

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1093

By: Dahm

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5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2021,
8 Sections 1290.8, 1290.9 and 1272, which relate to
9 possession of license required, eligibility and
10 unlawful carry; modifying certain age requirement;
11 and declaring an emergency.

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

13 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1290.8 is
14 amended to read as follows:

15 Section 1290.8.

16 POSSESSION OF LICENSE REQUIRED

17 NOTIFICATION TO POLICE OF GUN

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

21 1. The person has been issued a handgun license from the
22 Oklahoma State Bureau of Investigation pursuant to the provisions of
23 the Oklahoma Self-Defense Act, provided the person is in compliance
24 with the provisions of the Oklahoma Self-Defense Act, and the

1 license has not expired or been subsequently suspended or revoked;

2 ~~or~~

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

5 a. active military, or

6 b. a member of the Reserve or National Guard to include
7 Drill Status Guard and Reserve, Active Guard Reserves
8 or Military Technicians,

9 and presents a valid military identification card that shall be
10 considered a valid handgun license issued pursuant to the Oklahoma
11 Self-Defense Act; or

12 3. The person meets the age requirement provided in Section 1
13 of Article III of the Oklahoma Constitution.

14 B. A person in possession of a valid handgun license or who
15 meets the criteria and presents a valid military identification card
16 as provided for in this section and in compliance with the
17 provisions of the Oklahoma Self-Defense Act shall be authorized to
18 carry such concealed or unconcealed handgun while scouting as it
19 relates to hunting or fishing or while hunting or fishing.

20 C. The person shall be required to have possession of his or
21 her valid handgun license or valid military identification card as
22 provided for qualified persons in this section and a valid driver
23 license or state photo identification at all times when in
24 possession of an authorized pistol. The person shall display the

1 handgun license or a valid military identification card as provided
2 for qualified persons in this section on demand of a law enforcement
3 officer; provided, however, that in the absence of reasonable and
4 articulable suspicion of other criminal activity, an individual
5 carrying an unconcealed or concealed handgun shall not be disarmed
6 or physically restrained unless the individual fails to display a
7 valid handgun license or a valid military identification card as
8 provided for qualified persons in this section in response to that
9 demand. Any violation of the provisions of this subsection may be
10 punishable as a criminal offense as authorized by Section 1272 of
11 this title or pursuant to any other applicable provision of law.

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

3 D. It shall be unlawful for any person to fail or refuse to
4 identify the fact that the person is in actual possession of a
5 concealed or unconcealed firearm pursuant to the authority of the
6 Oklahoma Self-Defense Act during the course of any arrest,
7 detainment, or routine traffic stop. Said identification to the law
8 enforcement officer shall be required upon the demand of the law
9 enforcement officer. No person shall be required to identify
10 himself or herself as a handgun licensee or as lawfully in
11 possession of any other firearm if the law enforcement officer does
12 not demand the information. No person shall be required to identify
13 himself or herself as a handgun licensee when no handgun is in the
14 possession of the person or in any vehicle in which the person is
15 driving or is a passenger. Any violator of the provisions of this
16 subsection may be issued a citation for an amount not exceeding One
17 Hundred Dollars (\$100.00).

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

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

4 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1290.9 is
5 amended to read as follows:

6 Section 1290.9.

7 ELIGIBILITY

8 The following requirements shall apply to any person making
9 application to the Oklahoma State Bureau of Investigation for a
10 handgun license pursuant to the provisions of the Oklahoma Self-
11 Defense Act. The person must:

- 12 1. Be a citizen of the United States with established residency
13 ~~in the State of Oklahoma~~ this state; or
14 2. Be a lawful permanent resident in the United States and have
15 established residency in ~~the State of Oklahoma~~ this state.

16 For purposes of the Oklahoma Self-Defense Act:

- 17 a. the term "residency" shall apply to any person who
18 either possesses a valid Oklahoma driver license or
19 state photo identification card, and physically
20 maintains a residence in this state or to any person,
21 including the spouse of such person, who has permanent
22 military orders within this state and possesses a
23 valid driver license from another state where such
24 person and spouse of such person claim residency, and

1 b. the term "lawful permanent resident" shall mean a
2 noncitizen who is lawfully authorized to live
3 permanently within the United States;

4 3. Be at least:

5 ~~a. twenty-one (21) years of age, or~~

6 ~~b. eighteen (18) years of age but not yet twenty-one (21)~~
7 ~~years of age~~ and the person is a member or veteran of
8 the United States Armed Forces, the Reserves or
9 National Guard, or the person was discharged under
10 honorable conditions from the United States Armed
11 Forces, Reserves or National Guard;

12 4. Meets the age requirement provided in the provisions of
13 Section 1 of Article III of the Oklahoma Constitution;

14 5. Complete a firearms safety and training course and
15 demonstrate competence and qualifications with the type of pistol to
16 be carried by the person as provided in Section 1290.14 of this
17 title, and submit proof of training and qualification or an
18 exemption for training and qualification as authorized by Section
19 1290.14 of this title;

20 ~~5.~~ 6. Submit the required fee and complete the application
21 process as provided in Section 1290.12 of this title; and

22 ~~6.~~ 7. Comply in good faith with the provisions of the Oklahoma
23 Self-Defense Act.

1 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1272 is

2 amended to read as follows:

3 Section 1272.

4 UNLAWFUL CARRY

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

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

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

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

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

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

11 6. The transporting by vehicle on a public roadway or the
12 carrying of a firearm, concealed or unconcealed, loaded or unloaded,
13 by a person who is ~~twenty one (21) years of age or older or by a~~
14 ~~person who is~~ eighteen (18) years of age ~~but not yet twenty one (21)~~
15 ~~years of age~~ and the person is a member or veteran of the United
16 States Armed Forces, Reserves or National Guard or was discharged
17 under honorable conditions from the United States Armed Forces,
18 Reserves or National Guard, or meets the age requirement provided in
19 the provisions of Section 1 of Article III of the Oklahoma
20 Constitution and the person is otherwise not disqualified from the
21 possession or purchase of a firearm under state or federal law and
22 is not carrying the firearm in furtherance of a crime.

23 Except as provided in subsection B of Section 1283 of this
24 title, a person who has been convicted of any one of the following

1 offenses in this state or a violation of the equivalent law of
2 another state:

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

18 shall be prohibited from carrying a firearm under the provisions of
19 this paragraph. Any person who carries a firearm in the manner
20 provided for in this paragraph shall be prohibited from carrying the
21 firearm into any of the places prohibited in subsection A of Section
22 1277 of this title or any other place currently prohibited by law.

23 Nothing in this section shall modify or otherwise change where a
24 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 4. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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