

1 ENGROSSED HOUSE
2 BILL NO. 2645

By: Echols, Davis, Roberts
(Sean), West (Kevin),
Hardin (David), McDugle,
Steagall and Crosswhite
Hader of the House

4
5 and

6 Bergstrom, Murdock,
7 Bullard, Hamilton and
8 Stephens of the Senate

9 An Act relating to firearms; amending 21 O.S. 2011,
10 Section 1272, as last amended by Section 1, Chapter
11 1, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1272),
12 which relates to the unlawful carry of firearms;
13 clarifying manner by which firearms may be
14 transported on public roadways; amending 21 O.S.
15 2011, Sections 1272.1, as amended by Section 2,
16 Chapter 259, O.S.L. 2012 and 1272.2, as amended by
17 Section 3, Chapter 259, O.S.L. 2012 (21 O.S. Supp.
18 2020, Sections 1272.1 and 1272.2), which relate to
19 carrying firearms where liquor is consumed; updating
20 statutory citations; modifying exception to include
21 employees of establishments and armed security
22 guards; authorizing the carrying and possession of
23 weapons into restaurants and certain establishments;
24 providing penalty; making certain acts unlawful;
providing penalty; defining term; modifying scope of
certain prohibited act; reducing and deleting certain
penalties; amending 21 O.S. 2011, Section 1277, as
last amended by Section 1, Chapter 235, O.S.L. 2019
(21 O.S. Supp. 2020, Section 1277), which relates to
the unlawful carry of firearms in certain places;
deleting reference to certain governmental authority;
prohibiting the carry of firearms on government
property with minimum-security provisions; describing
minimum-security features; clarifying exemption that
authorizes the possession of firearms on certain
property; authorizing concealed carry of firearms on
government property during permitted events that lack
minimum-security provisions; providing certain
limitation; authorizing open carry of firearms on

1 property of nonprofit entities and public trusts with
2 permission; authorizing municipalities to allow for
3 the carry of concealed firearms by municipal
4 employees or municipal public officials; providing
5 eligibility requirements; stating manner in which
6 firearms shall be carried and stored; providing
7 exemption from liability under certain circumstances;
8 prohibiting the carrying of firearms at certain
9 locations; providing penalty; defining term;
10 providing construing provision related to the
11 carrying of firearms by municipal employees or
12 municipal public officials; amending 21 O.S. 2011,
13 Section 1280.1, as last amended by Section 2, Chapter
14 310, O.S.L. 2015 (21 O.S. Supp. 2020, Section
15 1280.1), which relates to possessing firearms on
16 school property; modifying circumstances that
17 authorize the carry of firearms and weapons on school
18 property; clarifying liability clause; amending 21
19 O.S. 2011, Sections 1289.2, 1289.7, as last amended
20 by Section 5, Chapter 1, O.S.L. 2019, 1289.13A, as
21 last amended by Section 7, Chapter 1, O.S.L. 2019 and
22 1289.24, as last amended by Section 8, Chapter 1,
23 O.S.L. 2019 (21 O.S. Supp. 2020, Sections 1289.7,
24 1289.13A and 1289.24), which relate to the Oklahoma
Firearms Act of 1971; modifying scope of legislative
findings related to the use of firearms; stating
manner in which loaded and unloaded firearms may be
transported in vehicles; deleting transport
requirements for rifles and shotguns and exception to
certain prohibited act; modifying scope of certain
prohibited act; providing for the return of
ammunition under certain circumstances; clarifying
certain preemption provision and certain mandate;
specifying circumstances which authorize the filing
of civil actions against certain persons and
entities; providing for the award of reasonable
expenses under specific conditions; defining term;
amending 21 O.S. 2011, Sections 1290.2, as last
amended by Section 4, Chapter 63, O.S.L. 2019,
1290.4, as amended by Section 25, Chapter 259, O.S.L.
2012, 1290.6, as amended by Section 27, Chapter 259,
O.S.L. 2012, 1290.7, as last amended by Section 10,
Chapter 1, O.S.L. 2019, 1290.8, as last amended by
Section 4, Chapter 406, O.S.L. 2019, 1290.22, as last
amended by Section 12, Chapter 1, O.S.L. 2019,
1290.24, as last amended by Section 13, Chapter 1,
O.S.L. 2019, 1290.25, as amended by Section 43,

1 Chapter 259, O.S.L. 2012 and 1290.26, as last amended
2 by Section 4, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
3 2020, Sections 1290.2, 1290.4, 1290.6, 1290.7,
4 1290.8, 1290.22, 1290.24, 1290.25 and 1290.26), which
5 relate to the Oklahoma Self-Defense Act; clarifying
6 definitions and updating statutory citations;
7 removing references to handguns; defining terms;
8 specifying persons authorized to lawfully carry or
9 transport firearms; modifying scope of certain
10 prohibited act; clarifying construing provisions
11 related to the carrying of firearms; providing
12 statutory references; specifying conditions that
13 allow for the carry of firearms in this state;
14 requiring possession of certain license or
15 identification when carrying or possessing a firearm
16 while scouting; requiring possession of certain
17 license or identification card when possessing a
18 firearm; allowing certain documents to be displayed
19 when demanded by law enforcement; allowing certain
20 licenses or identification cards to be offered as
21 proof; modifying elements of certain prohibited act;
22 expanding scope of business owner's rights to include
23 liquor stores; providing penalty; modifying
24 legislative intent regarding the issuance of
licenses; clarifying reciprocity requirements of the
state; requiring persons to disclose possession of
firearm upon request of law enforcement; removing
requirement that the Department of Public Safety keep
a list of nonpermitting states for law enforcement
reference; repealing 21 O.S. 2011, Section 1289.13,
as last amended by Section 6, Chapter 1, O.S.L. 2019
(21 O.S. Supp. 2020, Section 1289.13), which relates
to the improper transportation of firearms; and
declaring an emergency.

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

22 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
23 last amended by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
24 2020, Section 1272), is amended to read as follows:

1 Section 1272.

2 UNLAWFUL CARRY

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

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

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

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

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

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

9 6. The transporting by vehicle on a public roadway or the
10 carrying of a firearm, concealed or unconcealed, loaded or unloaded,
11 by a person who is twenty-one (21) years of age or older or by a
12 person who is eighteen (18) years of age but not yet twenty-one (21)
13 years of age and the person is a member or veteran of the United
14 States Armed Forces, Reserves or National Guard or was discharged
15 under honorable conditions from the United States Armed Forces,
16 Reserves or National Guard, and the person is otherwise not
17 disqualified from the possession or purchase of a firearm under
18 state or federal law and is not carrying the firearm in furtherance
19 of a crime.

20 Except as provided in subsection B of Section 1283 of this
21 title, a person who has been convicted of any one of the following
22 offenses in this state or a violation of the equivalent law of
23 another state:

24

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

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

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. 2020,
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~~ a person to carry or possess
10 any weapon designated in Section 1272 of this title in any
11 establishment where ~~low point beer~~ the sale of alcoholic beverages,
12 as defined by Section ~~163.2~~ 1-103 of Title ~~37~~ 37A of the Oklahoma
13 Statutes, ~~or alcoholic beverages, as defined by Section 506 of Title~~
14 ~~37 of the Oklahoma Statutes, are consumed~~ constitutes the primary
15 purpose of the business. This provision shall not apply to ~~a~~ :

16 1. A peace officer, as defined in Section 99 of this title, or
17 ~~to private investigators~~ investigator or armed security guard with a
18 firearms authorization when acting in the scope and course of
19 employment, ~~and shall not apply to an;~~

20 2. An owner or proprietor of the establishment ~~having a pistol,~~
21 ~~rifle, or shotgun on the premises. Provided however,;~~ or

22 3. An employee of the establishment who has permission from the
23 owner or proprietor of the establishment to carry or possess a
24 weapon while in the scope and course of employment.

1 B. It shall be lawful for a person possessing a valid handgun
2 ~~license pursuant to the provisions of the Oklahoma Self-Defense Act~~
3 ~~may to carry the concealed or unconcealed handgun or possess any~~
4 ~~weapon designated in Section 1272 of this title into any restaurant~~
5 or other establishment licensed to dispense ~~low-point beer or~~
6 alcoholic beverages where the sale of ~~low-point beer or~~ alcoholic
7 beverages does not constitute the primary purpose of the business.

8 ~~Provided further, nothing~~ C. Nothing in this section shall be
9 interpreted to authorize any peace officer in actual physical
10 possession of a weapon to consume ~~low-point beer or~~ alcoholic
11 beverages, except in the authorized line of duty as an undercover
12 officer.

13 D. Nothing in this section shall be interpreted to authorize
14 any person, employee, private investigator or armed security guard
15 with or without a firearms authorization in actual physical
16 possession of a weapon to consume ~~low-point beer or~~ alcoholic
17 beverages in any establishment where ~~low-point beer or~~ alcoholic
18 beverages are consumed.

19 ~~B.~~ E. Any person violating the provisions of this section
20 shall, upon conviction, be ~~punished as provided in Section 1272.2 of~~
21 ~~this title~~ guilty of a misdemeanor punishable by a fine not to
22 exceed Two Hundred Fifty Dollars (\$250.00).

23 F. Any person who intentionally or knowingly carries or
24 possesses any weapon in violation of the provisions of this section

1 and refuses to leave the establishment or the property of the
2 establishment shall, upon conviction, be guilty of a misdemeanor
3 punishable by a fine not to exceed Two Hundred Fifty Dollars
4 (\$250.00).

5 G. As used in this section, "consume" means the act of drinking
6 or ingesting alcoholic beverages or eating a product containing
7 alcohol.

8 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1272.2, as
9 amended by Section 3, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
10 Section 1272.2), is amended to read as follows:

11 Section 1272.2

12 PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

13 Any ~~person~~ patron who intentionally or knowingly carries on his
14 or her person any weapon in violation of Section 1272.1 of this
15 title, and refuses to leave said property shall, upon conviction, be
16 guilty of a ~~felony~~ misdemeanor punishable by a fine not to exceed
17 ~~One Thousand Dollars (\$1,000.00), or imprisonment in the custody of~~
18 ~~the Department of Corrections for a period not to exceed two (2)~~
19 ~~years, or by both such fine and imprisonment~~ Two Hundred Fifty
20 Dollars (\$250.00).

21 ~~Any person convicted of violating the provisions of this section~~
22 ~~after having been issued a handgun license pursuant to the~~
23 ~~provisions of the Oklahoma Self-Defense Act shall have the license~~
24 ~~revoked by the Oklahoma State Bureau of Investigation after a~~

1 ~~hearing and determination that the person is in violation of Section~~
2 ~~1272.1 of this title.~~

3 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1277, as
4 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.
5 2020, Section 1277), is amended to read as follows:

6 Section 1277.

7 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

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

3 6. Any other place specifically prohibited by law; and

4 7. Any property set aside by a county, city, town, public trust
5 with a county, city or town as a beneficiary, or state governmental
6 authority for an event that is secured with minimum-security
7 provisions. For purposes of this paragraph, a minimum-security
8 provision consists of a location that is secured utilizing the
9 following:

10 a. a metallic-style security fence that is at least eight
11 (8) feet in height that encompasses the property and
12 is secured in such a way as to deter unauthorized
13 entry,

14 b. controlled access points staffed by a uniformed,
15 commissioned peace officer, and

16 c. a metal detector whereby persons walk or otherwise
17 travel with their property through or by the metal
18 detector.

19 B. ~~For purposes of subsection A of this section, the prohibited~~
20 ~~place does not include and specifically excludes~~ It shall be lawful
21 for a person to carry a concealed or unconcealed firearm on the
22 following ~~property~~ properties:

23
24

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

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

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

24

1 6. Any public property set aside temporarily by a county, city,
2 town, public trust with a county, city or town as a beneficiary, or
3 state governmental authority for the holder of an event permit that
4 is without minimum-security provisions, as such term is defined in
5 paragraph 7 of subsection A of this section; provided, the carry of
6 firearms within said permitted event area shall be limited to
7 concealed carry of a handgun unless otherwise authorized by the
8 holder of the event permit.

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 or otherwise in lawful possession of a firearm from carrying or
15 possessing the firearm on the property 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 not be ~~immune from~~ subject to liability for any
4 injuries arising from the adoption of the policy. The provisions of
5 this subsection shall not apply to claims pursuant to the
6 Administrative Workers' 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. ~~In~~ Notwithstanding the provisions of subsection A of this
20 section, on any property designated by a municipality by statute,
21 ordinance, resolution, policy or use as a municipal zoo or park of
22 any size that is owned, leased, operated or managed by:

- 23 1. A public trust created pursuant to the provisions of Section
24 176 of Title 60 of the Oklahoma Statutes; or

1 2. A nonprofit entity,
2 an individual shall be allowed to carry a concealed handgun but not
3 openly carry a handgun on the property; provided, however, an
4 individual may openly carry a firearm on the property with
5 permission from the public trust or nonprofit entity.

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

15 G. No person in possession of a valid handgun license issued
16 pursuant to the provisions of the Oklahoma Self-Defense Act or who
17 is carrying or in possession of a firearm as otherwise permitted by
18 law or who is carrying or in possession of a machete, blackjack,
19 loaded cane, hand chain or metal knuckles shall be authorized to
20 carry the firearm, machete, blackjack, loaded cane, hand chain or
21 metal knuckles into or upon any college, university or technology
22 center school property, except as provided in this subsection. For
23 purposes of this subsection, the following property shall not be
24

1 construed to be college, university or technology center school
2 property:

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

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

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

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

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

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

19 H. The provisions of this section shall not apply to the
20 following:

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

23 2. District judges, associate district judges and special
24 district judges, who are in possession of a valid handgun license

1 issued pursuant to the provisions of the Oklahoma Self-Defense Act
2 and whose names appear on a list maintained by the Administrative
3 Director of the Courts, when acting in the course and scope of
4 employment within the courthouses of this state;

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

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

14 5. The sheriff of any county may authorize certain employees of
15 the county, who possess a valid handgun license issued pursuant to
16 the provisions of the Oklahoma Self-Defense Act, to carry a
17 concealed handgun when acting in the course and scope of employment
18 within the ~~courthouses~~ courthouse in the county in which the person
19 is employed. Nothing in the Oklahoma Self-Defense Act shall
20 prohibit the sheriff from requiring additional instruction or
21 training before ~~receiving~~ granting authorization to carry a
22 concealed handgun within the courthouse. The provisions of this
23 paragraph and of paragraph 6 of this subsection shall not allow the
24 county employee to carry the handgun into a courtroom, sheriff's

1 office, adult or juvenile jail or any other prisoner detention area;
2 and

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

9 I. 1. Municipalities may, by ordinance or resolution,
10 authorize all or certain municipal employees or municipal public
11 officials to carry concealed firearms, as defined in Section 1290.2
12 of this title, for their personal protection according to the terms
13 and conditions outlined in this subsection. To be eligible to carry
14 a concealed firearm while working and employed on municipal
15 property, the employee or official must have been issued a valid
16 handgun license pursuant to the provisions of the Oklahoma Self-
17 Defense Act.

18 2. Carrying a firearm as authorized in this subsection shall
19 not in any way be considered a requirement for continued employment
20 with the municipality.

21 3. When carrying a firearm pursuant to this subsection, the
22 employee or official shall at all times carry the firearm on his or
23 her person or the firearm shall be stored in a locked and secured
24 location which is permanently affixed or tethered at the storage

1 site at the expense of the employee or official and with permission
2 of the governing body. The municipality shall not be liable for any
3 loss, damage or injuries that occur in relation to or caused by the
4 possession or storage of a firearm under the provisions of this
5 subsection.

6 4. Any municipal employee or municipal public official
7 authorized to carry a firearm under the provisions of this
8 subsection, while acting in a reasonable and prudent manner, shall
9 not be subject to civil or criminal liability for any injury
10 resulting from the carrying, accidental discharge or intentional
11 discharge of a firearm on municipal property as provided in this
12 subsection. Any municipality, whose authorized employee or public
13 official is acting in a reasonable and prudent manner, shall not be
14 subject to civil or criminal liability or other suit at law or in
15 equity resulting from any injury, act, failure to act or refusal to
16 act committed by a municipal employee or municipal public official
17 who carries, accidentally discharges or intentionally discharges a
18 handgun on municipal property as authorized by this subsection.

19 5. For purposes of this subsection, firearms may only be
20 carried by a municipal employee or municipal public official as
21 authorized by ordinance or resolution, unless the location is a
22 firearm-prohibited location. In addition to any employment
23 disciplinary actions, any person who violates the provisions of this
24 subsection shall be subject to the penalties provided for in

1 subsection F of this section. As used in this paragraph, "firearm-
2 prohibited location" shall include the following locations:

3 a. any room, location or other public place where public
4 meetings or other meetings governed by the Oklahoma
5 Open Meeting Act occur, unless specifically authorized
6 by municipal ordinance or resolution,

7 b. any room, location or other place on municipally
8 owned, leased or maintained property designated as a
9 firearm-prohibited location by the municipal
10 government, and

11 c. any police department, courthouse, courtroom, prison,
12 jail, detention facility or any facility used to
13 process, hold or house arrested persons, prisoners or
14 persons alleged delinquent or adjudicated delinquent.

15 6. Nothing in this subsection should be construed as a
16 mechanism to allow municipal employees or municipal public officials
17 to carry a firearm as a duty or function of their employment with
18 the municipality. Any act concerning the carrying of a firearm, a
19 refusal or failure to act with a firearm or the accidental or
20 intentional discharge of a firearm shall be considered taken on the
21 personal behalf of the municipal employee or municipal public
22 official and not on behalf of the municipality and shall not be
23 considered an act performed within the scope of duties of the
24

1 employee or municipal public official nor shall it be construed as
2 an act by the municipality or any employee or official thereof.

3 J. For the purposes of this section, "motor vehicle" means any
4 automobile, truck, minivan, sports utility vehicle, or motorcycle,
5 as defined in Section 1-135 of Title 47 of the Oklahoma Statutes,
6 equipped with a locked accessory container within or affixed to the
7 motorcycle.

8 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1280.1, as
9 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
10 2020, Section 1280.1), is amended to read as follows:

11 Section 1280.1

12 POSSESSION OF FIREARM ON SCHOOL PROPERTY

13 A. It shall be unlawful for any person to have in his or her
14 possession on any public or private school property or while in any
15 school bus or vehicle used by any school for transportation of
16 students or teachers any firearm or weapon designated in Section
17 1272 of this title, except as provided in subsection C of this
18 section or as otherwise authorized by law.

19 B. For purposes of this section:

20 1. "School property" means any publicly owned property held for
21 purposes of elementary, secondary or vocational-technical education,
22 and shall not include property owned by public school districts or
23 where such property is leased or rented to an individual or
24 corporation and used for purposes other than educational;

1 2. "Private school" means a school that offers a course of
2 instruction for students in one or more grades from prekindergarten
3 through grade twelve and is not operated by a governmental entity;
4 and

5 3. "Motor vehicle" means any automobile, truck, minivan or
6 sports utility vehicle.

7 C. Firearms and weapons are allowed on school property and
8 deemed not in violation of subsection A of this section as follows:

9 1. A ~~gun~~ firearm or knife designed for self-defense or for
10 hunting or fishing purposes kept in a privately owned vehicle and
11 properly ~~displayed or~~ stored as required by law, ~~provided such~~
12 ~~vehicle containing said gun or knife is driven onto school property~~
13 ~~only to transport a student to and from school and such vehicle does~~
14 ~~not remain unattended on school property;~~

15 2. A ~~gun~~ firearm or knife used for the purposes of
16 participating in the Oklahoma Department of Wildlife Conservation
17 certified hunter training education course or any other hunting,
18 fishing, safety or firearms training courses, or a recognized
19 firearms sports event, team shooting program or competition, or
20 living history reenactment, provided the course or event is approved
21 by the principal or chief administrator of the school where the
22 course or event is offered, and provided the firearm or weapon is
23 properly displayed or stored as required by law pending
24 participation in the course, event, program or competition;

1 3. ~~Weapons~~ Firearms or weapons in the possession of any peace
2 officer or other person authorized by law to possess a weapon in the
3 performance of his or her duties and responsibilities;

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

18 5. A ~~gun~~ firearm, knife, bayonet or other weapon in the
19 possession of a member of a veterans group, the National Guard,
20 active military, the Reserve Officers' Training Corps (ROTC) or
21 Junior ROTC, in order to participate in a ceremony, assembly or
22 educational program approved by the principal or chief administrator
23 of a school or school district where the ceremony, assembly or
24 educational program is being held; provided, however, the ~~gun~~

1 firearm or other weapon that uses projectiles is not loaded and is
2 inoperable at all times while on school property;

3 6. A ~~handgun~~ firearm carried in a motor vehicle pursuant to a
4 ~~valid handgun license authorized by the~~ provisions of the Oklahoma
5 Self-Defense Act onto property set aside by a public or private
6 elementary or secondary school for the use or parking of any
7 vehicle; provided, however, said ~~handgun~~ firearm shall be stored and
8 hidden from view in a locked motor vehicle when the motor vehicle is
9 left unattended on school property; and

10 7. A handgun carried onto public school property by school
11 personnel who have been designated by the board of education,
12 provided such personnel either:

- 13 a. possess a valid armed security guard license as
14 provided for in Section 1750.1 et seq. of Title 59 of
15 the Oklahoma Statutes, or
16 b. hold a valid reserve peace officer certification as
17 provided for in Section 3311 of Title 70 of the
18 Oklahoma Statutes,

19 if a policy has been adopted by the board of education of the school
20 district that authorizes the carrying of a handgun onto public
21 school property by such personnel. Nothing in this subsection shall
22 be construed to restrict authority granted elsewhere in law to carry
23 firearms.

24

1 D. Any person violating the provisions of this section shall,
2 upon conviction, be guilty of a misdemeanor punishable by a fine of
3 not to exceed Two Hundred Fifty Dollars (\$250.00).

4 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.2, is
5 amended to read as follows:

6 Section 1289.2

7 LEGISLATIVE FINDINGS FOR FIREARMS ACT

8 The Legislature finds ~~as a matter of public policy and fact that~~
9 ~~it is necessary for~~ the safe and lawful use of firearms ~~to curb and~~
10 ~~prevent crime wherein weapons are used by enacting legislation~~
11 ~~having the purpose of controlling the use of firearms, and of~~
12 ~~prevention of their use, without unnecessarily denying their lawful~~
13 ~~use~~ in defense of an individual citizen's life, defense of a private
14 ~~home and~~ or personal, business or real property, and ~~their use by~~
15 the United States or state military organizations, law enforcement
16 agencies and other agencies as may otherwise be provided by law,
17 including ~~their use and~~ the transportation for of firearms, is a
18 lawful ~~purposes~~ purpose.

19 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.7, as
20 last amended by Section 5, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
21 2020, Section 1289.7), is amended to read as follows:

22 Section 1289.7

23 FIREARMS IN VEHICLES

24

1 A. Any person who is not otherwise prohibited by law from
2 possessing or purchasing a firearm and is not carrying or
3 transporting a firearm in the furtherance of a crime may transport
4 in or on a ~~motor~~ vehicle a ~~pistol or handgun~~ firearm, loaded or
5 unloaded, at any time.

6 B. Any person who is eighteen (18) to twenty (20) years of age
7 and is not otherwise prohibited by law from possessing or purchasing
8 a firearm and is not carrying or transporting a firearm in
9 furtherance of a crime may transport in or on a ~~motor~~ vehicle a
10 ~~rifle or shotgun open or concealed, provided the rifle or shotgun is~~
11 ~~transported pursuant to the requirements of Section 1289.13 of this~~
12 ~~title~~ an unloaded firearm, open or concealed, at any time.

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

21 ~~D.~~ It shall be unlawful for any person transporting a firearm
22 in a ~~motor~~ vehicle to fail or refuse to identify that the person is
23 in actual possession of a firearm when ~~asked~~ instructed to do so by
24 a law enforcement officer of this state during any arrest,

1 | detainment or routine traffic stop. Any person who violates the
2 | provisions of this subsection may be issued a citation for an amount
3 | not to exceed One Hundred Dollars (\$100.00).

4 | SECTION 8. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
5 | last amended by Section 7, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
6 | 2020, Section 1289.13A), is amended to read as follows:

7 | Section 1289.13A

8 | IMPROPER TRANSPORTATION OF FIREARMS

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

21 | B. Any firearm lawfully carried or transported as permitted
22 | pursuant to state law shall not be confiscated, unless:

23 | 1. The person is arrested for violating another provision of
24 | law other than a violation of subsection A of this section;

1 provided, however, if the person is never charged with an offense
2 pursuant to this paragraph or if the charges are dismissed or the
3 person is acquitted, the weapon and ammunition shall be returned to
4 the person; or

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

6 a. contraband, or

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

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

11 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1289.24, as
12 last amended by Section 8, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
13 2020, Section 1289.24), is amended to read as follows:

14 Section 1289.24

15 FIREARM REGULATION - STATE PREEMPTION

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

24 2. A municipality may adopt any ordinance:

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

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

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

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

1 sales and compensating use taxes, or other controls on firearms,
2 knives, firearm and ammunition components, ammunition, and supplies.

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

11 D. When a person's rights pursuant to the protection of the
12 preemption provisions of this section have been violated by any
13 order, policy, ordinance, resolution or regulation promulgated or
14 enforced by any person, municipality, agency or other political
15 subdivision of this state, the person so violated shall have the
16 right to bring a civil action against the ~~persons~~ person,
17 municipality, ~~and~~ agency or political subdivision jointly and
18 severally, or employee of the municipality, agency or political
19 subdivision if the employee was acting beyond the scope and course
20 of employment, for injunctive relief or monetary damages or both.

21 E. A court may require the offending person, municipality,
22 agency or political subdivision to pay reasonable expenses to a
23 person in an action filed pursuant to the provisions of subsection D
24 of this section if:

1 1. The aggrieved party first provides written notice of the
2 unlawful order, policy, ordinance, resolution or regulation by
3 certified first-class mail or service of process to the person, city
4 or town clerk or the designated agent of the municipality, agency or
5 political subdivision and allows the person, municipality, agency or
6 political subdivision ninety (90) days to rescind, repeal or
7 otherwise abrogate the order, policy, ordinance, resolution or
8 regulation; and

9 2. A court grants final determination in favor of the person
10 whose rights were violated and the issue in controversy is governed
11 by previously settled law.

12 If the person, municipality, agency or political subdivision
13 fails to rescind, repeal or otherwise abrogate the unlawful order,
14 policy, ordinance, resolution or regulation within ninety (90) days
15 of required notice as provided in paragraph 1 of this subsection and
16 the order, policy, ordinance, resolution or regulation is
17 subsequently rescinded, repealed or otherwise abrogated after the
18 aggrieved party files suit, the aggrieved party shall retain
19 standing in the suit and may recover damages or reasonable expenses.

20 F. As used in this section, "reasonable expenses" includes, but
21 is not limited to, attorney fees, expert witness fees and court
22 costs.

1 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.2, as
2 last amended by Section 4, Chapter 63, O.S.L. 2019 (21 O.S. Supp.
3 2020, Section 1290.2), is amended to read as follows:

4 Section 1290.2

5 DEFINITIONS

6 A. As used in the Oklahoma Self-Defense Act:

7 1. "Concealed ~~handgun~~ firearm" means a loaded or unloaded
8 ~~pistol or handgun~~ firearm, not openly visible to the ordinary
9 observation of a reasonable person;

10 2. "Unconcealed ~~handgun~~ firearm" or "open carry" means a loaded
11 or unloaded ~~pistol or handgun~~ firearm that is not held in the hand,
12 but rather is carried upon the person in a holster where the firearm
13 is visible, or carried upon the person using a scabbard, ~~or~~ or sling in
14 a general vertical position where the barrel of the firearm is
15 safely pointed in an up or down direction, or in a case designed for
16 carrying firearms. The provisions of this paragraph shall not apply
17 while lawfully at a gun range, while lawfully hunting, or during an
18 act of self-defense; and

19 3. "Pistol" or "handgun" shall have the same definition as
20 provided in ~~the Oklahoma Firearms Act of 1971, defined in Section~~
21 1289.3 of this title;

22 4. "Rifle" shall have the same definition as provided in
23 Section 1289.4 of this title; and
24

1 5. "Shotgun" shall have the same definition as provided in
2 Section 1289.5 of this title.

3 B. The definition of pistol or handgun for purposes of the
4 Oklahoma Self-Defense Act shall not apply to imitation pistols,
5 flare guns, underwater fishing guns or blank pistols.

6 C. Pistols, handguns, rifles, shotguns and all other lawful
7 firearms mentioned in the Oklahoma Self-Defense Act may collectively
8 be referred to as "firearms".

9 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1290.4, as
10 amended by Section 25, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
11 Section 1290.4), is amended to read as follows:

12 Section 1290.4

13 ~~UNLAWFUL~~ LAWFUL CARRY OF A FIREARM

14 ~~As~~ Except as provided by Section 1272 of this title, it is
15 ~~unlawful~~ lawful for ~~any person~~ a citizen or permanent resident, who
16 can lawfully purchase or possess a firearm under state law, to carry
17 or transport a concealed or unconcealed ~~handgun~~ firearm in this
18 state, ~~except~~ as hereby authorized by the provisions of the Oklahoma
19 Self-Defense Act or as may otherwise be provided by law.

20 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1290.6, as
21 amended by Section 27, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
22 Section 1290.6), is amended to read as follows:

23 Section 1290.6

24 PROHIBITED AMMUNITION

1 Any concealed or unconcealed ~~handgun~~ firearm when carried in a
2 manner authorized by the provisions of the Oklahoma Self-Defense Act
3 and when loaded with any ammunition which is either a restricted
4 bullet as defined by Section 1289.19 of this title or ~~is larger than~~
5 ~~.45 caliber~~ or is otherwise prohibited by law shall be deemed a
6 prohibited weapon for purposes of the Oklahoma Self-Defense Act.
7 Any person violating the provisions of this section shall be
8 punished for a criminal offense as provided by Section 1272 of this
9 title or any other applicable provision of law. In addition to any
10 criminal prosecution for a violation of the provisions of this
11 section, the licensee shall be subject to an administrative fine of
12 Five Hundred Dollars (\$500.00), upon a hearing and determination by
13 the Oklahoma State Bureau of Investigation that the person is in
14 violation of the provisions of this section.

15 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1290.7, as
16 last amended by Section 10, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
17 2020, Section 1290.7), is amended to read as follows:

18 Section 1290.7

19 CONSTRUING AUTHORITY ~~OF LICENSE~~

20 A. The authority to carry a concealed or unconcealed ~~handgun~~
21 ~~pursuant to a valid handgun license~~ firearm as authorized by the
22 provisions of the Oklahoma Self-Defense Act shall not be construed
23 to authorize any person to:
24

1 1. Carry or possess any weapon other than an authorized ~~pistol~~
2 firearm, as defined by the provisions of Section ~~1290.2~~ 1289.3,
3 1289.4 or 1289.5 of this title;

4 2. Carry or possess any ~~pistol~~ firearm in any manner or in any
5 place otherwise prohibited by law;

6 3. Carry or possess any prohibited ammunition or any illegal,
7 ~~imitation or homemade pistol~~ firearm in violation of state law;

8 4. Carry or possess any ~~pistol~~ firearm when the person is
9 prohibited by state ~~or federal~~ law from carrying or possessing any
10 firearm; or

11 5. Point, discharge or use the ~~pistol~~ firearm in any manner not
12 otherwise authorized by law.

13 B. The ~~availability of a license~~ ability to carry a firearm
14 pursuant to the provisions of the Oklahoma Self-Defense Act shall
15 not be construed to prohibit the lawful transport or carrying of a
16 ~~handgun or pistol~~ firearm in a vehicle or on or about the person,
17 whether concealed or unconcealed, loaded or unloaded, ~~and without a~~
18 ~~valid handgun license~~ as permitted by law.

19 SECTION 14. AMENDATORY 21 O.S. 2011, Section 1290.8, as
20 last amended by Section 4, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
21 2020, Section 1290.8), is amended to read as follows:

22 Section 1290.8

23 ~~POSSESSION OF LICENSE REQUIRED~~

24 NOTIFICATION TO POLICE OF ~~GUN~~ A FIREARM

1 A. Except as otherwise prohibited by law, an eligible person
2 shall have authority to carry a concealed or unconcealed ~~handgun~~
3 firearm in this state when:

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

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

12 a. ~~active military,~~ or

13 b. ~~a member of the Reserve or National Guard to include~~
14 ~~Drill Status Guard and Reserve, Active Guard Reserves~~
15 ~~or Military Technicians,~~

16 ~~and presents a valid military identification card that shall be~~
17 ~~considered a valid handgun license issued~~ authorized pursuant to the
18 ~~Oklahoma Self-Defense Act~~ provisions of Section 1272 of this title.

19 B. A person in possession of a valid state photo identification
20 card, driver license or valid handgun license or who ~~meets the~~
21 ~~criteria and~~ presents a valid military identification card ~~as~~
22 ~~provided for in this section~~ and is in compliance with the
23 provisions of the Oklahoma Self-Defense Act shall be authorized to
24

1 carry such concealed or unconcealed ~~handgun~~ firearm while scouting
2 as it relates to hunting or fishing or while hunting or fishing.

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

22 Upon the arrest of any person for a violation of the provisions
23 of this subsection, the person may show proof to the court that a
24 valid handgun license ~~and the other required,~~ a valid military

1 identification card, a valid driver license or a valid state photo
2 identification card has been issued to such person and the person
3 may state any reason why the valid handgun license, ~~a~~ valid military
4 identification card, valid driver license or valid state photo
5 identification card as provided for qualified persons in this
6 section ~~or the other required identification~~ was not carried by the
7 person as required by the Oklahoma Self-Defense Act. The court
8 shall dismiss an alleged violation of Section 1272 of this title
9 upon payment of court costs, if proof of a valid handgun license ~~and~~
10 ~~other required,~~ a valid military identification card, a valid driver
11 license or a valid state photo identification card is shown to the
12 court within ten (10) days of the arrest of the person. ~~The court~~
13 ~~shall report a dismissal of a charge to the Bureau for consideration~~
14 ~~of administrative proceedings 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 firearm pursuant to the authority of the
18 Oklahoma Self-Defense Act during the course of any arrest,
19 detainment, or routine traffic stop. Said identification to the law
20 enforcement officer shall be required upon the demand of the law
21 enforcement officer. No person shall be required to identify
22 himself or herself as ~~a handgun licensee or as~~ lawfully in
23 possession of any other firearm if the law enforcement officer does
24 not demand the information. No person shall be required to identify

1 himself or herself as a ~~handgun licensee~~ in possession of a firearm
2 when no ~~handgun~~ firearm is in the possession of the person or in any
3 vehicle in which the person is driving or is a passenger. Any
4 violator of the provisions of this subsection may be issued a
5 citation for an amount not exceeding One Hundred Dollars (\$100.00).

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

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

16 SECTION 15. AMENDATORY 21 O.S. 2011, Section 1290.22, as
17 last amended by Section 12, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
18 2020, Section 1290.22), is amended to read as follows:

19 Section 1290.22

20 BUSINESS OWNER'S RIGHTS

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

1 employer, liquor store, place of worship or business entity to
2 control the possession of weapons on any property owned or
3 controlled by the person or business entity.

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

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

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

24

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

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

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

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

16 E. The otherwise lawful carrying of a concealed or unconcealed
17 firearm by a person on property that has signs prohibiting the
18 carrying of firearms shall subject the person to being denied
19 entrance onto the property or removed from the property. If the
20 person:

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

24

1 2. Refuses to leave the property and a peace officer is
2 summoned,
3 the person ~~may be punished as provided in Section 1276 of this title~~
4 shall, upon conviction, be guilty of a misdemeanor punishable by a
5 fine not to exceed Two Hundred Fifty Dollars (\$250.00).

6 F. A person, property owner, tenant, employer, holder of an
7 event permit, liquor store, place of worship or business entity that
8 ~~does prohibits~~ or does not prohibit any individual, except a
9 convicted felon, from carrying a loaded or unloaded, concealed or
10 unconcealed weapon on property that the person, property owner,
11 tenant, employer, holder of an event permit, liquor store, place of
12 worship or business entity owns, or has legal control of, ~~is immune~~
13 ~~from any~~ shall not be subject to liability arising from that
14 decision.

15 Except for acts of gross negligence or willful or wanton
16 misconduct, an employer who ~~does prohibits~~ or does not prohibit his
17 or her employees from carrying a concealed or unconcealed weapon ~~is~~
18 ~~immune from any~~ shall not be subject to liability arising from that
19 decision.

20 A person, property owner, tenant, employer, holder of an event
21 permit, liquor store, place of worship or business entity that does
22 not prohibit persons from carrying a concealed or unconcealed weapon
23 pursuant to subsection D of this section shall ~~be immune from any~~
24 not be subject to liability arising from the carrying of a concealed

1 or unconcealed weapon, while in the scope of employment, on the
2 property or in or about a business entity vehicle.

3 The provisions of this subsection shall not apply to claims
4 pursuant to the Administrative Workers' Compensation Act.

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

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

14 SECTION 16. AMENDATORY 21 O.S. 2011, Section 1290.24, as
15 last amended by Section 13, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
16 2020, Section 1290.24), is amended to read as follows:

17 Section 1290.24

18 IMMUNITY

19 A. The state or any political subdivision of the state, as
20 defined in Section 152 of Title 51 of the Oklahoma Statutes, and its
21 officers, agents and employees shall not be ~~immune from~~ subject to
22 liability resulting or arising from:

23 1. Failure to prevent the licensing of an individual for whom
24 the receipt of the license is unlawful pursuant to the provisions of

1 the Oklahoma Self-Defense Act or any other provision of law of this
2 state;

3 2. Any action or misconduct with a firearm committed by a
4 person pursuant to the provisions of the Oklahoma Self-Defense Act
5 or by any person who obtains a firearm;

6 3. Any injury to any person during a ~~handgun~~ firearm training
7 course conducted by a firearms instructor certified by the Council
8 on Law Enforcement Education and Training to conduct training under
9 the Oklahoma Self-Defense Act, or injury from any misfire or
10 malfunction of any ~~handgun~~ firearm on a training course firing range
11 supervised by a certified firearms instructor under the provisions
12 of the Oklahoma Self-Defense Act, or any injury resulting from
13 carrying a concealed or unconcealed ~~handgun~~ firearm pursuant to a
14 ~~handgun license~~ any firearms training; and

15 4. Any action or finding pursuant to a hearing conducted in
16 accordance with the Administrative Procedures Act as required in the
17 Oklahoma Self-Defense Act.

18 B. Firearms instructors certified by the Council on Law
19 Enforcement Education and Training to conduct training for the
20 Oklahoma Self-Defense Act shall not be ~~immune from~~ subject to
21 liability to third persons resulting or arising from any claim based
22 on an act or omission of a trainee.

23 C. The provisions of this subsection shall not apply to claims
24 pursuant to the Administrative Workers' Compensation Act.

1 SECTION 17. AMENDATORY 21 O.S. 2011, Section 1290.25, as
2 amended by Section 43, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
3 Section 1290.25), is amended to read as follows:

4 Section 1290.25

5 LEGISLATIVE INTENT

6 The Legislature finds as a matter of public policy and fact that
7 it is necessary to provide statewide uniform standards for ~~issuing~~
8 ~~licenses to carry~~ carrying concealed or unconcealed ~~handguns~~
9 firearms for lawful self-defense and self-protection, and further
10 finds it necessary to occupy the field of regulation of the bearing
11 of concealed or unconcealed ~~handguns~~ firearms to ensure that no
12 honest, law-abiding citizen who qualifies pursuant to the provisions
13 of the Oklahoma Self-Defense Act is subjectively or arbitrarily
14 denied his or her rights. The Legislature does not delegate to the
15 Oklahoma State Bureau of Investigation any authority to regulate or
16 restrict the issuing of handgun licenses except as provided by the
17 provisions of this act. Subjective or arbitrary actions or rules
18 which encumber the issuing process by placing burdens on the
19 applicant beyond those requirements detailed in the provisions of
20 the Oklahoma Self-Defense Act or which create restrictions beyond
21 those specified in ~~this act~~ the Oklahoma Self-Defense Act are deemed
22 to be in conflict with the intent of ~~this act~~ the Oklahoma Self-
23 Defense Act and are hereby prohibited. The Oklahoma Self-Defense
24 Act shall be liberally construed to carry out the constitutional

1 right to bear arms for self-defense and self-protection. The
2 provisions of the Oklahoma Self-Defense Act are cumulative to
3 existing rights to bear arms and nothing in the Oklahoma Self-
4 Defense Act shall impair or diminish those rights.

5 However, the conditions that mandate the administrative actions
6 of license denial, suspension, revocation or an administrative fine
7 are intended to protect the health, safety and public welfare of the
8 citizens of this state. The restricting conditions specified in the
9 Oklahoma Self-Defense Act generally involve the criminal history,
10 mental state, alcohol or substance abuse of the applicant or
11 licensee, a hazard of domestic violence, a danger to police
12 officers, or the ability of the Oklahoma State Bureau of
13 Investigation to properly administer the Oklahoma Self-Defense Act.
14 The restricting conditions that establish a risk of injury or harm
15 to the public are tailored to reduce the risks to the benefit of the
16 citizens of this state.

17 SECTION 18. AMENDATORY 21 O.S. 2011, Section 1290.26, as
18 last amended by Section 4, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
19 2020, Section 1290.26), is amended to read as follows:

20 Section 1290.26

21 RECIPROCAL AGREEMENT AUTHORITY

22 A. The State of Oklahoma shall hereby ~~recognizes~~ recognize any
23 valid concealed or unconcealed carry weapons permit, valid military
24 identification card, as provided for qualified persons in Section

1 1290.8 of this title, or license issued by another state, or if the
2 state is or is not a nonpermitting carry state, this state shall
3 reciprocate under the permitting law of that state.

4 ~~A.~~ B. Any person entering this state in possession of a firearm
5 authorized for concealed or unconcealed carry upon the authority and
6 license of another state ~~or,~~ a valid military identification card, a
7 valid driver license or a valid state photo identification card, as
8 provided for qualified persons in Section 1290.8 of this title, is
9 authorized to continue to carry a concealed or unconcealed firearm
10 and license in this state; provided, the license from the other
11 state ~~or,~~ a valid military identification card, a valid driver
12 license or a valid state photo identification card, as provided for
13 qualified persons in Section 1290.8 of this title, remains valid.
14 The firearm must either be carried unconcealed or concealed, and
15 upon coming in contact with any peace officer of this state, the
16 person must disclose the fact that he or she is in possession of a
17 concealed or unconcealed firearm pursuant to a valid concealed or
18 unconcealed carry weapons permit, license or a valid military
19 identification card, as provided for qualified persons in Section
20 1290.8 of this title, issued in another state.

21 ~~B.~~ C. Any person ~~entering~~ who enters this state in possession
22 of a firearm authorized for ~~concealed~~ carry upon the authority of a
23 state that is a nonpermitted carry state and ~~the person~~ is in
24 compliance with the Oklahoma Self-Defense Act, ~~the person is~~ shall

1 be authorized to carry a concealed or unconcealed firearm in this
2 state. The firearm must be carried fully concealed, or unconcealed
3 ~~and upon.~~ When coming in contact with ~~any peace~~ a law enforcement
4 officer of this state and upon instruction from the law enforcement
5 officer, the person must disclose the fact that he or she is in
6 possession of a ~~concealed or unconcealed~~ firearm pursuant to the
7 ~~nonpermitting laws of the state in which he or she is a legal~~
8 ~~resident. The person shall present proper identification by a valid~~
9 ~~photo ID as proof that he or she is a legal resident in such a non-~~
10 ~~permitting state. The Department of Public Safety shall keep a~~
11 ~~current list of non-permitting states for law enforcement officers~~
12 ~~to confirm that a state is nonpermitting.~~

13 ~~C.~~ D. Any person who is twenty-one (21) years of age or older
14 having a valid firearm license from another state may apply for a
15 handgun license in this state immediately upon establishing a
16 ~~residence~~ residency in this state.

17 SECTION 19. REPEALER 21 O.S. 2011, Section 1289.13, as
18 last amended by Section 6, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
19 2020, Section 1289.13), is hereby repealed.

20 SECTION 20. It being immediately necessary for the preservation
21 of the public peace, health or safety, an emergency is hereby
22
23
24

