfully
13 issued to that person, shall confiscate the license and return it to
14 the Oklahoma State Bureau of Investigation for appropriate
15 administrative proceedings against the licensee when the license is
16 no longer needed as evidence in any criminal proceeding.

17 F. Nothing in this section shall be construed to authorize a
18 law enforcement officer to inspect any weapon properly concealed or
19 unconcealed without probable cause that a crime has been committed.

20 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1290.22, as
21 last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp.
22 2018, Section 1290.22), is amended to read as follows:

23 Section 1290.22

24 BUSINESS OWNER'S RIGHTS

1 A. Except as provided in subsections B, C and D of this
2 section, nothing contained in any provision of the Oklahoma Self-
3 Defense Act shall be construed to limit, restrict or prohibit in any
4 manner the existing rights of any person, property owner, tenant,
5 employer, place of worship or business entity to control the
6 possession of weapons on any property owned or controlled by the
7 person or business entity.

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

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

20 D. No person, property owner, tenant, employer, holder of an
21 event permit, place of worship or business entity shall be permitted
22 to establish any policy or rule that has the effect of prohibiting
23 any person from carrying a concealed or unconcealed firearm on
24 property within the specific exclusion provided for in paragraph 4

1 of subsection B of Section 1277 of this title; provided that
2 carrying a concealed or unconcealed firearm may be prohibited in the
3 following places:

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

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

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

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

19 E. The otherwise lawful carrying of a concealed or unconcealed
20 firearm by a person ~~who has been issued a handgun license~~ on
21 property that has signs prohibiting the carrying of firearms shall
22 not be deemed a criminal act but may subject the person to being
23 denied entrance onto the property or removed from the property. If
24 the person ~~refuses~~ refuses:

1 1. Has been informed by the property owner, business entity or
2 manager of the business that the person is in violation of a policy
3 that prohibits firearms on the property; and

4 2. Refuses to leave the property and a peace officer is
5 summoned,
6 the person may ~~be issued a citation for an amount not to exceed Two~~
7 ~~Hundred Fifty Dollars (\$250.00)~~ be punished as provided in Section
8 1276 of this title.

9 F. A person, property owner, tenant, employer, holder of an
10 event permit, place of worship or business entity that does or does
11 not prohibit any individual, except a convicted felon, from carrying
12 a loaded or unloaded, concealed or unconcealed weapon on property
13 that the person, property owner, tenant, employer, holder of an
14 event permit, place of worship or business entity owns, or has legal
15 control of, is immune from any liability arising from that decision.
16 Except for acts of gross negligence or willful or wanton misconduct,
17 an employer who does or does not prohibit ~~their~~ his or her employees
18 from carrying a concealed or unconcealed weapon is immune from any
19 liability arising from that decision. A person, property owner,
20 tenant, employer, holder of an event permit, place of worship or
21 business entity that does not prohibit persons from carrying a
22 concealed or unconcealed weapon pursuant to subsection D of this
23 section shall be immune from any liability arising from the carrying
24 of a concealed or unconcealed weapon, while in the scope of

1 employment, on the property or in or about a business entity
2 vehicle. The provisions of this subsection shall not apply to
3 claims pursuant to the Administrative Workers' Compensation Act.

4 G. It shall not be considered part of an employee's job
5 description or within the employee's scope of employment if an
6 employee is allowed to carry or discharge a weapon pursuant to this
7 section.

8 H. Nothing in subsections F and G of this section shall prevent
9 an employer, employee or person who has suffered loss resulting from
10 the discharge of a weapon to seek redress or damages of the person
11 who discharged the weapon or used the weapon outside the provisions
12 of the Oklahoma Self-Defense Act.

13 SECTION 13. This act shall become effective November 1, 2019.

14

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