

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3191

By: Williams

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to firearms; amending 21 O.S. 2021,
10 Sections 1290.4, 1290.7, 1290.8, 1290.24, 1290.25 and
11 1290.26, which relate to the Oklahoma Self-Defense
12 Act; authorizing the lawful carry of firearms by
13 certain persons; modifying references to handguns;
14 adding statutory references; deleting certain
15 eligibility requirements; specifying types of
16 identification necessary for carrying firearms;
17 clarifying liability provisions; updating references
18 to certain named act; modifying components of
19 reciprocity requirements; and providing an effective
20 date.

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

22 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1290.4, is
23 amended to read as follows:

24 Section 1290.4

~~UNLAWFUL~~ AUTHORIZED CARRY OF FIREARMS

~~As~~ Except as provided by Section 1272 of this title, it ~~is~~
~~unlawful~~ shall be lawful for ~~any person~~ a citizen or lawful
permanent resident, who can lawfully purchase or possess a firearm

1 under state law, to carry or transport a concealed or unconcealed
2 ~~handgun~~ firearm in this state, ~~except~~ as hereby authorized by the
3 provisions of the Oklahoma Self-Defense Act or as may otherwise be
4 provided by law.

5 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1290.7, is
6 amended to read as follows:

7 Section 1290.7

8 CONSTRUING AUTHORITY OF LICENSE

9 A. The authority to carry a concealed or unconcealed ~~handgun~~
10 ~~pursuant to a valid handgun license~~ firearm as authorized by the
11 provisions of the Oklahoma Self-Defense Act shall not be construed
12 to authorize any person to:

13 1. Carry or possess any weapon other than an authorized ~~pistol~~
14 firearm as defined by the provisions of ~~Section 1290.2~~ Sections
15 1289.3, 1289.4, or 1289.5 of this title;

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

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

20 4. Carry or possess any ~~pistol~~ firearm when the person is
21 prohibited by state ~~or federal~~ law from carrying or possessing any
22 firearm; or

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

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

7 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1290.8, is
8 amended to read as follows:

9 Section 1290.8

10 POSSESSION OF LICENSE REQUIRED

11 NOTIFICATION TO POLICE OF GUN

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

15 1. The person ~~has been issued a handgun license from the~~
16 ~~Oklahoma State Bureau of Investigation pursuant to the provisions of~~
17 ~~the Oklahoma Self-Defense Act, provided the person is in compliance~~
18 ~~with the provisions of the Oklahoma Self-Defense Act, and the~~
19 ~~license has not expired or been subsequently suspended or revoked;~~
20 or

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

23 a. ~~active military, or~~
24

1 ~~b. a member of the Reserve or National Guard to include~~
2 ~~Drill Status Guard and Reserve, Active Guard Reserves~~
3 ~~or Military Technicians,~~
4 and presents a valid military identification card that shall be
5 considered a valid handgun license issued authorized pursuant to the
6 Oklahoma Self-Defense Act provisions of Section 1272 of this title.

7 B. A person in possession of a valid state photo identification
8 card, driver license, or valid handgun license or who ~~meets the~~
9 ~~criteria and~~ presents a valid military identification card ~~as~~
10 ~~provided for in this section~~ and is in compliance with the
11 provisions of the Oklahoma Self-Defense Act shall be authorized to
12 carry such concealed or unconcealed ~~handgun~~ firearm while scouting
13 as it relates to hunting or fishing or while hunting or fishing.

14 C. The person shall be required to have possession of his or
15 her valid handgun license ~~or,~~ a valid military identification card
16 ~~as provided for qualified persons in this section and,~~ a valid
17 driver license, or state photo identification card at all times when
18 in possession of ~~an authorized pistol~~ a firearm. The person shall
19 display ~~the~~ either a valid handgun license or, a valid military
20 identification card, a valid driver license, or a valid state photo
21 identification card as provided for qualified persons in this
22 section on demand of a law enforcement officer; provided, however,
23 that in the absence of reasonable and articulable suspicion of other
24 criminal activity, an individual carrying an unconcealed or

1 concealed ~~handgun~~ firearm shall not be disarmed or physically
2 restrained unless the individual fails to display a one of the
3 following:

- 4 1. A valid handgun license ~~or a~~;
- 5 2. A valid military identification card;
- 6 3. A valid driver license; or
- 7 4. A valid state photo identification card,

8 as provided for qualified persons in this section in response to
9 that demand. Any violation of the provisions of this subsection may
10 be 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~~, a valid military
15 identification card, a valid driver license, or a valid state photo
16 identification card has been issued to such person and the person
17 may state any reason why the valid handgun license, a valid military
18 identification card, valid driver license, or valid state photo
19 identification card as provided for qualified persons in this
20 section ~~or the other required identification~~ was not carried by the
21 person as required by the Oklahoma Self-Defense Act. The court
22 shall dismiss an alleged violation of Section 1272 of this title
23 upon payment of court costs, if proof of a valid handgun license ~~and~~
24 ~~other required~~, a valid military identification card, a valid driver

1 license, or valid state photo identification card is shown to the
2 court within ten (10) days of the arrest of the person. ~~The court~~
3 ~~shall report a dismissal of a charge to the Bureau for consideration~~
4 ~~of administrative proceedings against the licensee.~~

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

20 E. Any law enforcement officer coming in contact with a person
21 whose handgun license is suspended, or revoked, ~~or expired~~, or who
22 is in possession of a handgun license which has not been lawfully
23 issued to that person, shall confiscate the license and return it to
24 the Oklahoma State Bureau of Investigation for appropriate

1 administrative proceedings against the licensee when the license is
2 no longer needed as evidence in any criminal proceeding.

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

6 SECTION 4. AMENDATORY 21 O.S. 2021, Section 1290.24, is
7 amended to read as follows:

8 Section 1290.24

9 IMMUNITY

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

14 1. Failure to prevent the licensing of an individual for whom
15 the receipt of the license is unlawful pursuant to the provisions of
16 the Oklahoma Self-Defense Act or any other provision of law of this
17 state;

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

21 3. Any injury to any person during a ~~handgun~~ firearm training
22 course conducted by a firearms instructor certified by the Council
23 on Law Enforcement Education and Training to conduct training under
24 the Oklahoma Self-Defense Act, ~~or~~ injury from any misfire or

1 malfunction of any ~~handgun~~ firearm on a training course firing range
2 supervised by a certified firearms instructor under the provisions
3 of the Oklahoma Self-Defense Act, or any injury resulting from
4 carrying a concealed or unconcealed ~~handgun~~ firearm pursuant to a
5 ~~handgun license~~ any firearms training; and

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

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

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

16 SECTION 5. AMENDATORY 21 O.S. 2021, Section 1290.25, is
17 amended to read as follows:

18 Section 1290.25

19 LEGISLATIVE INTENT

20 The Legislature finds as a matter of public policy and fact that
21 it is necessary to provide statewide uniform standards for ~~issuing~~
22 ~~licenses to carry~~ carrying concealed or unconcealed ~~handguns~~
23 firearms for lawful self-defense and self-protection, and further
24 finds it necessary to occupy the field of regulation of the bearing

1 of concealed or unconcealed ~~handguns~~ firearms to ensure that no
2 honest, law-abiding citizen who qualifies pursuant to the provisions
3 of the Oklahoma Self-Defense Act is subjectively or arbitrarily
4 denied his or her rights. The Legislature does not delegate to the
5 Oklahoma State Bureau of Investigation any authority to regulate or
6 restrict the issuing of handgun licenses except as provided by the
7 provisions of ~~this act~~ the Oklahoma Self-Defense Act. Subjective or
8 arbitrary actions or rules which encumber the issuing process by
9 placing burdens on the applicant beyond those requirements detailed
10 in the provisions of the Oklahoma Self-Defense Act or which create
11 restrictions beyond those specified in ~~this act~~ the Oklahoma Self-
12 Defense Act are deemed to be in conflict with the intent of ~~this act~~
13 the Oklahoma Self-Defense Act and are hereby prohibited. The
14 Oklahoma Self-Defense Act shall be liberally construed to carry out
15 the constitutional right to bear arms for self-defense and self-
16 protection. The provisions of the Oklahoma Self-Defense Act are
17 cumulative to existing rights to bear arms and nothing in the
18 Oklahoma Self-Defense Act shall impair or diminish those rights.

19 However, the conditions that mandate the administrative actions
20 of license denial, suspension, revocation or an administrative fine
21 are intended to protect the health, safety and public welfare of the
22 citizens of this state. The restricting conditions specified in the
23 Oklahoma Self-Defense Act generally involve the criminal history,
24 mental state, alcohol or substance abuse of the applicant or

1 licensee, a hazard of domestic violence, a danger to police
2 officers, or the ability of the Oklahoma State Bureau of
3 Investigation to properly administer the Oklahoma Self-Defense Act.
4 The restricting conditions that establish a risk of injury or harm
5 to the public are tailored to reduce the risks to the benefit of the
6 citizens of this state.

7 SECTION 6. AMENDATORY 21 O.S. 2021, Section 1290.26, is
8 amended to read as follows:

9 Section 1290.26

10 RECIPROCAL AGREEMENT AUTHORITY

11 A. The State of Oklahoma shall hereby ~~recognizes~~ recognize any
12 valid concealed or unconcealed carry weapons permit, valid military
13 identification card as provided for qualified persons in Section
14 1290.8 of this title or license issued by another state, or if the
15 state is a nonpermitting carry state, this state shall reciprocate
16 under the permitting law of that state.

17 ~~A.~~ B. Any person entering this state in possession of a firearm
18 authorized for concealed or unconcealed carry upon the authority and
19 license of another state ~~or,~~ a valid military identification card, a
20 valid driver license, or a valid state photo identification card, as
21 provided for qualified persons in Section 1290.8 of this title, is
22 authorized to continue to carry a concealed or unconcealed firearm
23 and license in this state; provided, the license from the other
24 state ~~or,~~ a valid military identification card, a valid driver

1 license, or a valid state photo identification card, as provided for
2 qualified persons in Section 1290.8 of this title, remains valid.
3 The firearm must either be carried unconcealed or concealed, and
4 upon coming in contact with any peace officer of this state, the
5 person must disclose the fact that he or she is in possession of a
6 concealed or unconcealed firearm pursuant to a valid concealed or
7 unconcealed carry weapons permit, license or a valid military
8 identification card as provided for qualified persons in Section
9 1290.8 of this title issued in another state.

10 ~~B.~~ C. Any person ~~entering~~ who enters this state in possession
11 of a firearm authorized for ~~concealed~~ carry upon the authority of a
12 state that is a nonpermitted carry state and ~~the person~~ is in
13 compliance with the Oklahoma Self-Defense Act, ~~the person is~~ shall
14 be authorized to carry a concealed or unconcealed firearm in this
15 state. The firearm must be carried fully concealed, ~~or unconcealed~~
16 ~~and upon~~ in compliance with the laws of this state. When coming in
17 contact with any ~~peace~~ law enforcement officer of this state and
18 upon instruction from the law enforcement officer, the person must
19 disclose the fact that he or she is in possession of a ~~concealed or~~
20 ~~unconcealed~~ firearm pursuant to the nonpermitting laws of the state
21 ~~in which he or she is a legal resident.~~ The person shall present
22 ~~proper identification by a valid photo ID as proof that he or she is~~
23 ~~a legal resident in such a non-permitting state.~~ The Department of
24

1 ~~Public Safety shall keep a current list of non-permitting states for~~
2 ~~law enforcement officers to confirm that a state is nonpermitting.~~

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

7 SECTION 7. This act shall become effective November 1, 2022.

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9 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
10 dated 02/17/2022 - DO PASS, As Amended.

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