

1 ENGROSSED HOUSE
2 BILL NO. 2416

By: Enns, Cockroft, Roberts
(Dustin), Kern and Ritze of
the House

3
4 and

5 Russell of the Senate
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8 An Act relating to crimes and punishments; amending
9 21 O.S. 2011, Section 1272, which relates to the
10 unlawful carrying of firearms; modifying scope of
11 prohibited act; amending 21 O.S. 2011, Section
12 1290.2, which relates to the Oklahoma Self-Defense
13 Act; modifying definition of concealed handgun;
14 prohibiting the confiscation of firearms under
15 certain circumstances; providing exceptions;
16 providing remedies for aggrieved persons; providing
17 for codification; and providing an effective date.

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

19 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, is
20 amended to read as follows:

21 Section 1272.

22 UNLAWFUL CARRY

23 A. It shall be unlawful ~~for~~:

24 1. For any person to carry upon or about his or her person, or
in a purse or other container belonging to the person, any pistol,
revolver, shotgun or rifle whether loaded or unloaded or any dagger,

1 bowie knife, dirk knife, switchblade knife, spring-type knife, sword
2 cane, knife having a blade which opens automatically by hand
3 pressure applied to a button, spring, or other device in the handle
4 of the knife, blackjack, loaded cane, billy, hand chain, metal
5 knuckles, or any other offensive weapon, whether such weapon be
6 concealed or unconcealed, ~~except; or~~

7 2. For any person with a valid concealed handgun license issued
8 pursuant to the provisions of the Oklahoma Self-Defense Act to
9 intentionally display the handgun in an angry or threatening manner
10 and not in necessary self-defense; provided, however, a concealed
11 handgun licensee shall not be in violation of this subsection if the
12 licensee, when carrying the handgun in a concealed manner, briefly
13 and openly displays the handgun to the ordinary sight of another
14 person.

15 B. The provisions of this section shall not prohibit:

16 1. The proper use of guns and knives for hunting, fishing,
17 educational or recreational purposes;

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

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

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1 1. "Concealed handgun" means a loaded or unloaded pistol which
2 is ~~carried hidden from the detection and view of another person~~
3 ~~either upon or about the person, in a purse or other container~~
4 ~~belonging to the person, or in a vehicle which is operated by the~~
5 ~~person or in which the person is riding as a passenger~~ the presence
6 of which is not openly discernible to the ordinary observation of a
7 reasonable person; and

8 2. "Pistol" means any derringer, revolver or semiautomatic
9 firearm which:

- 10 a. has an overall length of less than sixteen (16) inches
11 and is able to be ~~fully~~ concealed from detection and
12 view,
- 13 b. is capable of discharging a projectile composed of any
14 material which may reasonably be expected to be able
15 to cause lethal injury,
- 16 c. is designed to be held and fired by the use of a
17 single hand, and
- 18 d. uses either gunpowder, gas or any means of rocket
19 propulsion to discharge the projectile.

20 The definition of pistol for purposes of the Oklahoma Self-Defense
21 Act shall not apply to homemade or imitation pistols, flare guns,
22 underwater fishing guns or blank pistols.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1321.12 of Title 21, unless
3 there is created a duplication in numbering, reads as follows:

4 A. No person acting on behalf or under the authority of the
5 state or a political subdivision of the state may do any of the
6 following during the existence of a proclaimed state of emergency:

7 1. Prohibit or restrict the otherwise lawful possession, use,
8 carrying, transfer, transportation, storage, or display of a firearm
9 or ammunition;

10 2. Seize or confiscate, or authorize the seizure or
11 confiscation of, any otherwise lawfully possessed firearm or
12 ammunition unless the person acting on behalf of or under the
13 authority of the state is defending himself or herself or another
14 from an assault, arresting a person in actual possession of a
15 firearm or ammunition for a violation of law, or unless the firearm
16 or ammunition is being seized or confiscated as evidence of a crime;
17 or

18 3. Require registration of any firearm or ammunition.

19 B. The prohibitions set forth in paragraph 1 of subsection A of
20 this section as such paragraph relates to a transfer shall not apply
21 to the commercial sale of firearms or ammunition if an authorized
22 authority has ordered an evacuation or general closure of businesses
23 in the affected area.

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1 C. Any individual aggrieved by a violation of this section may
2 seek relief in an action at law or in equity for redress against any
3 person who subjects such individual, or causes such individual to be
4 subjected, to an action prohibited by this section.

5 D. In addition to any other remedy at law or in equity, an
6 individual aggrieved by the seizure or confiscation of a firearm or
7 ammunition in violation of this section may bring an action for the
8 return of such firearm or ammunition in the district court of the
9 county in which that individual resides or in which such firearm or
10 ammunition is located.

11 E. In any action or proceeding to enforce the provisions of
12 this section, the court shall award the prevailing plaintiff costs
13 and reasonable attorney fees.

14 SECTION 4. This act shall become effective November 1, 2012.

15 Passed the House of Representatives the 7th day of March, 2012.

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19 Presiding Officer of the House of
Representatives

20 Passed the Senate the ____ day of _____, 2012.

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Presiding Officer of the Senate

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