

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 1762

6 By: Manger

7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending  
9 21 O.S. 2021, Sections 1272 and 1276, which relate to  
10 the unlawful carry of firearms and related penalties;  
11 providing separate penalty for certain unlawful act;  
12 specifying penalty; and providing an effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1272, is  
15 amended to read as follows:

16 Section 1272.

17 UNLAWFUL CARRY

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

- 1        1. The proper use of guns and knives for self-defense, hunting,  
2 fishing, educational or recreational purposes;
- 3        2. The carrying or use of weapons in a manner otherwise  
4 permitted by statute or authorized by the Oklahoma Self-Defense Act;
- 5        3. The carrying, possession and use of any weapon by a peace  
6 officer or other person authorized by law to carry a weapon in the  
7 performance of official duties and in compliance with the rules of  
8 the employing agency;
- 9        4. The carrying or use of weapons in a courthouse by a district  
10 judge, associate district judge or special district judge within  
11 this state, who is in possession of a valid handgun license issued  
12 pursuant to the provisions of the Oklahoma Self-Defense Act and  
13 whose name appears on a list maintained by the Administrative  
14 Director of the Courts;
- 15        5. The carrying and use of firearms and other weapons provided  
16 in this subsection when used for the purpose of living history  
17 reenactment. For purposes of this paragraph, "living history  
18 reenactment" means depiction of historical characters, scenes,  
19 historical life or events for entertainment, education, or  
20 historical documentation through the wearing or use of period,  
21 historical, antique or vintage clothing, accessories, firearms,  
22 weapons, and other implements of the historical period; or
- 23        6. The transporting by vehicle on a public roadway or the  
24 carrying of a firearm, concealed or unconcealed, loaded or unloaded,

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

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

- 14 a. assault and battery pursuant to the provisions of  
15 Section 644 of this title which caused serious  
16 physical injury to the victim,
- 17 b. aggravated assault and battery pursuant to the  
18 provisions of Section 646 of this title,
- 19 c. assault and battery that qualifies as domestic abuse  
20 as defined in Section 644 of this title,
- 21 d. stalking pursuant to the provisions of Section 1173 of  
22 this title,

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- 1 e. a violation of an order issued under the Protection  
2 from Domestic Abuse Act or a domestic abuse protection  
3 order issued by another state, or  
4 f. a violation relating to illegal drug use or possession  
5 under the provisions of the Uniform Controlled  
6 Dangerous Substances Act,

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

14 B. ~~Any~~ 1. Except as provided in paragraph 2 of this  
15 subsection, any person convicted of violating the foregoing  
16 provision shall be guilty of a misdemeanor punishable as provided in  
17 Section 1276 of this title.

18 2. Any person convicted of violating the foregoing provision  
19 after a conviction of assault and battery that qualifies as domestic  
20 abuse shall be guilty of a felony punishable as provided in Section  
21 1276 of this title.

22 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1276, is  
23 amended to read as follows:

24 Section 1276.

PENALTY FOR 1272 AND 1273

1  
2 Any A. 1. Except as provided in paragraph 2 of this  
3 subsection, any person violating the provisions of Section 1272 or  
4 1273 of this title shall, upon a first conviction, be adjudged  
5 guilty of a misdemeanor and the party offending shall be punished  
6 punishable by a fine of not less than One Hundred Dollars (\$100.00)  
7 nor more than Two Hundred Fifty Dollars (\$250.00), or by  
8 imprisonment in the county jail for a period not to exceed thirty  
9 (30) days, or by both such fine and imprisonment. On the second and  
10 every subsequent violation, the party offending person shall, upon  
11 conviction, be punished by a fine of not less than Two Hundred Fifty  
12 Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00), or  
13 by imprisonment in the county jail for a period of not less than  
14 thirty (30) days nor more than three (3) months, or by both such  
15 fine and imprisonment.

16 2. Any person convicted pursuant to paragraph 2 of subsection B  
17 of Section 1272 of this title shall be guilty of a felony punishable  
18 by imprisonment in the custody of the Department of Corrections for  
19 a term of not less than one (1) year nor more than five (5) years,  
20 or by a fine of not less than One Thousand Dollars (\$1,000.00) nor  
21 more than Five Thousand Dollars (\$5,000.00), or by both such fine  
22 and imprisonment.

23 B. Any person convicted of violating the provisions of Section  
24 1272 or 1273 of this title after having been issued a handgun

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

7 SECTION 3. This act shall become effective November 1, 2023.

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