

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2546

By: Roberts (Sean) and **McDugle**

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to firearms; creating the Oklahoma
10 Self-Defense Act of 2020; amending Section 1, Chapter
11 355, O.S.L. 2019 (11 O.S. Supp. 2019, Section 22-
12 139), which relates to designating certain municipal
13 personnel to attend armed security guard training;
14 deleting named act and adding statutory references;
15 amending 19 O.S. 2011, Section 514.3, which relates
16 to fingerprinting fees; deleting named act and adding
17 statutory references; amending 21 O.S. 2011, Sections
18 1272, as last amended by Section 1, Chapter 1, O.S.L.
19 2019, 1272.1, as amended by Section 2, Chapter 259,
20 O.S.L. 2012, 1272.2, as amended by Section 3, Chapter
21 259, O.S.L. 2012, 1273, as last amended by Section 1,
22 Chapter 193, O.S.L. 2014, 1276, as amended by Section
23 5, Chapter 259, O.S.L. 2012, 1277, as last amended by
24 Section 2, Chapter 1, O.S.L. 2019, 1277, as last
 amended by Section 1, Chapter 235, O.S.L. 2019, 1278,
 as amended by Section 7, Chapter 259, O.S.L. 2012,
 1279, as amended by Section 1, Chapter 171, O.S.L.
 2013, 1280, 1280.1, as last amended by Section 2,
 Chapter 310, O.S.L. 2015, 1283, as last amended by
 Section 3, Chapter 1, O.S.L. 2019 and 1287, as
 amended by Section 10, Chapter 259, O.S.L. 2012 (21
 O.S. Supp. 2019, Sections 1272, 1272.1, 1272.2, 1273,
 1276, 1277, 1278, 1279, 1280.1, 1283 and 1287), which
 relate to the carrying of firearms and penalties
 related thereto; deleting named act and adding
 statutory references; amending 21 O.S. 2011, Sections
 1289.2, 1289.3, as last amended by Section 1, Chapter
 63, O.S.L. 2019, 1289.4, 1289.5, as amended by
 Section 2, Chapter 63, O.S.L. 2019, 1289.6, as last

1 amended by Section 4, Chapter 1, O.S.L. 2019, 1289.7,
2 as last amended by Section 5, Chapter 1, O.S.L. 2019,
3 1289.9, as amended by Section 14, Chapter 259, O.S.L.
4 2012, 1289.10, as amended by Section 15, Chapter 259,
5 O.S.L. 2012, 1289.11, as amended by Section 16,
6 Chapter 259, O.S.L. 2012, 1289.12, as amended by
7 Section 17, Chapter 259, O.S.L. 2012, 1289.13, as
8 last amended by Section 6, Chapter 1, O.S.L. 2019,
9 1289.13A, as last amended by Section 7, Chapter 1,
10 O.S.L. 2019, 1289.16, as last amended by Section 1,
11 Chapter 266, O.S.L. 2017, 1289.18, as amended by
12 Section 3, Chapter 63, O.S.L. 2019, 1289.23, as last
13 amended by Section 1, Chapter 406, O.S.L. 2019,
14 1289.24, as last amended by Section 8, Chapter 1,
15 O.S.L. 2019 and 1289.25, as last amended by Section
16 1, Chapter 218, O.S.L. 2018 (21 O.S. Supp. 2019,
17 Sections 1289.3, 1289.5, 1289.6, 1289.7, 1289.9,
18 1289.10, 1289.11, 1289.12, 1289.13, 1289.13A,
19 1289.16, 1289.18, 1289.23, 1289.24 and 1289.25),
20 which relate to the Oklahoma Firearms Act of 1971;
21 deleting named act and adding statutory references;
22 amending 21 O.S. 2011, Sections 1290.2, as last
23 amended by Section 4, Chapter 63, O.S.L. 2019,
24 1290.3, as amended by Section 24, Chapter 259, O.S.L.
2012, 1290.4, as amended by Section 25, Chapter 259,
O.S.L. 2012, 1290.5, as last amended by Section 3,
Chapter 406, O.S.L. 2019, 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, 1290.9, as last amended by Section 1,
Chapter 423, O.S.L. 2019, 1290.10, as last amended by
Section 5, Chapter 406, O.S.L. 2019, 1290.11, as last
amended by Section 6, Chapter 406, O.S.L. 2019,
1290.12, as last amended by Section 7, Chapter 406,
O.S.L. 2019, 1290.13, as last amended by Section 1,
Chapter 161, O.S.L. 2014, 1290.14, as last amended by
Section 2, Chapter 207, O.S.L. 2015, 1290.15, as last
amended by Section 3, Chapter 298, O.S.L. 2017,
1290.17, as amended by Section 36, Chapter 259,
O.S.L. 2012, 1290.18, as last amended by Section 1,
Chapter 200, O.S.L. 2015, 1290.19, as amended by
Section 38, Chapter 259, O.S.L. 2012, 1290.20, as
amended by Section 39, Chapter 259, O.S.L. 2012,
1290.21, as last amended by Section 6, Chapter 366,
O.S.L. 2013, 1290.22, as last amended by Section 12,
Chapter 1, O.S.L. 2019, 1290.23, as amended by

1 Section 41, Chapter 259, O.S.L. 2012, 1290.24, as
2 last amended by Section 13, Chapter 1, O.S.L. 2019,
3 1290.25, as amended by Section 43, Chapter 259,
4 O.S.L. 2012 and 1290.26, as last amended by Section
5 4, Chapter 298, O.S.L. 2017 (21 O.S. Supp. 2019,
6 Sections 1290.2, 1290.3, 1290.4, 1290.5, 1290.6,
7 1290.7, 1290.8, 1290.9, 1290.10, 1290.11, 1290.12,
8 1290.13, 1290.14, 1290.15, 1290.17, 1290.18, 1290.19,
9 1290.20, 1290.21, 1290.22, 1290.23, 1290.24, 1290.25
10 and 1290.26), which relate to the Oklahoma Self-
11 Defense Act; deleting named act and adding statutory
12 references; amending 21 O.S. 2011, Section 1364, as
13 amended by Section 45, Chapter 259, O.S.L. 2012 (21
14 O.S. Supp. 2019, Section 1364), which relates to
15 discharging firearms; deleting named act and adding
16 statutory references; amending 21 O.S. 2011, Section
17 1902, as amended by Section 1, Chapter 314, O.S.L.
18 2017 (21 O.S. Supp. 2019, Section 1902), which
19 relates to the Bus Passenger Safety Act; deleting
20 named act and adding statutory references; amending
21 57 O.S. 2011, Section 21, as last amended by Section
22 2, Chapter 226, O.S.L. 2015 (57 O.S. Supp. 2019,
23 Section 21), which relates to penalties for bringing
24 contraband into jails or penal institutions; deleting
named act and adding statutory references; amending
Section 3, Chapter 407, O.S.L. 2013, as amended by
Section 2, Chapter 373, O.S.L. 2014 (59 O.S. Supp.
2019, Section 1350.2), which relates to the Bail
Enforcement and Licensing Act; deleting named act and
adding statutory references; amending 63 O.S. 2011,
Section 2-110, as amended by Section 46, Chapter 259,
O.S.L. 2012 (63 O.S. Supp. 2019, Section 2-110),
which relates to the Uniform Controlled Dangerous
Substances Act; deleting named act and adding
statutory references; amending 63 O.S. 2011, Section
4210.3, as amended by Section 47, Chapter 259, O.S.L.
2012 (63 O.S. Supp. 2019, Section 4210.3), which
relates to the Oklahoma Boating Safety Regulation
Act; deleting named act and adding statutory
references; amending Section 3, Chapter 310, O.S.L.
2015 (70 O.S. Supp. 2019, Section 5-149.2), which
relates to firearms training for certain school
personnel; deleting named act and adding statutory
references; repealing 21 O.S. 2011, Sections 1289.1
and 1290.1, as last amended by Section 2, Chapter
406, O.S.L. 2019 (21 O.S. Supp. 2019, Section
1290.1), which relate to the short titles of the

1 Oklahoma Firearms Act of 1971 and Oklahoma Self-
2 Defense Act; providing for codification; and
3 providing an effective date.
4

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

6 SECTION 1. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1270 of Title 21, unless there
8 is created a duplication in numbering, reads as follows:

9 Sections 1270 through 1290.27 of Title 21 of the Oklahoma
10 Statutes shall be known and may be cited as the "Oklahoma Self-
11 Defense Act of 2020".

12 SECTION 2. AMENDATORY Section 1, Chapter 355, O.S.L.
13 2019 (11 O.S. Supp. 2019, Section 22-139), is amended to read as
14 follows:

15 Section 22-139. A. The city council or board of trustees for a
16 city or municipality may, through a majority vote of the council or
17 board, designate city or municipality personnel who have been issued
18 a handgun license pursuant to ~~the Oklahoma Self-Defense Act Sections~~
19 1290.2 through 1290.27 of Title 21 of the Oklahoma Statutes to
20 attend an armed security guard training program, as provided for in
21 Section 1750.5 of Title 59 of the Oklahoma Statutes, or a reserve
22 peace officer certification program, as provided for in Section 3311
23 of Title 70 of the Oklahoma Statutes, provided and developed by the
24 Council on Law Enforcement Education and Training (CLEET). Nothing

1 in this section shall be construed to prohibit or limit the city
2 council or board of trustees of a city or municipality from
3 requiring ongoing education and training.

4 B. Participation in either the armed security guard training
5 program or the reserve peace officer certification program shall be
6 voluntary and shall not in any way be considered a requirement for
7 continued employment with the city or municipality. The city
8 council or board of trustees of a city or municipality shall have
9 the final authority to determine and designate personnel who will be
10 authorized to obtain and use an armed security guard license or
11 reserve peace officer certification in conjunction with their
12 employment as city or municipality personnel.

13 C. The city council or board of trustees of a city or
14 municipality that authorizes personnel to participate in either the
15 armed security guard program or the reserve peace officer program
16 may pay all necessary training, meal and lodging expenses associated
17 with the training.

18 D. When carrying a firearm pursuant to this act, the person
19 shall at all times carry the firearm on his or her person or the
20 firearm shall be stored in a locked and secure location.

21 E. Any city or municipality personnel who have successfully
22 completed either training and while acting in a reasonable and
23 prudent manner shall be immune from civil and criminal liability for
24 any injury resulting from the carrying of a handgun onto city or

1 municipality property as provided in this act. Any municipality,
2 city council, board of trustees or participating local law
3 enforcement agency shall be immune from civil and criminal liability
4 for any injury resulting from any act committed by the city or
5 municipality personnel who are designated to carry a concealed
6 handgun on public city or municipality property pursuant to the
7 provisions of this act.

8 F. In order to carry out the provisions of this section, the
9 city council or board of trustees of a city or municipality is
10 authorized to enter into a memorandum of understanding with local
11 law enforcement entities.

12 SECTION 3. AMENDATORY 19 O.S. 2011, Section 514.3, is
13 amended to read as follows:

14 Section 514.3 The sheriff may charge Five Dollars (\$5.00) per
15 card for fingerprinting individuals. This section shall not be
16 applicable to fingerprinting individuals pursuant to the ~~Oklahoma~~
17 ~~Self-Defense Act~~ handgun license application procedures provided for
18 in Section 1290.12 of Title 21 of the Oklahoma Statutes. All fees
19 collected pursuant to this section shall be deposited into the
20 Sheriff's Service Fee Account.

21 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1272, as
22 last amended by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
23 2019, Section 1272), is amended to read as follows:

24 Section 1272.

1 UNLAWFUL CARRY

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

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

11 2. The carrying or use of weapons in a manner otherwise
12 permitted by statute or authorized by ~~the Oklahoma Self-Defense Act~~
13 Sections 1290.2 through 1290.27 of this title;

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~~ Sections
22 1290.2 through 1290.27 of this title and whose name appears on a
23 list maintained by the Administrative 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 carrying of a firearm, concealed or unconcealed, loaded
10 or unloaded, by a person who is twenty-one (21) years of age or
11 older or by a person who is eighteen (18) years of age but not yet
12 twenty-one (21) years of age and the person is a member or veteran
13 of the United States Armed Forces, Reserves or National Guard or was
14 discharged under honorable conditions from the United States Armed
15 Forces, Reserves or National Guard, and the person is otherwise not
16 disqualified from the possession or purchase of a firearm under
17 state or federal law and is not carrying the firearm in furtherance
18 of a crime.

19 Except as provided in subsection B of Section 1283 of this
20 title, a person who has been convicted of any one of the following
21 offenses in this state or a violation of the equivalent law of
22 another state:
23
24

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

16 shall be prohibited from carrying a firearm under the provisions of
17 this paragraph. Any person who carries a firearm in the manner
18 provided for in this paragraph shall be prohibited from carrying the
19 firearm into any of the places prohibited in subsection A of Section
20 1277 of this title or any other place currently prohibited by law.
21 Nothing in this section shall modify or otherwise change where a
22 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 5. AMENDATORY 21 O.S. 2011, Section 1272.1, as
5 amended by Section 2, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
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 person to carry or possess any
10 weapon designated in Section 1272 of this title in any establishment
11 where low-point beer, as defined by Section 163.2 of Title 37 of the
12 Oklahoma Statutes, or alcoholic beverages, as defined by Section 506
13 of Title 37 of the Oklahoma Statutes, are consumed. This provision
14 shall not apply to a peace officer, as defined in Section 99 of this
15 title, or to private investigators with a firearms authorization
16 when acting in the scope and course of employment, and shall not
17 apply to an owner or proprietor of the establishment having a
18 pistol, rifle, or shotgun on the premises. Provided, however, a
19 person possessing a valid handgun license pursuant to the provisions
20 of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of
21 this title may carry the concealed or unconcealed handgun into any
22 restaurant or other establishment licensed to dispense low-point
23 beer or alcoholic beverages where the sale of low-point beer or
24

1 alcoholic beverages does not constitute the primary purpose of the
2 business.

3 Provided further, nothing in this section shall be interpreted
4 to authorize any peace officer in actual physical possession of a
5 weapon to consume low-point beer or alcoholic beverages, except in
6 the authorized line of duty as an undercover officer.

7 Nothing in this section shall be interpreted to authorize any
8 private investigator with a firearms authorization in actual
9 physical possession of a weapon to consume low-point beer or
10 alcoholic beverages in any establishment where low-point beer or
11 alcoholic beverages are consumed.

12 B. Any person violating the provisions of this section shall be
13 punished as provided in Section 1272.2 of this title.

14 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1272.2, as
15 amended by Section 3, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
16 Section 1272.2), is amended to read as follows:

17 Section 1272.2

18 PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

19 Any person who intentionally or knowingly carries on his or her
20 person any weapon in violation of Section 1272.1 of this title,
21 shall, upon conviction, be guilty of a felony punishable by a fine
22 not to exceed One Thousand Dollars (\$1,000.00), or imprisonment in
23 the custody of the Department of Corrections for a period not to
24 exceed two (2) years, or by both such fine and imprisonment.

1 Any person convicted of violating the provisions of this section
2 after having been issued a handgun license pursuant to the
3 provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through
4 1290.27 of this title shall have the license revoked by the Oklahoma
5 State Bureau of Investigation after a hearing and determination that
6 the person is in violation of Section 1272.1 of this title.

7 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1273, as
8 last amended by Section 1, Chapter 193, O.S.L. 2014 (21 O.S. Supp.
9 2019, Section 1273), is amended to read as follows:

10 Section 1273.

11 ALLOWING MINORS TO POSSESS FIREARMS

12 A. It shall be unlawful for any person within this state to
13 sell or give to any child any of the arms or weapons designated in
14 Section 1272 of this title; provided, the provisions of this section
15 shall not prohibit a parent of a child or legal guardian of a child,
16 or a person acting with the permission of the parent of the child or
17 legal guardian of the child, from giving the child a firearm for
18 participation in hunting animals or fowl, hunter safety classes,
19 education and training in the safe use and handling of firearms,
20 target shooting, skeet, trap or other sporting events or
21 competitions, except as provided in subsection B of this section.

22 B. It shall be unlawful for any parent or guardian to
23 intentionally, knowingly, or recklessly permit his or her child to
24 possess any of the arms or weapons designated in Section 1272 of

1 this title, including any firearm, if such parent is aware of a
2 substantial risk that the child will use the weapon to commit a
3 criminal offense or if the child has either been adjudicated a
4 delinquent or has been convicted as an adult for any criminal
5 offense that contains as an element the threat or use of physical
6 force against the person of another.

7 C. It shall be unlawful for any child to possess any of the
8 arms or weapons designated in Section 1272 of this title, except
9 firearms used for participation in hunting animals or fowl, hunter
10 safety classes, education and training in the safe use and handling
11 of firearms, target shooting, skeet, trap or other sporting events
12 or competitions. Provided, this section shall not authorize the
13 possession of such weapons by any person who is subject to the
14 provisions of Section 1283 of this title.

15 D. Any person violating the provisions of this section shall,
16 upon conviction, be punished as provided in Section 1276 of this
17 title, and, any child violating the provisions of this section shall
18 be subject to adjudication as a delinquent. In addition, any person
19 violating the provisions of subsection A or B of this section shall
20 be liable for civil damages for any injury or death to any person
21 and for any damage to property, as provided in Section 10 of Title
22 23 of the Oklahoma Statutes, resulting from any discharge of a
23 firearm by the child or use of any other weapon that the person had
24 given to the child or permitted the child to possess. Any person

1 convicted of violating the provisions of this section after having
2 been issued a handgun license pursuant to the provisions of ~~the~~
3 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of this
4 title may be liable for an administrative violation as provided in
5 Section 1276 of this title.

6 E. As used in this section, "child" means a person under
7 eighteen (18) years of age.

8 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1276, as
9 amended by Section 5, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
10 Section 1276), is amended to read as follows:

11 Section 1276.

12 PENALTY FOR 1272 AND 1273

13 Any person violating the provisions of Section 1272 or 1273 of
14 this title shall, upon a first conviction, be adjudged guilty of a
15 misdemeanor and the party offending shall be punished by a fine of
16 not less than One Hundred Dollars (\$100.00) nor more than Two
17 Hundred Fifty Dollars (\$250.00), or by imprisonment in the county
18 jail for a period not to exceed thirty (30) days or both such fine
19 and imprisonment. On the second and every subsequent violation, the
20 party offending shall, upon conviction, be punished by a fine of not
21 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
22 Hundred Dollars (\$500.00), or by imprisonment in the county jail for
23 a period not less than thirty (30) days nor more than three (3)
24 months, or by both such fine and imprisonment.

1 Any person convicted of violating the provisions of Section 1272
2 or 1273 of this title after having been issued a handgun license
3 pursuant to the provisions of ~~the Oklahoma Self-Defense Act~~ Sections
4 1290.2 through 1290.27 of this title shall have the license
5 suspended for a period of six (6) months and shall be liable for an
6 administrative fine of Fifty Dollars (\$50.00) upon a hearing and
7 determination by the Oklahoma State Bureau of Investigation that the
8 person is in violation of the provisions of this section.

9 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1277, as
10 last amended by Section 2, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
11 2019, Section 1277), is amended to read as follows:

12 Section 1277.

13 UNLAWFUL CARRY IN CERTAIN PLACES

14 A. It shall be unlawful for any person, including a person in
15 possession of a valid handgun license issued pursuant to the
16 provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through
17 1290.27 of this title, to carry any concealed or unconcealed handgun
18 into any of the following places:

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

22 2. Any courthouse, courtroom, prison, jail, detention facility
23 or any facility used to process, hold or house arrested persons,
24 prisoners or persons alleged delinquent or adjudicated delinquent,

1 except as provided in Section 21 of Title 57 of the Oklahoma
2 Statutes;

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

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

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

10 6. Any other place specifically prohibited by law.

11 B. For purposes of subsection A of this section, the prohibited
12 place does not include and specifically excludes the following
13 property:

14 1. Any property set aside for the use or parking of any
15 vehicle, whether attended or unattended, by a city, town, county,
16 state or federal governmental authority;

17 2. Any property set aside for the use or parking of any
18 vehicle, whether attended or unattended, which is open to the
19 public, or by any entity engaged in gambling authorized by law;

20 3. Any property adjacent to a structure, building or office
21 space in which concealed or unconcealed weapons are prohibited by
22 the provisions of this section;

23 4. Any property designated by a city, town, county or state
24 governmental authority as a park, recreational area, wildlife

1 refuge, wildlife management area or fairgrounds; provided, nothing
2 in this paragraph shall be construed to authorize any entry by a
3 person in possession of a concealed or unconcealed firearm into any
4 structure, building or office space which is specifically prohibited
5 by the provisions of subsection A of this section; and

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

11 Nothing contained in any provision of this subsection or
12 subsection C of this section shall be construed to authorize or
13 allow any person in control of any place described in subsection A
14 of this section to establish any policy or rule that has the effect
15 of prohibiting any person in lawful possession of a handgun license
16 or otherwise in lawful possession of a firearm from carrying or
17 possessing the firearm on the property described in this subsection.

18 C. A concealed or unconcealed weapon may be carried onto
19 private school property or in any school bus or vehicle used by any
20 private school for transportation of students or teachers by a
21 person who is licensed pursuant to ~~the Oklahoma Self-Defense Act~~
22 Sections 1290.2 through 1290.27 of this title, provided a policy has
23 been adopted by the governing entity of the private school that
24 authorizes the carrying and possession of a weapon on private school

1 property or in any school bus or vehicle used by a private school.
2 Except for acts of gross negligence or willful or wanton misconduct,
3 a governing entity of a private school that adopts a policy which
4 authorizes the possession of a weapon on private school property, a
5 school bus or vehicle used by the private school shall be immune
6 from liability for any injuries arising from the adoption of the
7 policy. The provisions of this subsection shall not apply to claims
8 pursuant to the Administrative Workers' Compensation Act.

9 D. Notwithstanding paragraph 3 of subsection A of this section,
10 a board of education of a school district may adopt a policy
11 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
12 authorize the carrying of a handgun onto school property by school
13 personnel specifically designated by the board of education,
14 provided such personnel either:

15 1. Possess a valid armed security guard license as provided for
16 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

17 2. Hold a valid reserve peace officer certification as provided
18 for in Section 3311 of Title 70 of the Oklahoma Statutes.

19 Nothing in this subsection shall be construed to restrict authority
20 granted elsewhere in law to carry firearms.

21 E. Any person violating the provisions of paragraph 2 or 3 of
22 subsection A of this section shall, upon conviction, be guilty of a
23 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
24 Dollars (\$250.00). A person violating any other provision of

1 subsection A of this section may be denied entrance onto the
2 property or removed from the property. If the person refuses to
3 leave the property and a peace officer is summoned, the person may
4 be issued a citation for an amount not to exceed Two Hundred Fifty
5 Dollars (\$250.00).

6 F. No person in possession of a valid handgun license issued
7 pursuant to the provisions of ~~the Oklahoma Self-Defense Act~~ Sections
8 1290.2 through 1290.27 of this title or who is carrying or in
9 possession of a firearm as otherwise permitted by law or who is
10 carrying or in possession of a machete, blackjack, loaded cane, hand
11 chain or metal knuckles shall be authorized to carry the firearm,
12 machete, blackjack, loaded cane, hand chain or metal knuckles into
13 or upon any college, university or technology center school
14 property, except as provided in this subsection. For purposes of
15 this subsection, the following property shall not be construed to be
16 college, university or technology center school property:

17 1. Any property set aside for the use or parking of any
18 vehicle, whether attended or unattended, provided the firearm,
19 machete, blackjack, loaded cane, hand chain or metal knuckles is
20 carried or stored as required by law and the firearm, machete,
21 blackjack, loaded cane, hand chain or metal knuckles is not removed
22 from the vehicle without the prior consent of the college or
23 university president or technology center school administrator while
24

1 the vehicle is on any college, university or technology center
2 school property;

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

6 3. Any property authorized by the written consent of the
7 college or university president or technology center school
8 administrator, provided the written consent is carried with the
9 firearm, machete, blackjack, loaded cane, hand chain or metal
10 knuckles and the valid handgun license while on college, university
11 or technology center school property.

12 The college, university or technology center school may notify
13 the Oklahoma State Bureau of Investigation within ten (10) days of a
14 violation of any provision of this subsection by a licensee. Upon
15 receipt of a written notification of violation, the Bureau shall
16 give a reasonable notice to the licensee and hold a hearing. At the
17 hearing, upon a determination that the licensee has violated any
18 provision of this subsection, the licensee may be subject to an
19 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
20 have the handgun license suspended for three (3) months.

21 Nothing contained in any provision of this subsection shall be
22 construed to authorize or allow any college, university or
23 technology center school to establish any policy or rule that has
24 the effect of prohibiting any person in lawful possession of a

1 handgun license or any person in lawful possession of a firearm,
2 machete, blackjack, loaded cane, hand chain or metal knuckles from
3 possession of a firearm, machete, blackjack, loaded cane, hand chain
4 or metal knuckles in places described in paragraphs 1, 2 and 3 of
5 this subsection. Nothing contained in any provision of this
6 subsection shall be construed to limit the authority of any college,
7 university or technology center school in this state from taking
8 administrative action against any student for any violation of any
9 provision of this subsection.

10 G. The provisions of this section shall not apply to the
11 following:

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

14 2. District judges, associate district judges and special
15 district judges, who are in possession of a valid handgun license
16 issued pursuant to the provisions of ~~the Oklahoma Self-Defense Act~~
17 Sections 1290.2 through 1290.27 of this title and whose names appear
18 on a list maintained by the Administrative Director of the Courts,
19 when acting in the course and scope of employment within the
20 courthouses of this state;

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

23 4. Elected officials of a county, who are in possession of a
24 valid handgun license issued pursuant to the provisions of ~~the~~

1 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of this
2 title, may carry a concealed handgun when acting in the performance
3 of their duties within the courthouses of the county in which he or
4 she was elected. The provisions of this paragraph shall not allow
5 the elected county official to carry the handgun into a courtroom;

6 5. The sheriff of any county may authorize certain employees of
7 the county, who possess a valid handgun license issued pursuant to
8 the provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2
9 through 1290.27 of this title, to carry a concealed handgun when
10 acting in the course and scope of employment within the courthouses
11 in the county in which the person is employed. Nothing in this act
12 shall prohibit the sheriff from requiring additional instruction or
13 training before receiving authorization to carry a concealed handgun
14 within the courthouse. The provisions of this paragraph and of
15 paragraph 6 of this subsection shall not allow the county employee
16 to carry the handgun into a courtroom, sheriff's office, adult or
17 juvenile jail or any other prisoner detention area; and

18 6. The board of county commissioners of any county may
19 authorize certain employees of the county, who possess a valid
20 handgun license issued pursuant to the provisions of ~~the Oklahoma~~
21 ~~Self-Defense Act~~ Sections 1290.2 through 1290.27 of this title, to
22 carry a concealed handgun when acting in the course and scope of
23 employment on county annex facilities or grounds surrounding the
24 county courthouse.

1 H. For the purposes of this section, "motor vehicle" means any
2 automobile, truck, minivan or sports utility vehicle.

3 SECTION 10. 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 2019, 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~~ Sections 1290.2 through
11 1290.27 of this title, to carry any concealed or unconcealed handgun
12 into any of the following places:

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

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

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

24

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

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

5 6. Any other place specifically prohibited by law.

6 B. For purposes of subsection A of this section, the prohibited
7 place does not include and specifically excludes the following
8 property:

9 1. Any property set aside for the use or parking of any
10 vehicle, whether attended or unattended, by a city, town, county,
11 state or federal governmental authority;

12 2. Any property set aside for the use or parking of any
13 vehicle, whether attended or unattended, which is open to the
14 public, or by any entity engaged in gambling authorized by law;

15 3. Any property adjacent to a structure, building or office
16 space in which concealed or unconcealed weapons are prohibited by
17 the provisions of this section;

18 4. Any property designated by a city, town, county or state
19 governmental authority as a park, recreational area, wildlife
20 refuge, wildlife management area or fairgrounds; provided, nothing
21 in this paragraph shall be construed to authorize any entry by a
22 person in possession of a concealed or unconcealed firearm into any
23 structure, building or office space which is specifically prohibited
24 by the provisions of subsection A of this section; and

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

6 Nothing contained in any provision of this subsection or
7 subsection C of this section shall be construed to authorize or
8 allow any person in control of any place described in subsection A
9 of this section to establish any policy or rule that has the effect
10 of prohibiting any person in lawful possession of a handgun license
11 or otherwise in lawful possession of a firearm from carrying or
12 possessing the firearm on the property described in this subsection.

13 C. A concealed or unconcealed weapon may be carried onto
14 private school property or in any school bus or vehicle used by any
15 private school for transportation of students or teachers by a
16 person who is licensed pursuant to ~~the Oklahoma Self-Defense Act~~
17 Sections 1290.2 through 1290.27 of this title, provided a policy has
18 been adopted by the governing entity of the private school that
19 authorizes the carrying and possession of a weapon on private school
20 property or in any school bus or vehicle used by a private school.
21 Except for acts of gross negligence or willful or wanton misconduct,
22 a governing entity of a private school that adopts a policy which
23 authorizes the possession of a weapon on private school property, a
24 school bus or vehicle used by the private school shall be immune

1 from liability for any injuries arising from the adoption of the
2 policy. The provisions of this subsection shall not apply to claims
3 pursuant to the Administrative Workers' Compensation Act.

4 D. Notwithstanding paragraph 3 of subsection A of this section,
5 a board of education of a school district may adopt a policy
6 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
7 authorize the carrying of a handgun onto school property by school
8 personnel specifically designated by the board of education,
9 provided such personnel either:

10 1. Possess a valid armed security guard license as provided for
11 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

12 2. Hold a valid reserve peace officer certification as provided
13 for in Section 3311 of Title 70 of the Oklahoma Statutes.

14 Nothing in this subsection shall be construed to restrict authority
15 granted elsewhere in law to carry firearms.

16 E. In any municipal zoo or park of any size that is owned,
17 leased, operated or managed by:

18 1. A public trust created pursuant to the provisions of Section
19 176 of Title 60 of the Oklahoma Statutes; or

20 2. A nonprofit entity,
21 an individual shall be allowed to carry a concealed handgun but not
22 openly carry a handgun on the property.

23 F. Any person violating the provisions of paragraph 2 or 3 of
24 subsection A of this section shall, upon conviction, be guilty of a

1 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
2 Dollars (\$250.00). A person violating any other provision of
3 subsection A of this section may be denied entrance onto the
4 property or removed from the property. If the person refuses to
5 leave the property and a peace officer is summoned, the person may
6 be issued a citation for an amount not to exceed Two Hundred Fifty
7 Dollars (\$250.00).

8 G. No person in possession of a valid handgun license issued
9 pursuant to the provisions of ~~the Oklahoma Self-Defense Act~~ Sections
10 1290.2 through 1290.27 of this title or who is carrying or in
11 possession of a firearm as otherwise permitted by law or who is
12 carrying or in possession of a machete, blackjack, loaded cane, hand
13 chain or metal knuckles shall be authorized to carry the firearm,
14 machete, blackjack, loaded cane, hand chain or metal knuckles into
15 or upon any college, university or technology center school
16 property, except as provided in this subsection. For purposes of
17 this subsection, the following property shall not be construed to be
18 college, university or technology center school property:

19 1. Any property set aside for the use or parking of any motor
20 vehicle, whether attended or unattended, provided the firearm,
21 machete, blackjack, loaded cane, hand chain or metal knuckles are
22 carried or stored as required by law and the firearm, machete,
23 blackjack, loaded cane, hand chain or metal knuckles are not removed
24 from the motor vehicle without the prior consent of the college or

1 university president or technology center school administrator while
2 the vehicle is on any college, university or technology center
3 school property;

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

7 3. Any property authorized by the written consent of the
8 college or university president or technology center school
9 administrator, provided the written consent is carried with the
10 firearm, machete, blackjack, loaded cane, hand chain or metal
11 knuckles and the valid handgun license while on college, university
12 or technology center school property.

13 The college, university or technology center school may notify
14 the Oklahoma State Bureau of Investigation within ten (10) days of a
15 violation of any provision of this subsection by a licensee. Upon
16 receipt of a written notification of violation, the Bureau shall
17 give a reasonable notice to the licensee and hold a hearing. At the
18 hearing, upon a determination that the licensee has violated any
19 provision of this subsection, the licensee may be subject to an
20 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
21 have the handgun license suspended for three (3) months.

22 Nothing contained in any provision of this subsection shall be
23 construed to authorize or allow any college, university or
24 technology center school to establish any policy or rule that has

1 the effect of prohibiting any person in lawful possession of a
2 handgun license or any person in lawful possession of a firearm,
3 machete, blackjack, loaded cane, hand chain or metal knuckles from
4 possession of a firearm, machete, blackjack, loaded cane, hand chain
5 or metal knuckles in places described in paragraphs 1, 2 and 3 of
6 this subsection. Nothing contained in any provision of this
7 subsection shall be construed to limit the authority of any college,
8 university or technology center school in this state from taking
9 administrative action against any student for any violation of any
10 provision of this subsection.

11 H. The provisions of this section shall not apply to the
12 following:

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

15 2. District judges, associate district judges and special
16 district judges, who are in possession of a valid handgun license
17 issued pursuant to the provisions of ~~the Oklahoma Self-Defense Act~~
18 Sections 1290.2 through 1290.27 of this title and whose names appear
19 on a list maintained by the Administrative Director of the Courts,
20 when acting in the course and scope of employment within the
21 courthouses of this state;

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

24

1 4. Elected officials of a county, who are in possession of a
2 valid handgun license issued pursuant to the provisions of ~~the~~
3 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of this
4 title, may carry a concealed handgun when acting in the performance
5 of their duties within the courthouses of the county in which he or
6 she was elected. The provisions of this paragraph shall not allow
7 the elected county official to carry the handgun into a courtroom;

8 5. The sheriff of any county may authorize certain employees of
9 the county, who possess a valid handgun license issued pursuant to
10 the provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2
11 through 1290.27 of this title, to carry a concealed handgun when
12 acting in the course and scope of employment within the courthouses
13 in the county in which the person is employed. Nothing in ~~the~~
14 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of this
15 title shall prohibit the sheriff from requiring additional
16 instruction or training before receiving authorization to carry a
17 concealed handgun within the courthouse. The provisions of this
18 paragraph and of paragraph 6 of this subsection shall not allow the
19 county employee to carry the handgun into a courtroom, sheriff's
20 office, adult or juvenile jail or any other prisoner detention area;
21 and

22 6. The board of county commissioners of any county may
23 authorize certain employees of the county, who possess a valid
24 handgun license issued pursuant to the provisions of ~~the Oklahoma~~

1 ~~Self-Defense Act~~ Sections 1290.2 through 1290.27 of this title, to
2 carry a concealed handgun when acting in the course and scope of
3 employment on county annex facilities or grounds surrounding the
4 county courthouse.

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

10 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1278, as
11 amended by Section 7, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
12 Section 1278), is amended to read as follows:

13 Section 1278.

14 UNLAWFUL INTENT TO CARRY

15 Any person in this state who carries or wears any deadly weapons
16 or dangerous instrument whatsoever with the intent or for the avowed
17 purpose of unlawfully injuring another person, upon conviction,
18 shall be guilty of a felony punishable by a fine not exceeding Five
19 Thousand Dollars (\$5,000.00), by imprisonment in the custody of the
20 Department of Corrections for a period not exceeding two (2) years,
21 or by both such fine and imprisonment. The mere possession of such
22 a weapon or dangerous instrument, without more, however, shall not
23 be sufficient to establish intent as required by this section.

24

1 Any person convicted of violating the provisions of this section
2 after having been issued a handgun license pursuant to the
3 provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through
4 1290.27 of this title shall have the license permanently revoked and
5 shall be liable for an administrative fine of One Thousand Dollars
6 (\$1,000.00) upon a hearing and determination by the Oklahoma State
7 Bureau of Investigation that the person is in violation of the
8 provisions of this section.

9 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1279, as
10 amended by Section 1, Chapter 171, O.S.L. 2013 (21 O.S. Supp. 2019,
11 Section 1279), is amended to read as follows:

12 Section 1279.

13 MISDEMEANOR POINTING A FIREARM

14 Except for an act of self-defense, it shall be unlawful for any
15 person to point any pistol or any other deadly weapon whether loaded
16 or not, at any other person or persons. Any person violating the
17 provisions of this section shall, upon conviction, be guilty of a
18 misdemeanor punishable as provided in Section 1280 of this title.

19 Any person convicted of violating the provisions of this section
20 after having been issued a handgun license pursuant to the
21 provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through
22 1290.27 of this title may be subject to an administrative violation
23 as provided in Section 1280 of this title.

24

1 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1280, is
2 amended to read as follows:

3 Section 1280.

4 PENALTY FOR 1279

5 Any person violating the provisions of Section 1279 of this
6 title, upon conviction, shall be guilty of a misdemeanor. The
7 person offending shall be punished by a fine of not less than One
8 Hundred Dollars (\$100.00) nor more than One Thousand Dollars
9 (\$1,000.00) and shall be imprisoned in the county jail for a period
10 not less than three (3) nor more than twelve (12) months. Any
11 person convicted of violating the provisions of Section 1279 of this
12 title after having been issued a handgun license pursuant to the
13 provisions of ~~the Oklahoma Self-Defense Act~~, Sections ~~±~~ 1290.2
14 through ~~25~~ 1290.27 of this ~~act~~, title shall have the handgun license
15 permanently revoked and shall be liable for an administrative fine
16 of Fifty Dollars (\$50.00) upon a hearing and determination by the
17 Oklahoma State Bureau of Investigation that the person is in
18 violation of the provisions of this section.

19 SECTION 14. AMENDATORY 21 O.S. 2011, Section 1280.1, as
20 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
21 2019, Section 1280.1), is amended to read as follows:

22 Section 1280.1

23 POSSESSION OF FIREARM ON SCHOOL PROPERTY

24

1 A. It shall be unlawful for any person to have in his or her
2 possession on any public or private school property or while in any
3 school bus or vehicle used by any school for transportation of
4 students or teachers any firearm or weapon designated in Section
5 1272 of this title, except as provided in subsection C of this
6 section or as otherwise authorized by law.

7 B. For purposes of this section:

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

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

17 3. "Motor vehicle" means any automobile, truck, minivan or
18 sports utility vehicle.

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

21 1. A gun or knife designed for hunting or fishing purposes kept
22 in a privately owned vehicle and properly displayed or stored as
23 required by law, provided such vehicle containing said gun or knife
24 is driven onto school property only to transport a student to and

1 from school and such vehicle does not remain unattended on school
2 property;

3 2. A gun or knife used for the purposes of participating in the
4 Oklahoma Department of Wildlife Conservation certified hunter
5 training education course or any other hunting, fishing, safety or
6 firearms training courses, or a recognized firearms sports event,
7 team shooting program or competition, or living history reenactment,
8 provided the course or event is approved by the principal or chief
9 administrator of the school where the course or event is offered,
10 and provided the weapon is properly displayed or stored as required
11 by law pending participation in the course, event, program or
12 competition;

13 3. Weapons in the possession of any peace officer or other
14 person authorized by law to possess a weapon in the performance of
15 his or her duties and responsibilities;

16 4. A concealed or unconcealed weapon carried onto private
17 school property or in any school bus or vehicle used by any private
18 school for transportation of students or teachers by a person who is
19 licensed pursuant to ~~the Oklahoma Self-Defense Act~~ Sections 1290.2
20 through 1290.27 of this title, provided a policy has been adopted by
21 the governing entity of the private school that authorizes the
22 possession of a weapon on private school property or in any school
23 bus or vehicle used by a private school. Except for acts of gross
24 negligence or willful or wanton misconduct, a governing entity of a

1 private school that adopts a policy which authorizes the possession
2 of a weapon on private school property, a school bus or vehicle used
3 by the private school shall be immune from liability for any
4 injuries arising from the adoption of the policy. The provisions of
5 this paragraph shall not apply to claims pursuant to the Workers'
6 Compensation Code;

7 5. A gun, knife, bayonet or other weapon in the possession of a
8 member of a veterans group, the national guard, active military, the
9 Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to
10 participate in a ceremony, assembly or educational program approved
11 by the principal or chief administrator of a school or school
12 district where the ceremony, assembly or educational program is
13 being held; provided, however, the gun or other weapon that uses
14 projectiles is not loaded and is inoperable at all times while on
15 school property;

16 6. A handgun carried in a motor vehicle pursuant to a valid
17 handgun license authorized by the ~~Oklahoma Self-Defense Act~~
18 provisions of Sections 1290.2 through 1290.27 of this title onto
19 property set aside by a public or private elementary or secondary
20 school for the use or parking of any vehicle; provided, however,
21 said handgun shall be stored and hidden from view in a locked motor
22 vehicle when the motor vehicle is left unattended on school
23 property; and

24

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

4 a. possess a valid armed security guard license as
5 provided for in Section 1750.1 et seq. of Title 59 of
6 the Oklahoma Statutes, or

7 b. hold a valid reserve peace officer certification as
8 provided for in Section 3311 of Title 70 of the
9 Oklahoma Statutes,

10 if a policy has been adopted by the board of education of the school
11 district that authorizes the carrying of a handgun onto public
12 school property by such personnel. Nothing in this subsection shall
13 be construed to restrict authority granted elsewhere in law to carry
14 firearms.

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

18 SECTION 15. AMENDATORY 21 O.S. 2011, Section 1283, as
19 last amended by Section 3, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
20 2019, Section 1283), is amended to read as follows:

21 Section 1283.

22 CONVICTED FELONS AND DELINQUENTS

23 A. Except as provided in subsection B of this section, it shall
24 be unlawful for any person convicted of any felony in any court of

1 this state or of another state or of the United States to have in
2 his or her possession or under his or her immediate control, or in
3 any vehicle which the person is operating, or in which the person is
4 riding as a passenger, or at the residence where the convicted
5 person resides, any pistol, imitation or homemade pistol, altered
6 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
7 other dangerous or deadly firearm.

8 B. Any person who has previously been convicted of a nonviolent
9 felony in any court of this state or of another state or of the
10 United States, and who has received a full and complete pardon from
11 the proper authority and has not been convicted of any other felony
12 offense which has not been pardoned, shall have restored the right
13 to possess any firearm or other weapon prohibited by subsection A of
14 this section, the right to apply for a handgun license and carry a
15 handgun, concealed or unconcealed, pursuant to the ~~Oklahoma Self-~~
16 ~~Defense Act~~ provisions of Sections 1290.2 through 1290.27 of this
17 title or as otherwise permitted by law, and the right to perform the
18 duties of a peace officer, gunsmith, and for firearms repair.

19 C. It shall be unlawful for any person serving a term of
20 probation for any felony in any court of this state or of another
21 state or of the United States or under the jurisdiction of any
22 alternative court program to have in his or her possession or under
23 his or her immediate control, or at his or her residence, or in any
24 passenger vehicle which the person is operating or is riding as a

1 passenger, any pistol, shotgun or rifle, including any imitation or
2 homemade pistol, altered air or toy pistol, shotgun or rifle, while
3 such person is subject to supervision, probation, parole or inmate
4 status.

5 D. It shall be unlawful for any person previously adjudicated
6 as a delinquent child or a youthful offender for the commission of
7 an offense, which would have constituted a felony offense if
8 committed by an adult, to have in the possession of the person or
9 under the immediate control of the person, or have in any vehicle
10 which he or she is driving or in which the person is riding as a
11 passenger, or at the residence of the person, any pistol, imitation
12 or homemade pistol, altered air or toy pistol, machine gun, sawed-
13 off shotgun or rifle, or any other dangerous or deadly firearm
14 within ten (10) years after such adjudication; provided, that
15 nothing in this subsection shall be construed to prohibit the
16 placement of the person in a home with a full-time duly appointed
17 peace officer who is certified by the Council on Law Enforcement
18 Education and Training (CLEET) pursuant to the provisions of Section
19 3311 of Title 70 of the Oklahoma Statutes.

20 E. It shall be unlawful for any person who is an alien
21 illegally or unlawfully in the United States to have in the
22 possession of the person or under the immediate control of the
23 person, or in any vehicle the person is operating, or at the
24 residence where the person resides, any pistol, imitation or

1 homemade pistol, altered air or toy pistol, shotgun, rifle or any
2 other dangerous or deadly firearm; provided, that nothing in this
3 subsection applies to prohibit the transport or detention of the
4 person by law enforcement officers or federal immigration
5 authorities. Any person who violates the provisions of this
6 subsection shall, upon conviction, be guilty of a misdemeanor
7 punishable by a fine of Two Hundred Fifty Dollars (\$250.00).

8 F. Any person having been issued a handgun license pursuant to
9 the provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2
10 through 1290.27 of this title and who thereafter knowingly or
11 intentionally allows a convicted felon or adjudicated delinquent or
12 a youthful offender as prohibited by the provisions of subsection A,
13 C, or D of this section to possess or have control of any pistol
14 authorized by ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through
15 1290.27 of this title shall, upon conviction, be guilty of a felony
16 punishable by a fine not to exceed Five Thousand Dollars
17 (\$5,000.00). In addition, the person shall have the handgun license
18 revoked by the Oklahoma State Bureau of Investigation after a
19 hearing and determination that the person has violated the
20 provisions of this section.

21 G. Any convicted or adjudicated person violating the provisions
22 of this section shall, upon conviction, be guilty of a felony
23 punishable as provided in Section 1284 of this title.

24

1 H. For purposes of this section, "sawed-off shotgun or rifle"
2 shall mean any shotgun or rifle which has been shortened to any
3 length.

4 I. For purposes of this section, "altered toy pistol" shall
5 mean any toy weapon which has been altered from its original
6 manufactured state to resemble a real weapon.

7 J. For purposes of this section, "altered air pistol" shall
8 mean any air pistol manufactured to propel projectiles by air
9 pressure which has been altered from its original manufactured
10 state.

11 K. For purposes of this section, "alternative court program"
12 shall mean any drug court, Anna McBride or mental health court, DUI
13 court or veterans court.

14 SECTION 16. AMENDATORY 21 O.S. 2011, Section 1287, as
15 amended by Section 10, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
16 Section 1287), is amended to read as follows:

17 Section 1287.

18 USE OF FIREARM WHILE COMMITTING A FELONY

19 A. Any person who, while committing or attempting to commit a
20 felony, possesses a pistol, shotgun or rifle or any other offensive
21 weapon in such commission or attempt, whether the pistol, shotgun or
22 rifle is loaded or not, or who possesses a blank or imitation
23 pistol, altered air or toy pistol, shotgun or rifle capable of
24 raising in the mind of one threatened with such device a fear that

1 it is a real pistol, shotgun or rifle, or who possesses an air gun
2 or carbon dioxide or other gas-filled weapon, electronic dart gun,
3 conductive energy weapon, knife, dagger, dirk, switchblade knife,
4 blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in
5 addition to the penalty provided by statute for the felony committed
6 or attempted, upon conviction shall be guilty of a felony for
7 possessing such weapon or device, which shall be a separate offense
8 from the felony committed or attempted and shall be punishable by
9 imprisonment in the custody of the Department of Corrections for a
10 period of not less than two (2) years nor for more than ten (10)
11 years for the first offense, and for a period of not less than ten
12 (10) years nor more than thirty (30) years for any second or
13 subsequent offense.

14 B. Any person convicted of violating the provisions of this
15 section after having been issued a handgun license pursuant to the
16 provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through
17 1290.27 of this title shall have the license permanently revoked and
18 shall be liable for an administrative fine of One Thousand Dollars
19 (\$1,000.00) upon a hearing and determination by the Oklahoma State
20 Bureau of Investigation that the person is in violation of the
21 provisions of this section.

22 C. As used in this section, "altered toy pistol" shall mean any
23 toy weapon which has been altered from its original manufactured
24 state to resemble a real weapon.

1 D. As used in this section, "altered air pistol" shall mean any
2 air pistol manufactured to propel projectiles by air pressure which
3 has been altered from its original manufactured state.

4 SECTION 17. 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~~ OKLAHOMA SELF-DEFENSE ACT OF
8 2020

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

18 SECTION 18. AMENDATORY 21 O.S. 2011, Section 1289.3, as
19 last amended by Section 1, Chapter 63, O.S.L. 2019 (21 O.S. Supp.
20 2019, Section 1289.3), is amended to read as follows:

21 Section 1289.3

22 DEFINITIONS FOR ~~FIREARMS ACT~~ OKLAHOMA SELF-DEFENSE ACT OF 2020

23 "Pistols" or "handguns" as used in the ~~Oklahoma Firearms Act of~~
24 ~~1971 and the Oklahoma Self-Defense Act~~ Oklahoma Self-Defense Act of

1 2020 shall mean any firearm capable of discharging single or
2 multiple projectiles from a single round of ammunition composed of
3 any material which may reasonably be expected to be able to cause
4 lethal injury, with a barrel or barrels less than sixteen (16)
5 inches in length, and using a combustible propellant charge, but not
6 to include any firearm with an overall length of twenty-six (26)
7 inches or more, flare guns, underwater fishing guns or blank
8 pistols.

9 SECTION 19. AMENDATORY 21 O.S. 2011, Section 1289.4, is
10 amended to read as follows:

11 Section 1289.4

12 DEFINITIONS FOR ~~FIREARMS ACT~~ OKLAHOMA SELF-DEFENSE ACT OF 2020

13 "Rifles" as used in the ~~Oklahoma Firearms Act of 1971, Sections~~
14 ~~1289.1 through 1289.17 of this title~~ Oklahoma Self-Defense Act of
15 2020, shall mean any firearm capable of discharging a projectile
16 composed of any material which may reasonably be expected to be able
17 to cause lethal injury, with a barrel or barrels more than sixteen
18 (16) inches in length, and using either gunpowder, gas or any means
19 of rocket propulsion, but not to include archery equipment, flare
20 guns or underwater fishing guns. In addition, any rifle capable of
21 firing "shot" but primarily designed to fire single projectiles will
22 be regarded as a "rifle".

23

24

1 SECTION 20. AMENDATORY 21 O.S. 2011, Section 1289.5, as
2 amended by Section 2, Chapter 63, O.S.L. 2019 (21 O.S. Supp. 2019,
3 Section 1289.5), is amended to read as follows:

4 Section 1289.5

5 DEFINITIONS FOR ~~FIREARMS ACT~~ OKLAHOMA SELF-DEFENSE ACT OF 2020

6 "Shotguns" as used in the ~~Oklahoma Firearms Act of 1971~~ Oklahoma
7 Self-Defense Act of 2020, shall mean any firearm capable of
8 discharging a series of projectiles of any material which may
9 reasonably be expected to be able to cause lethal injury, with a
10 barrel or barrels more than eighteen (18) inches in length, and
11 using a combustible propellant charge, but not to include any weapon
12 so designed with a barrel less than eighteen (18) inches in length
13 unless the overall length of the firearm is twenty-six (26) inches
14 or more. In addition, any "shotgun" capable of firing single
15 projectiles but primarily designed to fire multiple projectiles such
16 as "shot" will be regarded as a "shotgun".

17 SECTION 21. AMENDATORY 21 O.S. 2011, Section 1289.6, as
18 last amended by Section 4, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
19 2019, Section 1289.6), is amended to read as follows:

20 Section 1289.6

21 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

22 A. A person shall be permitted to carry loaded and unloaded
23 shotguns, rifles and pistols without a handgun license as authorized
24

1 by ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of
2 this title pursuant to the following conditions:

3 1. When hunting animals or fowl;

4 2. During competition in or practicing in a safety or hunter
5 safety class, target shooting, skeet, trap or other recognized
6 sporting events;

7 3. During participation in or in preparation for a military
8 function of the state military forces to be defined as the Oklahoma
9 Army or Air National Guard, federal military reserve and active
10 military forces. It is further provided that Oklahoma Army or Air
11 National Guard personnel with proper authorization and performing a
12 military function may carry loaded or unloaded and concealed weapons
13 on Oklahoma Military Department facilities in accordance with rules
14 promulgated by the Adjutant General;

15 4. During participation in or in preparation for a recognized
16 police function of either a municipal, county or state government as
17 functioning police officials;

18 5. During a practice for or a performance for entertainment
19 purposes;

20 6. As provided for in subsection A of Section 1272 of this
21 title; or

22 7. For lawful self-defense and self-protection or any other
23 legitimate purpose not in violation of any legislative enactment
24 regarding the use, carrying, ownership and control of firearms.

1 B. A person shall be permitted to carry unloaded shotguns,
2 rifles and pistols without a handgun license as authorized by ~~the~~
3 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of this
4 title and when going to or from the person's private residence or
5 vehicle.

6 C. The provisions of this section shall not be construed to
7 prohibit educational or recreational activities, exhibitions,
8 displays or shows involving the use or display of rifles, shotguns
9 or pistols or other weapons if the activity is approved by the
10 property owner and sponsor of the activity.

11 SECTION 22. AMENDATORY 21 O.S. 2011, Section 1289.7, as
12 last amended by Section 5, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
13 2019, Section 1289.7), is amended to read as follows:

14 Section 1289.7

15 FIREARMS IN VEHICLES

16 A. Any person who is not otherwise prohibited by law from
17 possessing a firearm may transport in a motor vehicle a pistol or
18 handgun, loaded or unloaded, at any time.

19 B. Any person who is not otherwise prohibited by law from
20 possessing a firearm may transport in a motor vehicle a rifle or
21 shotgun open or concealed, provided the rifle or shotgun is
22 transported pursuant to the requirements of Section 1289.13 of this
23 title.

24

1 C. Any person who is the operator of a motor vehicle or is a
2 passenger in any motor vehicle wherein another person who is
3 licensed pursuant to ~~the Oklahoma Self-Defense Act~~ Sections 1290.2
4 through 1290.27 of this title or is otherwise permitted by law to
5 carry a handgun, concealed or unconcealed, and is carrying a handgun
6 or has the handgun in such vehicle, shall not be deemed in violation
7 of the provisions of this section provided the licensee or person
8 permitted by law is in or near the motor vehicle.

9 D. It shall be unlawful for any person transporting a firearm
10 in a motor vehicle to fail or refuse to identify that the person is
11 in actual possession of a firearm when asked to do so by a law
12 enforcement officer of this state during any arrest, detainment or
13 routine traffic stop. Any person who violates the provisions of
14 this subsection may be issued a citation for an amount not to exceed
15 One Hundred Dollars (\$100.00).

16 SECTION 23. AMENDATORY 21 O.S. 2011, Section 1289.9, as
17 amended by Section 14, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
18 Section 1289.9), is amended to read as follows:

19 Section 1289.9

20 CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

21 It shall be unlawful for any person to carry or use shotguns,
22 rifles or pistols in any circumstances while under the influence of
23 beer, intoxicating liquors or any hallucinogenic, or any unlawful or
24 unprescribed drug, and it shall be unlawful for any person to carry

1 or use shotguns, rifles or pistols when under the influence of any
2 drug prescribed by a licensed physician if the aftereffects of such
3 consumption affect mental, emotional or physical processes to a
4 degree that would result in abnormal behavior. Any person convicted
5 of a violation of the provisions of this section shall be punished
6 as provided in Section 1289.15 of this title.

7 Any person convicted of a violation of the provisions of this
8 section after having been issued a handgun license pursuant to the
9 provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through
10 1290.27 of this title shall have the license suspended for a term of
11 six (6) months and shall be subject to an administrative fine of
12 Fifty Dollars (\$50.00), upon a hearing and determination by the
13 Oklahoma State Bureau of Investigation that the person is in
14 violation of the provisions of this section.

15 SECTION 24. AMENDATORY 21 O.S. 2011, Section 1289.10, as
16 amended by Section 15, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
17 Section 1289.10), is amended to read as follows:

18 Section 1289.10

19 FURNISHING FIREARMS TO INCOMPETENT PERSONS

20 It shall be unlawful for any person to knowingly transmit,
21 transfer, sell, lend or furnish any shotgun, rifle or pistol to any
22 person who is under an adjudication of mental incompetency, or to
23 any person who is mentally deficient or of unsound mind. Any person
24

1 convicted of a violation of the provisions of this section shall be
2 punished as provided in Section 1289.15 of this title.

3 Any person convicted of a violation of the provisions of this
4 section after having been issued a handgun license pursuant to the
5 provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through
6 1290.27 of this title shall have the license suspended for a term of
7 six (6) months and shall be subject to an administrative fine of
8 Fifty Dollars (\$50.00), upon a hearing and determination by the
9 Oklahoma State Bureau of Investigation that the person is in
10 violation of the provisions of this section.

11 SECTION 25. AMENDATORY 21 O.S. 2011, Section 1289.11, as
12 amended by Section 16, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
13 Section 1289.11), is amended to read as follows:

14 Section 1289.11

15 RECKLESS CONDUCT

16 It shall be unlawful for any person to engage in reckless
17 conduct while having in his or her possession any shotgun, rifle or
18 pistol, such actions consisting of creating a situation of
19 unreasonable risk and probability of death or great bodily harm to
20 another, and demonstrating a conscious disregard for the safety of
21 another person. Any person convicted of violating the provisions of
22 this section shall be punished as provided in Section 1289.15 of
23 this title.

24

1 Any person convicted of a violation of the provisions of this
2 section after having been issued a handgun license pursuant to ~~the~~
3 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of this
4 title shall have the license revoked and shall be subject to an
5 administrative fine of One Thousand Dollars (\$1,000.00), upon a
6 hearing and determination by the Oklahoma State Bureau of
7 Investigation that the person is in violation of the provisions of
8 this section.

9 SECTION 26. AMENDATORY 21 O.S. 2011, Section 1289.12, as
10 amended by Section 17, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
11 Section 1289.12), is amended to read as follows:

12 Section 1289.12

13 GIVING FIREARMS TO CONVICTED PERSONS

14 It shall be unlawful for any person within this state to
15 knowingly sell, trade, give, transmit or otherwise cause the
16 transfer of rifles, shotguns or pistols to any convicted felon or an
17 adjudicated delinquent, and it shall be unlawful for any person
18 within this state to knowingly sell, trade, give, transmit or
19 otherwise cause the transfer of any shotgun, rifle or pistol to any
20 individual who is under the influence of alcohol or drugs or is
21 mentally or emotionally unbalanced or disturbed. All persons who
22 engage in selling, trading or otherwise transferring firearms will
23 display this section prominently in full view at or near the point
24 of normal firearms sale, trade or transfer. Any person convicted of

1 violating the provisions of this section shall be punished as
2 provided in Section 1289.15 of this title.

3 Any person convicted of a violation of this section after having
4 been issued a handgun license pursuant to ~~the Oklahoma Self-Defense~~
5 ~~Act~~ Sections 1290.2 through 1290.27 of this title shall have the
6 license suspended for six (6) months and shall be liable for an
7 administrative fine of Fifty Dollars (\$50.00), upon a hearing and
8 determination by the Oklahoma State Bureau of Investigation that the
9 person is in violation of the provisions of this section.

10 SECTION 27. AMENDATORY 21 O.S. 2011, Section 1289.13, as
11 last amended by Section 6, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
12 2019, Section 1289.13), is amended to read as follows:

13 Section 1289.13

14 TRANSPORTING A LOADED FIREARM

15 Except as otherwise provided by law, it shall be unlawful to
16 transport a loaded rifle or shotgun in a landborne motor vehicle
17 over a public highway or roadway unless the rifle or shotgun is
18 transported clip- or magazine-loaded, not chamber-loaded, and in an
19 exterior locked compartment of the vehicle or trunk of the vehicle
20 or in the interior compartment of the vehicle.

21 Any person convicted of a violation of this section shall be
22 punished as provided in Section 1289.15 of this title.

23 Any person who is the operator of a vehicle or is a passenger in
24 any vehicle wherein another person who is licensed pursuant to ~~the~~

1 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of this
2 title to carry a handgun, concealed or unconcealed, and has a rifle
3 or shotgun in such vehicle shall not be deemed in violation of the
4 provisions of this section provided the licensee is in or near the
5 vehicle.

6 SECTION 28. AMENDATORY 21 O.S. 2011, Section 1289.13A,
7 as last amended by Section 7, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
8 2019, Section 1289.13A), is amended to read as follows:

9 Section 1289.13A

10 IMPROPER TRANSPORTATION OF FIREARMS

11 A. Notwithstanding the provisions of Section 1272 or 1289.7 of
12 this title, any person stopped pursuant to a moving traffic
13 violation who is transporting a loaded pistol in the motor vehicle
14 without a valid handgun license authorized by ~~the Oklahoma Self-~~
15 ~~Defense Act~~ Sections 1290.2 through 1290.27 of this title or valid
16 license from another state, or in violation of any law related to
17 the carrying or transporting of firearms, whether the loaded firearm
18 is concealed or unconcealed in the vehicle, may be issued a traffic
19 citation in the amount of Seventy Dollars (\$70.00), plus court costs
20 for transporting a firearm improperly. In addition to the traffic
21 citation provided in this section, the person may also be arrested
22 for any other violation of law.

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

1 1. The person is arrested for violating another provision of
2 law other than a violation of subsection A of this section;
3 provided, however, if the person is never charged with an offense
4 pursuant to this paragraph or if the charges are dismissed or the
5 person is acquitted, the weapon shall be returned to the person; or

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

7 a. contraband, or

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

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

12 SECTION 29. AMENDATORY 21 O.S. 2011, Section 1289.16, as
13 last amended by Section 1, Chapter 266, O.S.L. 2017 (21 O.S. Supp.
14 2019, Section 1289.16), is amended to read as follows:

15 Section 1289.16

16 FELONY POINTING FIREARMS

17 Except for an act of self-defense, it shall be unlawful for any
18 person to willfully or without lawful cause point a shotgun, rifle
19 or pistol, or any deadly weapon, whether loaded or not, at any
20 person or persons for the purpose of threatening or with the
21 intention of discharging the firearm or with any malice or for any
22 purpose of injuring, either through physical injury or mental or
23 emotional intimidation or for purposes of whimsy, humor or prank, or
24 in anger or otherwise, but not to include the pointing of shotguns,

1 rifles or pistols by law enforcement authorities in the performance
2 of their duties, armed security guards licensed by the Council on
3 Law Enforcement Education and Training pursuant to the Oklahoma
4 Security Guard and Private Investigator Act in the performance of
5 their duties, members of the state military forces in the
6 performance of their duties, members of the federal military reserve
7 and active military components in the performance of their duties,
8 or any federal government law enforcement officer in the performance
9 of any duty, or in the performance of a play on stage, rodeo,
10 television or on film, or in defense of any person, one's home or
11 property. Any person convicted of a violation of the provisions of
12 this section shall be punished as provided in Section 1289.17 of
13 this title.

14 Any person convicted of a violation of the provisions of this
15 section after having been issued a handgun license pursuant to ~~the~~
16 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of this
17 title shall have the license revoked and shall be subject to an
18 administrative fine of One Thousand Dollars (\$1,000.00), upon a
19 hearing and determination by the Oklahoma State Bureau of
20 Investigation that the person is in violation of the provisions of
21 this section.

22 SECTION 30. AMENDATORY 21 O.S. 2011, Section 1289.18, as
23 amended by Section 3, Chapter 63, O.S.L. 2019 (21 O.S. Supp. 2019,
24 Section 1289.18), is amended to read as follows:

1 Section 1289.18

2 DEFINITIONS

3 A. "Sawed-off shotgun" shall mean any firearm capable of
4 discharging a series of projectiles of any material which may
5 reasonably be expected to be able to cause lethal injury, with a
6 barrel or barrels less than eighteen (18) inches in length, and
7 using a combustible propellant charge, but does not include any
8 weapon so designed with a barrel less than eighteen (18) inches in
9 length, provided it has an overall length of twenty-six (26) inches
10 or more.

11 B. "Sawed-off rifle" shall mean any rifle having a barrel or
12 barrels of less than sixteen (16) inches in length or any weapon
13 made from a rifle (whether by alteration, modification, or
14 otherwise) if such a weapon as modified has an overall length of
15 less than twenty-six (26) inches in length, including the stock
16 portion.

17 C. Every person who knowingly has in his possession or under
18 his immediate control a sawed-off shotgun or a sawed-off rifle,
19 whether concealed or not, shall upon conviction be guilty of a
20 felony for the possession of such device, and shall be punishable by
21 a fine not to exceed One Thousand Dollars (\$1,000.00), or
22 imprisonment in the State Penitentiary for a period not to exceed
23 two (2) years, or both such fine and imprisonment.

1 D. This section shall not apply to any firearm that is lawfully
2 possessed under federal law or that is otherwise not regulated as a
3 "firearm" pursuant to the National Firearms Act.

4 E. The term "firearm" as used in this section and in the
5 ~~Oklahoma Firearms Act of 1971~~ Oklahoma Self-Defense Act of 2020,
6 shall not include an "antique firearm" as defined in 18 U.S.C.,
7 Section 921 (2006).

8 SECTION 31. AMENDATORY 21 O.S. 2011, Section 1289.23, as
9 last amended by Section 1, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
10 2019, Section 1289.23), is amended to read as follows:

11 Section 1289.23

12 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

13 A. Notwithstanding any provision of law to the contrary, a
14 full-time duly appointed peace officer who is certified by the
15 Council on Law Enforcement Education and Training (CLEET), pursuant
16 to the provisions of Section 3311 of Title 70 of the Oklahoma
17 Statutes, is hereby authorized to carry a weapon approved by the
18 employing agency anywhere in the state of Oklahoma, both while on
19 active duty and during periods when the officer is not on active
20 duty as provided by the provisions of subsection B of this section.

21 B. When a full-time duly appointed officer carries an approved
22 weapon, the officer shall be wearing the law enforcement uniform
23 prescribed by the employing agency or plainclothes. When not
24

1 wearing the prescribed law enforcement uniform, the officer shall be
2 required:

3 1. To have the official peace officers badge, Commission Card
4 and CLEET Certification Card on his or her person at all times when
5 carrying a weapon approved by the employing agency; and

6 2. To keep the approved weapon on his or her person at all
7 times, except when the weapon is used within the guidelines
8 established by the employing agency.

9 C. Nothing in this section shall be construed to alter or amend
10 the provisions of Section 1272.1 of this title or expand the duties,
11 authority or jurisdiction of any peace officer.

12 D. A reserve peace officer who has satisfactorily completed a
13 basic police course of not less than one hundred twenty (120) hours
14 of accredited instruction for reserve police officers and reserve
15 deputies from the Council on Law Enforcement Education and Training
16 or a course of study approved by CLEET may carry an approved weapon
17 when such officer is off duty as provided by subsection E of this
18 section, provided:

19 1. The officer has been granted written authorization signed by
20 the director of the employing agency; and

21 2. The employing agency shall maintain a current list of any
22 officers authorized to carry an approved weapon while the officers
23 are off duty, and shall provide a copy of such list to the Council
24 on Law Enforcement Education and Training. Any change to the list

1 shall be made in writing and mailed to the Council on Law
2 Enforcement Education and Training within five (5) days.

3 E. When an off-duty reserve peace officer carries an approved
4 weapon, the officer shall be wearing the law enforcement uniform
5 prescribed by the employing agency or when not wearing the
6 prescribed law enforcement uniform, the officer shall be required:

7 1. To have his or her official peace officer's badge,
8 Commission Card, CLEET Certification Card; and

9 2. To keep the approved weapon on his or her person at all
10 times, except when the weapon is used within the guidelines
11 established by the employing agency.

12 F. Nothing in subsection D of this section shall be construed
13 to alter or amend the provisions of Section 1750.2 of Title 59 of
14 the Oklahoma Statutes or expand the duties, jurisdiction or
15 authority of any reserve peace officer.

16 G. Nothing in this section shall be construed to limit or
17 restrict any peace officer or reserve peace officer from carrying a
18 handgun, concealed or unconcealed, as allowed by ~~the Oklahoma Self-~~
19 ~~Defense Act~~ Sections 1290.2 through 1290.27 of this title after
20 issuance of a valid license. An off-duty, full-time peace officer
21 or reserve peace officer shall be deemed to have elected to carry a
22 handgun under the authority of ~~the Oklahoma Self-Defense Act~~
23 Sections 1290.2 through 1290.27 of this title when the officer:
24

1 1. Has been issued a valid handgun license and is carrying a
2 handgun not authorized by the employing agency; or

3 2. Is carrying a handgun in a manner or in a place not
4 specifically authorized for off-duty carry by the employing agency.

5 H. Any off-duty peace officer who carries any weapon in
6 violation of the provisions of this section shall be deemed to be in
7 violation of Section 1272 of this title and may be prosecuted as
8 provided by law for a violation of that section.

9 I. On or after November 1, 2004, a reserve or full-time
10 commissioned peace officer may apply to carry a weapon pursuant to
11 ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of
12 this title as follows:

13 1. The officer shall apply in writing to the Council on Law
14 Enforcement Education and Training (CLEET) stating that the officer
15 desires to have a handgun license pursuant to ~~the Oklahoma Self-~~
16 ~~Defense Act~~ Sections 1290.2 through 1290.27 of this title and
17 certifying that he or she has no preclusions to having such handgun
18 license. The officer shall submit with the application:

19 a. an official letter from his or her employing agency
20 confirming the officer's employment and status as a
21 full-time commissioned peace officer or an active
22 reserve peace officer,

23 b. a fee of Twenty-five Dollars (\$25.00) for the handgun
24 license, and

1 c. two passport-size photographs of the peace officer
2 applicant;

3 2. Upon receiving the required information, CLEET shall
4 determine whether the peace officer is in good standing, has CLEET
5 certification and training, and is otherwise eligible for a handgun
6 license. Upon verification of the officer's eligibility, CLEET
7 shall send the information to the Oklahoma State Bureau of
8 Investigation (OSBI) and OSBI shall issue a handgun license in the
9 same or similar form as other handgun licenses. All other
10 requirements in Section 1290.12 of this title concerning application
11 for a handgun license shall be waived for active duty peace officers
12 except as provided in this subsection including, but not limited to,
13 training, fingerprints and criminal history records checks unless
14 the officer does not have fingerprints on file or a criminal history
15 records background check conducted prior to employment as a peace
16 officer. The OSBI shall conduct a check of the National Instant
17 Criminal Background Check System (NICS) prior to the issuance of a
18 handgun license. The OSBI shall not be required to conduct any
19 further investigation into the eligibility of the peace officer
20 applicant and shall not deny a handgun license except when
21 preclusions are found to exist;

22 3. The term of the handgun license for an active duty reserve
23 or full-time commissioned peace officer pursuant to this section
24 shall be as provided in Section 1290.5 of this title, renewable in

1 the same manner provided in this subsection for an original
2 application by a peace officer. The handgun license shall be valid
3 when the peace officer is in possession of a valid driver license
4 and law enforcement commission card;

5 4. If the commission card of a law enforcement officer is
6 terminated, revoked or suspended, the handgun license shall be
7 immediately returned to CLEET. When a peace officer in possession
8 of a handgun license pursuant to this subsection changes employment,
9 the person must notify CLEET within ninety (90) days and send a new
10 letter verifying employment and status as a full-time commissioned
11 or reserve peace officer;

12 5. There shall be no refund of any fee for any unexpired term
13 of any handgun license that is suspended, revoked or voluntarily
14 returned to CLEET, or that is denied, suspended or revoked by the
15 OSBI;

16 6. CLEET may promulgate any rules, forms or procedures
17 necessary to implement the provisions of this section; and

18 7. Nothing in this subsection shall be construed to change or
19 amend the application process, eligibility, effective date or fees
20 of any handgun license pending issuance on November 1, 2004, or
21 previously issued to any peace officer prior to November 1, 2004.

22 SECTION 32. AMENDATORY 21 O.S. 2011, Section 1289.24, as
23 last amended by Section 8, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
24 2019, Section 1289.24), is amended to read as follows:

1 Section 1289.24

2 FIREARM REGULATION - STATE PREEMPTION

3 A. 1. The State Legislature hereby occupies and preempts the
4 entire field of legislation in this state touching in any way
5 firearms, knives, components, ammunition, and supplies to the
6 complete exclusion of any order, ordinance, or regulation by any
7 municipality or other political subdivision of this state. Any
8 existing or future orders, ordinances, or regulations in this field,
9 except as provided for in paragraph 2 of this subsection and
10 subsection C of this section, are null and void.

11 2. A municipality may adopt any ordinance:

- 12 a. relating to the discharge of firearms within the
13 jurisdiction of the municipality, and
- 14 b. allowing the municipality to issue a traffic citation
15 for transporting a firearm improperly as provided for
16 in Section 1289.13A of this title; ~~provided, however,~~
17 that penalties contained for violation of any
18 ordinance enacted pursuant to the provisions of this
19 subparagraph shall not exceed the penalties
20 established in ~~the Oklahoma Self-Defense Act~~ Sections
21 1290.2 through 1290.27 of this title.

22 3. As provided in the preemption provisions of this section,
23 the otherwise lawful carrying or possession of a firearm under the
24 provisions of Chapter 53 of this title shall not be punishable by

1 any municipality or other political subdivision of this state as
2 disorderly conduct, disturbing the peace or similar offense against
3 public order.

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

7 B. No municipality or other political subdivision of this state
8 shall adopt any order, ordinance, or regulation concerning in any
9 way the sale, purchase, purchase delay, transfer, ownership, use,
10 keeping, possession, carrying, bearing, transportation, licensing,
11 permit, registration, taxation other than sales and compensating use
12 taxes, or other controls on firearms, knives, components,
13 ammunition, and supplies.

14 C. Except as hereinafter provided, this section shall not
15 prohibit any order, ordinance, or regulation by any municipality
16 concerning the confiscation of property used in violation of the
17 ordinances of the municipality as provided for in Section 28-121 of
18 Title 11 of the Oklahoma Statutes. Provided, however, no municipal
19 ordinance relating to transporting a firearm or knife improperly may
20 include a provision for confiscation of property.

21 D. When a person's rights pursuant to the protection of the
22 preemption provisions of this section have been violated, the person
23 shall have the right to bring a civil action against the persons,
24

1 municipality, and political subdivision jointly and severally for
2 injunctive relief or monetary damages or both.

3 SECTION 33. AMENDATORY 21 O.S. 2011, Section 1289.25, as
4 last amended by Section 1, Chapter 218, O.S.L. 2018 (21 O.S. Supp.
5 2019, Section 1289.25), is amended to read as follows:

6 Section 1289.25

7 PHYSICAL OR DEADLY FORCE AGAINST INTRUDER

8 A. The Legislature hereby recognizes that the citizens of the
9 State of Oklahoma have a right to expect absolute safety within
10 their own homes, places of business or places of worship and have
11 the right to establish policies regarding the possession of weapons
12 on property pursuant to the provisions of Section 1290.22 of this
13 title.

14 B. A person, regardless of official capacity or lack of
15 official capacity, within a place of worship or a person, an owner,
16 manager or employee of a business is presumed to have held a
17 reasonable fear of imminent peril of death or great bodily harm to
18 himself or herself or another when using defensive force that is
19 intended or likely to cause death or great bodily harm to another
20 if:

21 1. a. The person against whom the defensive force was used
22 was in the process of unlawfully and forcefully
23 entering, or had unlawfully and forcibly entered, a
24 dwelling, residence, occupied vehicle, place of

1 business or place of worship, or if that person had
2 removed or was attempting to remove another against
3 the will of that person from the dwelling, residence,
4 occupied vehicle, place of business or place of
5 worship.

6 b. The person who uses defensive force knew or had reason
7 to believe that an unlawful and forcible entry or
8 unlawful and forcible act was occurring or had
9 occurred; or

10 2. The person who uses defensive force knew or had a reasonable
11 belief that the person against whom the defensive force was used
12 entered or was attempting to enter into a dwelling, residence,
13 occupied vehicle, place of business or place of worship for the
14 purpose of committing a forcible felony, as defined in Section 733
15 of this title, and that the defensive force was necessary to prevent
16 the commission of the forcible felony.

17 C. The presumption set forth in subsection B of this section
18 does not apply if:

19 1. The person against whom the defensive force is used has the
20 right to be in or is a lawful resident of the dwelling, residence,
21 or vehicle, such as an owner, lessee, or titleholder, and there is
22 not a protective order from domestic violence in effect or a written
23 pretrial supervision order of no contact against that person;

24

1 2. The person or persons sought to be removed are children or
2 grandchildren, or are otherwise in the lawful custody or under the
3 lawful guardianship of, the person against whom the defensive force
4 is used; or

5 3. The person who uses defensive force is engaged in an
6 unlawful activity or is using the dwelling, residence, occupied
7 vehicle, place of business or place of worship to further an
8 unlawful activity.

9 D. A person who is not engaged in an unlawful activity and who
10 is attacked in any other place where he or she has a right to be has
11 no duty to retreat and has the right to stand his or her ground and
12 meet force with force, including deadly force, if he or she
13 reasonably believes it is necessary to do so to prevent death or
14 great bodily harm to himself or herself or another or to prevent the
15 commission of a forcible felony.

16 E. A person who unlawfully and by force enters or attempts to
17 enter the dwelling, residence, occupied vehicle of another person,
18 place of business or place of worship is presumed to be doing so
19 with the intent to commit an unlawful act involving force or
20 violence.

21 F. A person who uses defensive force, as permitted pursuant to
22 the provisions of subsections A, B, D and E of this section, is
23 justified in using such defensive force and is immune from criminal
24 prosecution and civil action for the use of such defensive force.

1 As used in this subsection, the term "criminal prosecution" includes
2 charging or prosecuting the defendant.

3 G. A law enforcement agency may use standard procedures for
4 investigating the use of defensive force, but the law enforcement
5 agency may not arrest the person for using defensive force unless it
6 determines that there is probable cause that the defensive force
7 that was used was unlawful.

8 H. The court shall award reasonable attorney fees, court costs,
9 compensation for loss of income, and all expenses incurred by the
10 defendant in defense of any civil action brought by a plaintiff if
11 the court finds that the defendant is immune from prosecution as
12 provided in subsection F of this section.

13 I. The provisions of this section and the provisions of ~~the~~
14 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of this
15 title shall not be construed to require any person using a weapon
16 pursuant to the provisions of this section to be licensed in any
17 manner.

18 J. A person pointing a weapon at a perpetrator in self-defense
19 or in order to thwart, stop or deter a forcible felony or attempted
20 forcible felony shall not be deemed guilty of committing a criminal
21 act.

22 K. As used in this section:

23 1. "Defensive force" includes, but shall not be limited to,
24 pointing a weapon at a perpetrator in self-defense or in order to

1 thwart, stop or deter a forcible felony or attempted forcible
2 felony;

3 2. "Dwelling" means a building or conveyance of any kind,
4 including any attached porch, whether the building or conveyance is
5 temporary or permanent, mobile or immobile, which has a roof over
6 it, including a tent, and is designed to be occupied by people;

7 3. "Place of worship" means:

8 a. any permanent building, structure, facility or office
9 space owned, leased, rented or borrowed, on a full-
10 time basis, when used for worship services, activities
11 and business of the congregation, which may include,
12 but not be limited to, churches, temples, synagogues
13 and mosques, and

14 b. any permanent building, structure, facility or office
15 space owned, leased, rented or borrowed for use on a
16 temporary basis, when used for worship services,
17 activities and business of the congregation including,
18 but not limited to, churches, temples, synagogues and
19 mosques;

20 4. "Residence" means a dwelling in which a person resides
21 either temporarily or permanently or is visiting as an invited
22 guest; and

23 5. "Vehicle" means a conveyance of any kind, whether or not
24 motorized, which is designed to transport people or property.

1 SECTION 34. 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 2019, 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~~ Sections 1290.2
7 through 1290.27 of this title:

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

11 2. "Unconcealed handgun" or "open carry" means a loaded or
12 unloaded pistol or handgun carried upon the person in a holster
13 where the firearm is visible, or carried upon the person using a
14 scabbard, sling or case designed for carrying firearms; and

15 3. "Pistol" or "handgun" shall have the same definition as
16 provided in ~~the Oklahoma Firearms Act of 1971, defined in~~ Section
17 1289.3 of this title.

18 B. The definition of pistol or handgun for purposes of ~~the~~
19 ~~Oklahoma Self-Defense Act~~ handgun licensure shall not apply to
20 imitation pistols, flare guns, underwater fishing guns or blank
21 pistols.

22 SECTION 35. AMENDATORY 21 O.S. 2011, Section 1290.3, as
23 amended by Section 24, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
24 Section 1290.3), is amended to read as follows:

1 Section 1290.3

2 AUTHORITY TO ISSUE LICENSE

3 The Oklahoma State Bureau of Investigation is hereby authorized
4 to license an eligible person to carry a concealed or unconcealed
5 handgun as provided by the provisions of ~~the Oklahoma Self-Defense~~
6 ~~Act~~ Sections 1290.2 through 1290.27 of this title. The authority of
7 the Bureau shall be limited to the provisions specifically provided
8 in ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of
9 this title. The Bureau shall promulgate rules, forms and procedures
10 necessary to implement the provisions of ~~the Oklahoma Self-Defense~~
11 ~~Act~~ Sections 1290.2 through 1290.27 of this title.

12 SECTION 36. AMENDATORY 21 O.S. 2011, Section 1290.4, as
13 amended by Section 25, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
14 Section 1290.4), is amended to read as follows:

15 Section 1290.4

16 UNLAWFUL CARRY

17 As provided by Section 1272 of this title, it is unlawful for
18 any person to carry a concealed or unconcealed handgun in this
19 state, except as hereby authorized by the provisions of ~~the Oklahoma~~
20 ~~Self-Defense Act~~ Sections 1290.2 through 1290.27 of this title or as
21 may otherwise be provided by law.

22 SECTION 37. AMENDATORY 21 O.S. 2011, Section 1290.5, as
23 last amended by Section 3, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
24 2019, Section 1290.5), is amended to read as follows:

1 Section 1290.5

2 TERM OF LICENSE AND RENEWAL

3 A. A handgun license when issued shall authorize the person to
4 whom the license is issued to carry a loaded or unloaded handgun,
5 concealed or unconcealed, as authorized by the provisions of ~~the~~
6 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of this
7 title, and any future modifications thereto. The license shall be
8 valid in this state for a period of five (5) or ten (10) years,
9 unless subsequently surrendered, suspended or revoked as provided by
10 law. The person shall have no authority to continue to carry a
11 concealed or unconcealed handgun in this state pursuant to ~~the~~
12 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of this
13 title when a license is expired or when a license has been
14 voluntarily surrendered or suspended or revoked for any reason.

15 B. A license may be renewed any time within ninety (90) days
16 prior to the expiration date as provided in this subsection. The
17 Bureau may notify each eligible licensee with an email address on
18 file at least ninety (90) days prior to the expiration of the
19 license. There shall be a ninety-day grace period on license
20 renewals beginning on the date of expiration; thereafter the license
21 is considered expired. However, any applicant shall have three (3)
22 years from the expiration of the license to comply with the renewal
23 requirements of this section.

1 1. To renew a handgun license, the licensee must first obtain a
2 renewal form from the Oklahoma State Bureau of Investigation.

3 2. The applicant must complete the renewal form, attach two
4 current passport size photographs of the applicant, and submit a
5 renewal fee in the amount of Eighty-five Dollars (\$85.00) to the
6 Bureau. The renewal fee may be paid with a nationally recognized
7 credit card as provided in subparagraph b of paragraph 4 of
8 subsection A of Section 1290.12 of this title, by electronic funds
9 transfer, or by a cashier's check or money order made payable to the
10 Oklahoma State Bureau of Investigation.

11 3. Upon receipt of the renewal application, photographs and
12 fee, the Bureau will conduct a criminal history records name search,
13 an investigation of medical records or other records or information
14 deemed by the Bureau to be relevant to the renewal application. If
15 the applicant appears not to have any prohibition to renewing the
16 handgun license, the Bureau shall issue the renewed license for a
17 period of five (5) or ten (10) years.

18 C. Beginning November 1, 2007, any person making application
19 for a handgun license or any licensee seeking to renew a handgun
20 license shall have the option to request that said license be valid
21 for a period of ten (10) years. The fee for any handgun license
22 issued for a period of ten (10) years shall be double the amount of
23 the fee provided for in paragraph 4 of subsection A of Section
24 1290.12 of this title. The renewal fee for a handgun license issued

1 for a period of ten (10) years shall be double the amount of the fee
2 provided for in paragraph 2 of subsection B of this section.

3 SECTION 38. AMENDATORY 21 O.S. 2011, Section 1290.6, as
4 amended by Section 27, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
5 Section 1290.6), is amended to read as follows:

6 Section 1290.6

7 PROHIBITED AMMUNITION

8 Any concealed or unconcealed handgun when carried in a manner
9 authorized by the provisions of ~~the Oklahoma Self-Defense Act~~
10 Sections 1290.2 through 1290.27 of this title and when loaded with
11 any ammunition which is either a restricted bullet as defined by
12 Section 1289.19 of this title or is larger than .45 caliber or is
13 otherwise prohibited by law shall be deemed a prohibited weapon ~~for~~
14 ~~purposes of the Oklahoma Self-Defense Act.~~ Any person violating the
15 provisions of this section shall be punished for a criminal offense
16 as provided by Section 1272 of this title or any other applicable
17 provision of law. In addition to any criminal prosecution for a
18 violation of the provisions of this section, the licensee shall be
19 subject to an administrative fine of Five Hundred Dollars (\$500.00),
20 upon a hearing and determination by the Oklahoma State Bureau of
21 Investigation that the person is in violation of the provisions of
22 this section.

23

24

1 SECTION 39. AMENDATORY 21 O.S. 2011, Section 1290.7, as
2 last amended by Section 10, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
3 2019, Section 1290.7), is amended to read as follows:

4 Section 1290.7

5 CONSTRUING AUTHORITY OF LICENSE

6 A. The authority to carry a concealed or unconcealed handgun
7 pursuant to a valid handgun license as authorized by the provisions
8 of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of
9 this title shall not be construed to authorize any person to:

10 1. Carry or possess any weapon other than an authorized pistol
11 as defined by the provisions of Section 1290.2 of this title;

12 2. Carry or possess any pistol in any manner or in any place
13 otherwise prohibited by law;

14 3. Carry or possess any prohibited ammunition or any illegal,
15 imitation or homemade pistol;

16 4. Carry or possess any pistol when the person is prohibited by
17 state or federal law from carrying or possessing any firearm; or

18 5. Point, discharge or use the pistol in any manner not
19 otherwise authorized by law.

20 B. The availability of a license to carry pursuant to the
21 provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through
22 1290.27 of this title shall not be construed to prohibit the lawful
23 transport or carrying of a handgun or pistol in a vehicle or on or
24

1 about the person whether concealed or unconcealed, loaded or
2 unloaded, and without a valid handgun license as permitted by law.

3 SECTION 40. AMENDATORY 21 O.S. 2011, Section 1290.8, as
4 last amended by Section 4, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
5 2019, Section 1290.8), is amended to read as follows:

6 Section 1290.8

7 POSSESSION OF LICENSE REQUIRED

8 NOTIFICATION TO POLICE OF GUN

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

12 1. The person has been issued a handgun license from the
13 Oklahoma State Bureau of Investigation pursuant to the provisions of
14 ~~the Oklahoma Self-Defense Act Sections 1290.2 through 1290.27 of~~
15 this title, provided the person is in compliance with the provisions
16 of ~~the Oklahoma Self-Defense Act Sections 1290.2 through 1290.27 of~~
17 this title, and the license has not expired or been subsequently
18 suspended or revoked; or

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

21 a. active military, or

22 b. a member of the Reserve or National Guard to include
23 Drill Status Guard and Reserve, Active Guard Reserves
24 or Military Technicians,

1 and presents a valid military identification card that shall be
2 considered a valid handgun license issued pursuant to ~~the Oklahoma~~
3 ~~Self-Defense Act~~ Sections 1290.2 through 1290.27 of this title.

4 B. A person in possession of a valid handgun license or who
5 meets the criteria and presents a valid military identification card
6 as provided for in this section and in compliance with the
7 provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through
8 1290.27 of this title shall be authorized to carry such concealed or
9 unconcealed handgun while scouting as it relates to hunting or
10 fishing or while hunting or fishing.

11 C. The person shall be required to have possession of his or
12 her valid handgun license or valid military identification card as
13 provided for qualified persons in this section and a valid driver
14 license or state photo identification at all times when in
15 possession of an authorized pistol. The person shall display the
16 handgun license or a valid military identification card as provided
17 for qualified persons in this section on demand of a law enforcement
18 officer; provided, however, that in the absence of reasonable and
19 articulable suspicion of other criminal activity, an individual
20 carrying an unconcealed or concealed handgun shall not be disarmed
21 or physically restrained unless the individual fails to display a
22 valid handgun license or a valid military identification card as
23 provided for qualified persons in this section in response to that
24 demand. Any violation of the provisions of this subsection may be

1 punishable as a criminal offense as authorized by Section 1272 of
2 this title or pursuant to any other applicable provision of law.

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

17 D. It shall be unlawful for any person to fail or refuse to
18 identify the fact that the person is in actual possession of a
19 concealed or unconcealed firearm pursuant to the authority of ~~the~~
20 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of this
21 title during the course of any arrest, detainment, or routine
22 traffic stop. Said identification to the law enforcement officer
23 shall be required upon the demand of the law enforcement officer.
24 No person shall be required to identify himself or herself as a

1 handgun licensee or as lawfully in possession of any other firearm
2 if the law enforcement officer does not demand the information. No
3 person shall be required to identify himself or herself as a handgun
4 licensee when no handgun is in the possession of the person or in
5 any vehicle in which the person is driving or is a passenger. Any
6 violator of the provisions of this subsection may be issued a
7 citation for an amount not exceeding One Hundred Dollars (\$100.00).

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

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

18 SECTION 41. AMENDATORY 21 O.S. 2011, Section 1290.9, as
19 last amended by Section 1, Chapter 423, O.S.L. 2019 (21 O.S. Supp.
20 2019, Section 1290.9), is amended to read as follows:

21 Section 1290.9

22 ELIGIBILITY

23 The following requirements shall apply to any person making
24 application to the Oklahoma State Bureau of Investigation for a

1 handgun license pursuant to the provisions of ~~the Oklahoma Self-~~
2 ~~Defense Act~~ Sections 1290.2 through 1290.27 of this title. The
3 person must:

4 1. Be a citizen of the United States with established residency
5 in the State of Oklahoma; or

6 2. Be a lawful permanent resident in the United States and have
7 established residency in the State of Oklahoma.

8 For purposes of the Oklahoma Self-Defense Act:

9 a. the term "residency" shall apply to any person who
10 either possesses a valid Oklahoma driver license or
11 state photo identification card, and physically
12 maintains a residence in this state or to any person,
13 including the spouse of such person, who has permanent
14 military orders within this state and possesses a
15 valid driver license from another state where such
16 person and spouse of such person claim residency, and

17 b. the term "lawful permanent resident" shall mean a
18 noncitizen who is lawfully authorized to live
19 permanently within the United States;

20 3. Be at least:

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

22 b. eighteen (18) years of age but not yet twenty-one (21)
23 years of age and the person is a member or veteran of
24 the United States Armed Forces, the Reserves or

1 National Guard, or the person was discharged under
2 honorable conditions from the United States Armed
3 Forces, Reserves or National Guard;

4 4. Complete a firearms safety and training course and
5 demonstrate competence and qualifications with the type of pistol to
6 be carried by the person as provided in Section 1290.14 of this
7 title, and submit proof of training and qualification or an
8 exemption for training and qualification as authorized by Section
9 1290.14 of this title;

10 5. Submit the required fee and complete the application process
11 as provided in Section 1290.12 of this title; and

12 6. Comply in good faith with the provisions of ~~the Oklahoma~~
13 ~~Self-Defense Act~~ Sections 1290.2 through 1290.27 of this title.

14 SECTION 42. AMENDATORY 21 O.S. 2011, Section 1290.10, as
15 last amended by Section 5, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
16 2019, Section 1290.10), is amended to read as follows:

17 Section 1290.10

18 MANDATORY PRECLUSIONS

19 In addition to the requirements stated in Section 1290.9 of this
20 title, the conditions stated in this section shall preclude a person
21 from eligibility for a handgun license pursuant to the provisions of
22 ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of
23 this title. The occurrence of any one of the following conditions
24 shall deny the person the right to have a handgun license pursuant

1 to the provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2
2 through 1290.27 of this title. Prohibited conditions are:

3 1. Ineligible to possess a pistol due to any felony conviction
4 or adjudication as a delinquent as provided by Section 1283 of this
5 title, except as provided in subsection B of Section 1283 of this
6 title;

7 2. Any felony conviction pursuant to any law of another state,
8 a felony conviction pursuant to any provision of the United States
9 Code, or any conviction pursuant to the laws of any foreign country,
10 provided such foreign conviction would constitute a felony offense
11 in this state if the offense had been committed in this state,
12 except as provided in subsection B of Section 1283 of this title;

13 3. Adjudication as a mentally incompetent person pursuant to
14 the provisions of the Oklahoma Mental Health Law, or an adjudication
15 of incompetency entered in another state pursuant to any provision
16 of law of that state, unless the person has been granted relief from
17 the disqualifying disability pursuant to Section 1290.27 of this
18 title;

19 4. Any false or misleading statement on the application for a
20 handgun license as provided by paragraph 5 of subsection A of
21 Section 1290.12 of this title;

22 5. Conviction of any one of the following misdemeanor offenses
23 in this state or in any other state:

24

- 1 a. any assault and battery which caused serious physical
2 injury to the victim, or any second or subsequent
3 assault and battery conviction,
4 b. any aggravated assault and battery,
5 c. any stalking pursuant to Section 1173 of this title,
6 or a similar law of another state,
7 d. a violation relating to the Protection from Domestic
8 Abuse Act or any violation of a victim protection
9 order of another state,
10 e. any conviction relating to illegal drug use or
11 possession, or
12 f. an act of domestic abuse as defined by Section 644 of
13 this title or an act of domestic assault and battery
14 or any comparable acts under the laws of another
15 state.

16 The preclusive period for a misdemeanor conviction related to
17 illegal drug use or possession shall be ten (10) years from the date
18 of completion of a sentence. For purposes of this subsection, "date
19 of completion of a sentence" shall mean the day an offender
20 completes all incarceration, probation, and parole pertaining to
21 such sentence;

22 6. An attempted suicide or other condition relating to or
23 indicating mental instability or an unsound mind which occurred
24 within the preceding ten-year period from the date of the

1 application for a license to carry a concealed firearm or that
2 occurs during the period of licensure;

3 7. Currently undergoing treatment for a mental illness,
4 condition, or disorder. For purposes of this paragraph, "currently
5 undergoing treatment for a mental illness, condition, or disorder"
6 means the person has been diagnosed by a licensed physician as being
7 afflicted with a substantial disorder of thought, mood, perception,
8 psychological orientation, or memory that significantly impairs
9 judgment, behavior, capacity to recognize reality, or ability to
10 meet the ordinary demands of life;

11 8. Significant character defects of the applicant as evidenced
12 by a criminal record indicating habitual criminal activity;

13 9. Ineligible to possess a pistol due to any provision of law
14 of this state or the United States Code, except as provided in
15 subsection B of Section 1283 of this title;

16 10. Failure to pay an assessed fine or surrender the handgun
17 license as required by a decision by the administrative hearing
18 examiner pursuant to ~~authority~~ Section 1290.17 of ~~the Oklahoma Self-~~
19 ~~Defense Act~~ this title;

20 11. Being subject to an outstanding felony warrant issued in
21 this state or another state or the United States; or

22 12. Adjudication as a delinquent as provided by Section 1283 of
23 this title, except as provided in subsection B of Section 1283 of
24 this title.

1 SECTION 43. AMENDATORY 21 O.S. 2011, Section 1290.11, as
2 last amended by Section 6, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
3 2019, Section 1290.11), is amended to read as follows:

4 Section 1290.11

5 OTHER PRECLUSIONS

6 A. The following conditions shall preclude a person from being
7 eligible for a handgun license pursuant to the provisions of ~~the~~
8 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of this
9 title for a period of time as prescribed in each of the following
10 paragraphs:

11 1. An arrest for an alleged commission of a felony offense or a
12 felony charge pending in this state, another state or pursuant to
13 the United States Code. The preclusive period shall be until the
14 final determination of the matter;

15 2. The person is subject to the provisions of a deferred
16 sentence or deferred prosecution in this state or another state or
17 pursuant to federal authority for the commission of a felony
18 offense. The preclusive period shall be three (3) years and shall
19 begin upon the final determination of the matter;

20 3. Any involuntary commitment for a mental illness, condition,
21 or disorder pursuant to the provisions of Section 5-410 of Title 43A
22 of the Oklahoma Statutes or any involuntary commitment in another
23 state pursuant to any provisions of law of that state. The
24 preclusive period shall be permanent as provided by Title 18 of the

1 United States Code Section 922(g)(4) unless the person has been
2 granted relief from the disqualifying disability pursuant to Section
3 1290.27 of this title;

4 4. The person has previously undergone treatment for a mental
5 illness, condition, or disorder which required medication or
6 supervision as defined by paragraph 7 of Section 1290.10 of this
7 title. The preclusive period shall be three (3) years from the last
8 date of treatment or upon presentation of a certified statement from
9 a licensed physician stating that the person is either no longer
10 disabled by any mental or psychiatric illness, condition, or
11 disorder or that the person has been stabilized on medication for
12 ten (10) years or more;

13 5. Inpatient treatment for substance abuse. The preclusive
14 period shall be three (3) years from the last date of treatment or
15 upon presentation of a certified statement from a licensed physician
16 stating that the person has been free from substance use for twelve
17 (12) months or more preceding the filing of an application for a
18 handgun license;

19 6. Two or more convictions of public intoxication pursuant to
20 subsection D of Section 6-101 of Title 37A of the Oklahoma Statutes,
21 or a similar law of another state. The preclusive period shall be
22 three (3) years from the date of the completion of the last
23 sentence;

24

1 7. Two or more misdemeanor convictions relating to intoxication
2 or driving under the influence of an intoxicating substance or
3 alcohol. The preclusive period shall be three (3) years from the
4 date of the completion of the last sentence or shall require a
5 certified statement from a licensed physician stating that the
6 person is not in need of substance abuse treatment;

7 8. A court order for a final Victim Protection Order against
8 the applicant, as authorized by the Protection from Domestic Abuse
9 Act, or any court order granting a final victim protection order
10 against the applicant from another state. The preclusive period
11 shall be sixty (60) days from the date an order was vacated,
12 canceled, withdrawn or otherwise no longer in effect;

13 9. An adjudicated delinquent or convicted felon residing in the
14 residence of the applicant which may be a violation of Section 1283
15 of this title. The preclusive period shall be thirty (30) days from
16 the date the person no longer resides in the same residence as the
17 applicant; or

18 10. An arrest for an alleged commission of, a charge pending
19 for, or the person is subject to the provisions of a deferred
20 prosecution for any one or more of the following misdemeanor
21 offenses in this state or another state:

22 a. any assault and battery which caused serious physical
23 injury to the victim or any second or subsequent
24 assault and battery,

- b. any aggravated assault and battery,
- c. any stalking pursuant to Section 1173 of this title, or a similar law of another state,
- d. any violation of the Protection from Domestic Abuse Act or any violation of a victim protection order of another state,
- e. any violation relating to illegal drug use or possession, or
- f. an act of domestic abuse as defined by Section 644 of this title or an act of domestic assault and battery or any comparable acts under the law of another state.

The preclusive period shall be until the final determination of the matter. The preclusive period for a person subject to the provisions of a deferred sentence for the offenses mentioned in this paragraph shall be three (3) years and shall begin upon the final determination of the matter.

B. Nothing in this section shall be construed to require a full investigation of the applicant by the Oklahoma State Bureau of Investigation.

SECTION 44. AMENDATORY 21 O.S. 2011, Section 1290.12, as last amended by Section 7, Chapter 406, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1290.12), is amended to read as follows:

Section 1290.12

PROCEDURE FOR APPLICATION

1 A. Except as provided in paragraph 11 of this subsection, the
2 procedure for applying for a handgun license and processing the
3 application shall be as follows:

4 1. An eligible person may request an application packet for a
5 handgun license from the Oklahoma State Bureau of Investigation or
6 the county sheriff's office either in person or by mail. The Bureau
7 may provide application packets to each sheriff not exceeding two
8 hundred packets per request. The Bureau shall provide the following
9 information in the application packet:

- 10 a. an application form,
- 11 b. procedures to follow to process the application form,
- 12 and
- 13 c. a copy of the ~~Oklahoma Self-Defense Act~~ handgun
14 licensure statutes with any modifications thereto,
15 provided for in Sections 1290.2 through 1290.27 of
16 this title;

17 2. The person shall be required to successfully complete a
18 firearms safety and training course from a firearms instructor who
19 is approved and registered in this state as provided in Section
20 1290.14 of this title or from an interactive online firearms safety
21 and training course available electronically via the Internet which
22 has been approved as to curriculum by the Council on Law Enforcement
23 Education and Training, and the person shall be required to
24 demonstrate competency and qualification with a pistol authorized

1 for concealed or unconcealed carry ~~by the Oklahoma Self-Defense Act.~~
2 The original certificate of successful completion of a firearms
3 safety and training course and an original certificate of successful
4 demonstration of competency and qualification to carry and handle a
5 pistol shall be submitted with the application for a handgun
6 license. No duplicate, copy, facsimile or other reproduction of the
7 certificate of training, certificate of competency and qualification
8 or exemption from training shall be acceptable as proof of training
9 as required by the provisions of ~~the Oklahoma Self-Defense Act~~
10 Section 1290.14 of this title;

11 3. The application form shall be completed and delivered by the
12 applicant, in person, to the sheriff of the county wherein the
13 applicant resides;

14 4. The person shall deliver to the sheriff at the time of
15 delivery of the completed application form a fee of One Hundred
16 Dollars (\$100.00) for processing the application through the
17 Oklahoma State Bureau of Investigation and processing the required
18 fingerprints through the Federal Bureau of Investigation. The
19 processing fee shall be in the form of:

- 20 a. a money order or a cashier's check made payable to the
21 Oklahoma State Bureau of Investigation,
22 b. a nationally recognized credit card issued to the
23 applicant. For purposes of this paragraph,
24 "nationally recognized credit card" means any

1 instrument or device, whether known as a credit card,
2 credit plate, charge plate, or by any other name,
3 issued with or without fee by the issuer for the use
4 of the cardholder in obtaining goods, services, or
5 anything else of value on credit which is accepted by
6 over one thousand merchants in the state. The
7 Oklahoma State Bureau of Investigation shall determine
8 which nationally recognized credit cards will be
9 accepted by the Bureau, or

10 c. electronic funds transfer.

11 Any person paying application fees to the Oklahoma State Bureau of
12 Investigation by means of a nationally recognized credit card or by
13 means of an electronic funds transfer shall be required to complete
14 and submit his or her application through the online application
15 process of the Bureau.

16 The processing fee shall not be refundable in the event of a
17 denial of a handgun license or any suspension or revocation
18 subsequent to the issuance of a license. Persons making application
19 for a firearms instructor shall not be required to pay the
20 application fee as provided in this section, but shall be required
21 to pay the costs provided in paragraphs 6 and 8 of this subsection;

22 5. The completed application form shall be signed by the
23 applicant in person before the sheriff. The signature shall be
24 given voluntarily upon a sworn oath that the person knows the

1 contents of the application and that the information contained in
2 the application is true and correct. Any person making any false or
3 misleading statement on an application for a handgun license shall,
4 upon conviction, be guilty of perjury as defined by Section 491 of
5 this title. Any conviction shall be punished as provided in Section
6 500 of this title. In addition to a criminal conviction, the person
7 shall be denied the right to have a handgun license pursuant to the
8 provisions of Section 1290.10 of this title and the Oklahoma State
9 Bureau of Investigation shall revoke the handgun license, if issued;

10 6. Two passport-size photographs of the applicant shall be
11 submitted with the completed application. The cost of the
12 photographs shall be the responsibility of the applicant. The
13 sheriff is authorized to take the photograph of the applicant ~~for~~
14 ~~purposes of the Oklahoma Self-Defense Act~~ and, if such photographs
15 are taken by the sheriff, the cost of the photographs shall not
16 exceed Ten Dollars (\$10.00) for the two photos. All money received
17 by the sheriff from photographing applicants pursuant to the
18 provisions of this paragraph shall be retained by the sheriff and
19 deposited into the Sheriff's Service Fee Account;

20 7. The sheriff shall witness the signature of the applicant and
21 review or take the photographs of the applicant and shall verify
22 that the person making application for a handgun license is the same
23 person in the photographs submitted and the same person who signed
24 the application form. Proof of a valid Oklahoma driver license with

1 a photograph of the applicant or an Oklahoma state photo
2 identification for the applicant shall be required to be presented
3 by the applicant to the sheriff for verification of the person's
4 identity;

5 8. Upon verification of the identity of the applicant, the
6 sheriff shall take two complete sets of fingerprints of the
7 applicant. Both sets of fingerprints shall be submitted by the
8 sheriff with the completed application, certificate of training or
9 an exemption certificate, photographs and processing fee to the
10 Oklahoma State Bureau of Investigation within fourteen (14) days of
11 taking the fingerprints. The cost of the fingerprints shall be paid
12 by the applicant. The sheriff may charge a fee of up to Twenty-five
13 Dollars (\$25.00) for the two sets of fingerprints. All fees
14 collected by the sheriff from taking fingerprints pursuant to the
15 provisions of this paragraph shall be retained by the sheriff and
16 deposited into the Sheriff's Service Fee Account;

17 9. The sheriff shall submit to the Oklahoma State Bureau of
18 Investigation within the fourteen-day period, together with the
19 completed application, including the certificate of training,
20 certificate of competency and qualification, photographs, processing
21 fee and legible fingerprints meeting the Oklahoma State Bureau of
22 Investigation's Automated Fingerprint Identification System (AFIS)
23 submission standards, and a report of information deemed pertinent
24 to an investigation of the applicant for a handgun license. The

1 sheriff shall make a preliminary investigation of pertinent
2 information about the applicant and the court clerk shall assist the
3 sheriff in locating pertinent information in court records for this
4 purpose. If no pertinent information is found to exist either for
5 or against the applicant, the sheriff shall so indicate in the
6 report;

7 10. The Oklahoma State Bureau of Investigation, upon receipt of
8 the application and required information from the sheriff, shall
9 forward one full set of fingerprints of the applicant to the Federal
10 Bureau of Investigation for a national criminal history records
11 search. The cost of processing the fingerprints nationally shall be
12 paid from the processing fee collected by the Oklahoma State Bureau
13 of Investigation;

14 11. Notwithstanding the provisions of ~~the Oklahoma Self-Defense~~
15 ~~Act~~ Sections 1290.2 through 1290.27 of this title, or any other
16 provisions of law, any person who has been granted a permanent
17 victim protective order by the court, as provided for in the
18 Protection from Domestic Abuse Act, may be issued a temporary
19 handgun license for a period not to exceed six (6) months. A
20 temporary handgun license may be issued if the person has
21 successfully passed the required weapons course, completed the
22 application process for the handgun license, passed the preliminary
23 investigation of the person by the sheriff and court clerk, and
24 provided the sheriff proof of a certified permanent victim

1 protective order and a valid Oklahoma state photo identification
2 card or driver license. The sheriff shall issue a temporary handgun
3 license on a form approved by the Oklahoma State Bureau of
4 Investigation, at no cost. Any person who has been issued a
5 temporary license shall carry the temporary handgun license and a
6 valid Oklahoma state photo identification on his or her person at
7 all times, and shall be subject to all the requirements ~~of the~~
8 ~~Oklahoma Self-Defense Act~~ provided for in Sections 1290.2 through
9 1290.27 of this title when carrying a handgun. The person may
10 proceed with the handgun licensing process. In the event the victim
11 protective order is no longer enforceable, the temporary handgun
12 license shall cease to be valid;

13 12. The Oklahoma State Bureau of Investigation shall make a
14 reasonable effort to investigate the information submitted by the
15 applicant and the sheriff, to ascertain whether or not the issuance
16 of a handgun license would be in violation of the provisions of ~~the~~
17 ~~Oklahoma Self-Defense Act~~ Section 1290.9, 1290.10 or 1290.11 of this
18 title. The investigation by the Bureau of an applicant shall
19 include, but shall not be limited to: a statewide criminal history
20 records search, a national criminal history records search, a
21 Federal Bureau of Investigation fingerprint search, a check of the
22 National Instant Criminal Background Check System (NICS) and, if
23 applicable, an investigation of medical records or other records or
24 information deemed by the Bureau to be relevant to the application.

1 a. In the course of the investigation by the Bureau, it
2 shall present the name of the applicant along with any
3 known aliases, the address of the applicant and the
4 Social Security number of the applicant to the
5 Department of Mental Health and Substance Abuse
6 Services. The Department of Mental Health and
7 Substance Abuse Services shall respond within ten (10)
8 days of receiving such information to the Bureau as
9 follows:

10 (1) with a "Yes" answer, if the records of the
11 Department indicate that the person was
12 involuntarily committed to a mental institution
13 in Oklahoma,

14 (2) with a "No" answer, if there are no records
15 indicating the name of the person as a person
16 involuntarily committed to a mental institution
17 in Oklahoma, or

18 (3) with an "Inconclusive" answer if the records of
19 the Department suggest the applicant may be a
20 formerly committed person. In the case of an
21 inconclusive answer, the Bureau shall ask the
22 applicant whether he or she was involuntarily
23 committed. If the applicant states under penalty
24 of perjury that he or she has not been

1 involuntarily committed, the Bureau shall
2 continue processing the application for a
3 license.

4 b. In the course of the investigation by the Bureau, it
5 shall check the name of any applicant who is twenty-
6 eight (28) years of age or younger along with any
7 known aliases, the address of the applicant and the
8 Social Security number of the applicant against the
9 records in the Juvenile Online Tracking System (JOLTS)
10 of the Office of Juvenile Affairs. The Office of
11 Juvenile Affairs shall provide the Bureau direct
12 access to check the applicant against the records
13 available on JOLTS:

- 14 (1) if the Bureau finds a record on the JOLTS that
15 indicates the person was adjudicated a delinquent
16 for an offense that would constitute a felony
17 offense if committed by an adult within the last
18 ten (10) years the Bureau shall deny the license,
19 (2) if the Bureau finds no record on the JOLTS
20 indicating the named person was adjudicated
21 delinquent for an offense that would constitute a
22 felony offense if committed by an adult within
23 the last ten (10) years, or
24

1 (3) if the records suggest the applicant may have
2 been adjudicated delinquent for an offense that
3 would constitute a felony offense if committed by
4 an adult but such record is inconclusive, the
5 Bureau shall ask the applicant whether he or she
6 was adjudicated a delinquent for an offense that
7 would constitute a felony offense if committed by
8 an adult within the last ten (10) years. If the
9 applicant states under penalty of perjury that he
10 or she was not adjudicated a delinquent within
11 ten (10) years, the Bureau shall continue
12 processing the application for a license; and

13 13. If the background check set forth in paragraph 12 of this
14 subsection reveals no records pertaining to the applicant, the
15 Oklahoma State Bureau of Investigation shall either issue a handgun
16 license or deny the application within sixty (60) days of the date
17 of receipt of the applicant's completed application and the required
18 information from the sheriff. In all other cases, the Oklahoma
19 State Bureau of Investigation shall either issue a handgun license
20 or deny the application within ninety (90) days of the date of the
21 receipt of the applicant's completed application and the required
22 information from the sheriff. The Bureau shall approve an applicant
23 who appears to be in full compliance with the provisions of ~~the~~
24 ~~Oklahoma Self-Defense Act~~ Section 1290.9, 1290.10 or 1290.11 of this

1 title, if completion of the federal fingerprint search is the only
2 reason for delay of the issuance of the handgun license to that
3 applicant. Upon receipt of the federal fingerprint search
4 information, if the Bureau receives information which precludes the
5 person from having a handgun license, the Bureau shall revoke the
6 handgun license previously issued to the applicant. The Bureau
7 shall deny a license when the applicant fails to properly complete
8 the application form or application process or is determined not to
9 be eligible as specified by the provisions of Section 1290.9,
10 1290.10 or 1290.11 of this title. The Bureau shall approve an
11 application in all other cases. If an application is denied, the
12 Bureau shall notify the applicant in writing of its decision. The
13 notification shall state the grounds for the denial and inform the
14 applicant of the right to an appeal as may be provided by the
15 provisions of the Administrative Procedures Act. All notices of
16 denial shall be mailed by first-class mail to the address of the
17 applicant listed in the application. Within sixty (60) calendar
18 days from the date of mailing a denial of application to an
19 applicant, the applicant shall notify the Bureau in writing of the
20 intent to appeal the decision of denial or the right of the
21 applicant to appeal shall be deemed waived. Any administrative
22 hearing on a denial which may be provided shall be conducted by a
23 hearing examiner appointed by the Bureau. The decision of the
24 hearing examiner shall be a final decision appealable to a district

1 court in accordance with the Administrative Procedures Act. When an
2 application is approved, the Bureau shall issue the license and
3 shall mail the license by first-class mail to the address of the
4 applicant listed in the application.

5 B. Nothing contained in any provision of ~~the Oklahoma Self-~~
6 ~~Defense Act~~ Sections 1290.2 through 1290.27 of this title shall be
7 construed to require or authorize the registration, documentation or
8 providing of serial numbers with regard to any firearm. For
9 purposes of ~~the Oklahoma Self-Defense Act~~ handgun licensure, the
10 sheriff may designate a person to receive, fingerprint, photograph
11 or otherwise process applications for handgun licenses.

12 SECTION 45. AMENDATORY 21 O.S. 2011, Section 1290.13, as
13 last amended by Section 1, Chapter 161, O.S.L. 2014 (21 O.S. Supp.
14 2019, Section 1290.13), is amended to read as follows:

15 Section 1290.13

16 AUTOMATIC LISTING OF LICENSES

17 The Oklahoma State Bureau of Investigation shall maintain an
18 automated listing of all persons issued a handgun license in this
19 state pursuant to the provisions of ~~the Oklahoma Self-Defense Act~~
20 Sections 1290.2 through 1290.27 of this title and all subsequent
21 suspended or revoked licenses. Information from the automated
22 listing shall only be available to a law enforcement officer or law
23 enforcement agency upon request for law enforcement purposes. The
24 Bureau shall also maintain for each applicant the original

1 application or a copy of the original application form and any
2 subsequent renewal application forms together with the photographs,
3 fingerprints and other pertinent information on the applicant which
4 shall be confidential, except to law enforcement officers or law
5 enforcement agencies in the performance of their duties. The Bureau
6 may release a copy of fingerprints of a deceased applicant
7 maintained by the Bureau due to an application for a handgun license
8 pursuant to ~~the Oklahoma Self-Defense Act~~ Section 1290.12 of this
9 title. Provided, however, the Bureau may release a copy of
10 fingerprints of a deceased applicant only to an immediate family
11 member upon written request. Such request shall be accompanied by a
12 payment of Fifteen Dollars (\$15.00), which shall be deposited into
13 the OSBI Revolving Fund. For purposes of this section, "immediate
14 family member" shall mean the spouse, a child by birth or adoption,
15 a stepchild, a parent by birth or adoption, a stepparent, a
16 grandparent, a grandchild, a sibling, a stepsibling or the spouse of
17 any immediate family member. To facilitate the Bureau's
18 administration of issuing handgun licenses by the ~~Oklahoma Self-~~
19 ~~Defense Act~~ Bureau, all licensees shall maintain a current mailing
20 address where the licensee may receive certified mail. The licensee
21 shall within thirty (30) days of a change of name or address inform
22 the Bureau of such change.

23
24

1 SECTION 46. AMENDATORY 21 O.S. 2011, Section 1290.14, as
2 last amended by Section 2, Chapter 207, O.S.L. 2015 (21 O.S. Supp.
3 2019, Section 1290.14), is amended to read as follows:

4 Section 1290.14

5 SAFETY AND TRAINING COURSE

6 A. Each applicant for a license to carry a concealed or
7 unconcealed handgun ~~pursuant to the Oklahoma Self-Defense Act~~ must
8 successfully complete a firearms safety and training course in this
9 state conducted by a registered and approved firearms instructor as
10 provided by the provisions of this section or from an interactive
11 online firearms safety and training course available electronically
12 via the Internet approved and certified by the Council on Law
13 Enforcement Education and Training. The applicant must further
14 demonstrate competence and qualification with an authorized pistol
15 of the type or types that the applicant desires to carry as a
16 concealed or unconcealed handgun ~~pursuant to the provisions of the~~
17 ~~Oklahoma Self-Defense Act~~, except certain persons may be exempt from
18 such training requirement as provided by the provisions of Section
19 1290.15 of this title.

20 B. The Council on Law Enforcement Education and Training
21 (CLEET) shall establish criteria for approving firearms instructors
22 and interactive online firearms safety and training courses
23 available electronically via the Internet for purposes of training
24 and qualifying individuals for a handgun license pursuant to the

1 provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through
2 1290.27 of this title. Prior to submitting an application for CLEET
3 approval as a firearms instructor, applicants shall attend a
4 firearms instructor school, meeting the following minimum
5 requirements:

6 1. Firearms instructor training conducted by one of the
7 following entities:

- 8 a. Council on Law Enforcement Education and Training,
- 9 b. National Rifle Association,
- 10 c. Oklahoma Rifle Association,
- 11 d. federal law enforcement agencies, or
- 12 e. other professionally recognized organizations;

13 2. The course shall be at least sixteen (16) hours in length;

14 3. Upon completion of the course, the applicant shall be
15 qualified to provide instruction on revolvers, semiautomatic
16 pistols, or both; and

17 4. Receive a course completion certificate.

18 All firearms instructors shall be required to meet the
19 eligibility requirements for a handgun license as provided in
20 Sections 1290.9, 1290.10, and 1290.11 of this title and the
21 application shall be processed as provided for applicants in Section
22 1290.12 of this title, including the state and national criminal
23 history records search and fingerprint search. A firearms
24 instructor shall be required to pay a fee of One Hundred Dollars

1 (\$100.00) to the Council on Law Enforcement Education and Training
2 (CLEET) each time the person makes application for CLEET approval as
3 a firearms instructor ~~pursuant to the provisions of the Oklahoma~~
4 ~~Self-Defense Act~~. The fee shall be retained by CLEET and shall be
5 deposited into the Firearms Instructors Revolving Fund. CLEET shall
6 promulgate the rules, forms and procedures necessary to implement
7 the approval of firearms instructors as authorized by the provisions
8 of this subsection. CLEET shall periodically review each approved
9 instructor during a training and qualification course to assure
10 compliance with the rules and course contents. Any violation of the
11 rules may result in the revocation or suspension of CLEET and
12 Oklahoma State Bureau of Investigation approval. Unless the
13 approval has been revoked or suspended, a firearms instructor's
14 CLEET approval shall be for a term of five (5) years. Beginning on
15 July 1, 2003, any firearms instructor who has been issued a four-
16 year CLEET approval shall not be eligible for the five-year approval
17 until the expiration of the approval previously issued. CLEET shall
18 be responsible for notifying all approved firearms instructors of
19 statutory and policy changes related to ~~the Oklahoma Self-Defense~~
20 ~~Act~~ handgun licenses. A firearms instructor shall not be required
21 to submit his or her fingerprints for a fingerprint search when
22 renewing a firearms instructor's CLEET approval.

23 C. 1. All firearms instructors approved by CLEET to train and
24 qualify individuals for a handgun license shall be required to apply

1 for registration with the Oklahoma State Bureau of Investigation
2 after receiving CLEET approval. All firearms instructors teaching
3 the approved course for a handgun license must display their
4 registration certificate during each training and qualification
5 course. Each approved firearms instructor shall complete a
6 registration form provided by the Bureau and shall have the option
7 to pay a registration fee of either One Hundred Dollars (\$100.00)
8 for a five-year registration certificate or Two Hundred Dollars
9 (\$200.00) for a ten-year registration certificate to the Bureau at
10 the time of each application for registration, except as provided in
11 paragraph 2 of this subsection. Registration certificates issued by
12 the Bureau shall be valid for a period of five (5) years or ten (10)
13 years from the date of issuance. The Bureau shall issue a five-year
14 or ten-year handgun license to an approved firearms instructor at
15 the time of issuance of a registration certificate and no additional
16 fee shall be required or charged. The Bureau shall maintain a
17 current listing of all registered firearms instructors in this
18 state. Nothing in this paragraph shall be construed to eliminate
19 the requirement for registration and training with CLEET as provided
20 in subsection B of this section. Failure to register or be trained
21 as required shall result in a revocation or suspension of the
22 instructor certificate by the Bureau.

23 2. On or after July 1, 2003, the registered instructors listed
24 in subparagraphs a and b of this paragraph shall not be required to

1 renew the firearms instructor registration certificate with the
2 Oklahoma State Bureau of Investigation at the expiration of the
3 registration term, provided the instructor is not subject to any
4 suspension or revocation of the firearms instructor certificate.

5 The firearms instructor registration with the Oklahoma State Bureau
6 of Investigation shall automatically renew together with the handgun
7 license authorized in paragraph 1 of this subsection for an
8 additional five-year term and no additional cost or fee may be
9 charged for the following individuals:

10 a. an active duty law enforcement officer of this state
11 or any of its political subdivisions or of the federal
12 government who has a valid CLEET approval as a
13 firearms instructor pursuant to ~~the Oklahoma Self-~~
14 ~~Defense Act~~ this section, and

15 b. a retired law enforcement officer authorized to carry
16 a firearm pursuant to Section 1289.8 of this title who
17 has a valid CLEET approval as a firearms instructor
18 pursuant to ~~the Oklahoma Self-Defense Act~~ this
19 section.

20 D. The Oklahoma State Bureau of Investigation shall approve
21 registration for a firearms instructor applicant who is in full
22 compliance with CLEET rules regarding firearms instructors and the
23 provisions of subsection B of this section, if completion of the
24 federal fingerprint search is the only reason for delay of

1 registration of that firearms instructor applicant. Upon receipt of
2 the federal fingerprint search information, if the Bureau receives
3 information which precludes the person from having a handgun
4 license, the Bureau shall revoke both the registration and the
5 handgun license previously issued to the firearms instructor.

6 E. The required firearms safety and training course and the
7 actual demonstration of competency and qualification required of the
8 applicant shall be designed and conducted in such a manner that the
9 course can be reasonably completed by the applicant within an eight-
10 hour period. CLEET shall establish the course content and
11 promulgate rules, procedures and forms necessary to implement the
12 provisions of this subsection. For the training and qualification
13 course, an applicant may be charged a fee which shall be determined
14 by the instructor or entity that is conducting the course. The
15 maximum class size shall be determined by the instructor conducting
16 the course; provided, however, practice shooting sessions shall not
17 have more than ten participating students at one time. CLEET may
18 establish criteria for assistant instructors and any other
19 requirements deemed necessary to conduct a safe and effective
20 training and qualification course. The course content shall include
21 a safety inspection of the firearm to be used by the applicant in
22 the training course; instruction on pistol handling, safety and
23 storage; dynamics of ammunition and firing; methods or positions for
24 firing a pistol; information about the criminal provisions of the

1 Oklahoma law relating to firearms; the requirements of the Oklahoma
2 Self-Defense Act as it relates to the applicant; self-defense and
3 the use of appropriate force; a practice shooting session; and a
4 familiarization course. The firearms instructor shall refuse to
5 train or qualify any person when the pistol to be used or carried by
6 the person is either deemed unsafe or unfit for firing or is a
7 weapon not authorized by ~~the Oklahoma Self-Defense Act~~ Sections
8 1290.2 through 1290.27 of this title. The course shall provide an
9 opportunity for the applicant to qualify himself or herself on
10 either a derringer, a revolver, a semiautomatic pistol or any
11 combination of a derringer, a revolver and a semiautomatic pistol,
12 provided no pistol shall be capable of firing larger than .45
13 caliber ammunition. Any applicant who successfully trains and
14 qualifies himself or herself with a semiautomatic pistol may be
15 approved by the firearms instructor on the training certificate for
16 a semiautomatic pistol, a revolver and a derringer upon request of
17 the applicant. Any person who qualifies on a derringer or revolver
18 shall not be eligible for a semiautomatic rating until the person
19 has demonstrated competence and qualifications on a semiautomatic
20 pistol. Upon successful completion of the training and
21 qualification course, a certificate of training and a certificate of
22 competency and qualification shall be issued to each applicant who
23 successfully completes the course. The certificate of training and
24 certificate of competency and qualification shall comply with the

1 forms established by CLEET and shall be submitted with an
2 application for a handgun license pursuant to the provisions of
3 paragraph 2 of subsection A of Section 1290.12 of this title. The
4 certificate of training and certificate of competency and
5 qualification issued to an applicant shall be valid for a period of
6 three (3) years.

7 F. There is hereby created a revolving fund for the Council on
8 Law Enforcement Education and Training (CLEET), to be designated the
9 "Firearms Instructors Revolving Fund". The fund shall be a
10 continuing fund, not subject to fiscal year limitations, and shall
11 consist of all funds received for approval of firearms instructors
12 ~~for purposes of the Oklahoma Self-Defense Act~~ as provided in this
13 section. All funds received shall be deposited to the fund. All
14 monies accruing to the credit of said fund are hereby appropriated
15 and may be budgeted and expended by the Council on Law Enforcement
16 Education and Training, for implementation of the training and
17 qualification course contents, approval of firearms instructors and
18 any other CLEET requirement pursuant to the provisions of ~~the~~
19 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of this
20 title or as may otherwise be deemed appropriate by CLEET.
21 Expenditures from said fund shall be made upon warrants issued by
22 the State Treasurer against claims filed as prescribed by law with
23 the Director of the Office of Management and Enterprise Services for
24 approval and payment.

1 G. Firearms instructors shall keep on file for a period of not
2 less than three (3) years a roster of each training class, the
3 safety test score of each individual, the caliber and type of weapon
4 each individual used when qualifying and whether or not each
5 individual successfully completed the training course. Firearms
6 instructors shall be authorized to destroy all training documents
7 and records upon expiration of the three-year time period.

8 SECTION 47. AMENDATORY 21 O.S. 2011, Section 1290.15, as
9 last amended by Section 3, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
10 2019, Section 1290.15), is amended to read as follows:

11 Section 1290.15

12 PERSONS EXEMPT FROM TRAINING COURSE

13 A. The following individuals may be exempt from all or part of
14 the required training and qualification course established pursuant
15 to the provisions of Section 1290.14 of this title:

16 1. A firearms instructor registered with the Oklahoma State
17 Bureau of Investigation ~~for purposes of the Oklahoma Self-Defense~~
18 ~~Act~~ as provided in Section 1290.14 of this title;

19 2. An active duty or reserve duty law enforcement officer of
20 this state or any of its political subdivisions or of the federal
21 government;

22 3. A retired law enforcement officer authorized by this state
23 pursuant to Section 1289.8 of this title to carry a firearm;

1 4. A Council on Law Enforcement Education and Training (CLEET)
2 certified armed security officer, armed guard, correctional officer,
3 or any other person having a CLEET certification to carry a firearm
4 in the course of their employment;

5 5. A person on active military duty, National Guard duty or
6 regular military reserve duty who is a legal resident of this state
7 and who is trained and qualified in the use of handguns;

8 6. A person honorably discharged from active military duty,
9 National Guard duty or military reserves within twenty (20) years
10 preceding the date of the application for a handgun license pursuant
11 to the provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2
12 through 1290.27 of this title, who is a legal resident of this
13 state, and who has been trained and qualified in the use of
14 handguns;

15 7. A person retired as a peace officer in good standing from a
16 law enforcement agency located in another state, who is a legal
17 resident of this state, and who has received training equivalent to
18 the training required for CLEET certification in this state; and

19 8. Any person who is otherwise deemed qualified for a training
20 exemption by CLEET.

21 B. No person who is determined to be exempt from training or
22 qualification may carry a concealed or unconcealed firearm ~~pursuant~~
23 ~~to the authority of the Oklahoma Self-Defense Act~~ until issued a
24 valid handgun license or possesses a valid military identification

1 card as provided for qualified persons in Section 1290.8 of this
2 title.

3 C. Nothing contained in any provision of ~~the Oklahoma Self-~~
4 ~~Defense Act~~ Sections 1290.2 through 1290.27 of this title shall be
5 construed to alter, amend, or modify the authority of any active
6 duty law enforcement officer, or any person certified by the Council
7 on Law Enforcement Education and Training to carry a pistol during
8 the course of their employment, to carry any pistol in any manner
9 authorized by law or authorized by the employing agency.

10 SECTION 48. AMENDATORY 21 O.S. 2011, Section 1290.17, as
11 amended by Section 36, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
12 Section 1290.17), is amended to read as follows:

13 Section 1290.17

14 SUSPENSION AND REVOCATION OF LICENSE

15 A. The Oklahoma State Bureau of Investigation shall have
16 authority pursuant to the provisions of ~~the Oklahoma Self-Defense~~
17 ~~Act~~ Sections 1290.2 through 1290.27 of this title and any other
18 provision of law to suspend or revoke any handgun license issued
19 pursuant to the provisions of ~~the Oklahoma Self-Defense Act~~ Sections
20 1290.2 through 1290.27 of this title. A person whose license has
21 been suspended or revoked or against whom a fine has been assessed
22 shall be entitled to an appeal through a hearing in accordance with
23 the Administrative Procedures Act. Any administrative hearing on
24 suspensions, revocations or fines shall be conducted by a hearing

1 examiner appointed by the Bureau. The hearing examiner's decision
2 shall be a final decision appealable to a district court in
3 accordance with the Administrative Procedures Act. After a handgun
4 license has been issued, the discovery of or the occurrence of any
5 condition which directly affects a person's eligibility for a
6 handgun license as provided by the provisions of Section 1290.9 or
7 1290.10 of this title shall require a revocation of the license by
8 the Bureau. The discovery of or the occurrence of any condition
9 pursuant to Section 1290.11 of this title, after a license has been
10 issued, shall cause a suspension of the handgun license for a period
11 of time as prescribed for the condition. Any provision of law that
12 requires a revocation of a handgun license upon a conviction shall
13 cause the Bureau to suspend the handgun license upon the discovery
14 of the arrest of the person for such offense until a determination
15 of the criminal case at which time the Bureau shall proceed with the
16 appropriate administrative action. A licensee may voluntarily
17 surrender a license to the Oklahoma State Bureau of Investigation at
18 any time. Such surrender of a handgun license will render the
19 license invalid. Nothing in this section may be interpreted to
20 prevent a subsequent new application for a license. The licensee
21 shall be informed and acknowledge in writing as follows:

- 22 1. The licensee understands that the voluntary surrender of the
23 license will not be deemed a suspension or revocation by the Bureau;

24

1 2. A voluntary surrender of a license will not be reviewable by
2 a hearing examiner or subject to judicial review under the
3 Administrative Procedures Act; and

4 3. By surrendering the license, the licensee shall forfeit all
5 fees paid to date.

6 B. Any handgun license which is subsequently suspended or
7 revoked shall be immediately returned to the Oklahoma State Bureau
8 of Investigation upon notification. Any person refusing or failing
9 to return a license after notification of its suspension or
10 revocation shall, upon conviction, be guilty of a misdemeanor
11 punishable by a fine of not exceeding Five Hundred Dollars
12 (\$500.00), by imprisonment in the county jail for not exceeding six
13 (6) months, or by both such fine and imprisonment. In addition, the
14 person shall be subject to an administrative fine of Five Hundred
15 Dollars (\$500.00), upon a hearing and determination by the Bureau
16 that the person is in violation of the provisions of this
17 subsection.

18 C. Any law enforcement officer of this state shall confiscate a
19 handgun license in the possession of any person and return it to the
20 Oklahoma State Bureau of Investigation for appropriate
21 administrative proceedings against the licensee when the license is
22 no longer needed as evidence in any criminal proceeding, as follows:

23 1. Upon the arrest of the person for any felony offense;
24

1 2. Upon the arrest of the person for any misdemeanor offense
2 enumerated as a preclusion to a handgun license;

3 3. For any violation of the provisions of ~~the Oklahoma Self-~~
4 ~~Defense Act~~ Sections 1290.2 through 1290.27 of this title;

5 4. When the officer has been called to assist or is
6 investigating any situation which would be a preclusion to having a
7 handgun license; or

8 5. As provided in subsection D of Section 1290.8 of this title.

9 D. Any administrative fine assessed in accordance with the
10 provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through
11 1290.27 of this title shall be paid in full within thirty (30) days
12 of assessment. The Oklahoma State Bureau of Investigation shall,
13 without a hearing, suspend the handgun license of any person who
14 fails to pay in full any administrative fine assessed against the
15 person in accordance with the provisions of this subsection. The
16 suspension of any handgun license shall be automatic and shall begin
17 thirty (30) days from the date of the assessment of the
18 administrative fine. The suspension shall be removed and the
19 handgun license returned to its prior standing upon payment of the
20 administrative fine being paid in full to the Bureau.

21 E. Whenever a handgun license has been suspended in accordance
22 with the provisions of this act or the administrative rules of the
23 Bureau promulgated for purposes of this act, the license shall
24 remain under suspension and shall not be reinstated until:

- 1 3. Maiden name, if applicable;
- 2 4. County of residence;
- 3 5. Length of residency at the current address;
- 4 6. Previous addresses for the preceding three (3) years;
- 5 7. Place of birth;
- 6 8. Date of birth;
- 7 9. Declaration of citizenship and date United States
- 8 citizenship was acquired, if applicable;
- 9 10. Race;
- 10 11. Weight;
- 11 12. Height;
- 12 13. Sex;
- 13 14. Color of eyes;
- 14 15. Current driver license number;
- 15 16. Military service number, if applicable;
- 16 17. Law enforcement identification numbers, if applicable;
- 17 18. Current occupation;
- 18 19. Authorized type or types of pistol for which the applicant
- 19 qualified as stated on the certificate of training or exemption of
- 20 training which shall be stated as either derringer, revolver,
- 21 semiautomatic pistol, or some combination of derringer, revolver and
- 22 semiautomatic pistol and the maximum ammunition capacity of the
- 23 firearm shall be .45 caliber;
- 24

1 20. An acknowledgment that the applicant desires a handgun
2 license as a means of lawful self-defense and self-protection and
3 for no other intent or purpose;

4 21. A statement that the applicant has never been convicted of
5 any felony offense in this state, another state or pursuant to any
6 federal offense;

7 22. A statement that the applicant has none of the conditions
8 which would preclude the issuing of a handgun license pursuant to
9 any of the provisions of Sections 1290.10 and 1290.11 of this title
10 and that the applicant further meets all of the eligibility criteria
11 required by Section 1290.9 of this title;

12 23. An authorization for the Oklahoma State Bureau of
13 Investigation to investigate the applicant and any or all records
14 relating to the applicant for purposes of approving or denying a
15 handgun license pursuant to the provisions of ~~the Oklahoma Self-~~
16 ~~Defense Act~~ Sections 1290.2 through 1290.27 of this title;

17 24. An acknowledgment that the applicant has been furnished a
18 copy of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through
19 1290.27 of this title and is knowledgeable about its provisions;

20 25. A statement that the applicant is the identical person who
21 completed the firearms training course for which the original
22 training certificate is submitted as part of the application or a
23 statement that the applicant is the identical person who is exempt
24 from firearms training for which the original exemption certificate

1 is submitted as part of the application, whichever is applicable to
2 the applicant;

3 26. A conspicuous warning that the application is executed upon
4 the sworn oath of the applicant and that any false or misleading
5 answer to any question or the submission of any false information or
6 documentation by the applicant is punishable by criminal penalty as
7 provided in paragraph 5 of Section 1290.12 of this title;

8 27. A signed verification that the contents of the application
9 are known to the applicant and are true and correct;

10 28. Two separate places for the original signature of the
11 applicant;

12 29. A place for attachment of a passport size photograph of the
13 applicant; and

14 30. A place for the signature and verification of the identity
15 of the applicant by the sheriff or the sheriff's designee.

16 Information provided by the person on an application for a
17 handgun license shall be confidential except to law enforcement
18 officers or law enforcement agencies.

19 SECTION 50. AMENDATORY 21 O.S. 2011, Section 1290.19, as
20 amended by Section 38, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
21 Section 1290.19), is amended to read as follows:

22 Section 1290.19

23 LICENSE FORM

24

1 The handgun license shall be on a form prescribed by the
2 Oklahoma State Bureau of Investigation and shall contain the
3 following information in addition to any other information deemed
4 relevant by the Bureau:

- 5 1. The full name of the person;
- 6 2. Current address;
- 7 3. County of residence;
- 8 4. Date of birth;
- 9 5. Weight;
- 10 6. Height;
- 11 7. Sex;
- 12 8. Race;
- 13 9. Color of eyes;
- 14 10. Handgun license identification number;
- 15 11. Expiration date of the handgun license; and
- 16 12. Authorized pistol to be either: (D) derringer, (R)
17 revolver, (S) semiautomatic pistol, or some combination of
18 derringer, revolver and semiautomatic pistol ~~as may be authorized by~~
19 ~~the Oklahoma Self-Defense Act~~ for which the person demonstrated
20 qualification pursuant to the certificate of training or an
21 exemption certificate.

22 SECTION 51. AMENDATORY 21 O.S. 2011, Section 1290.20, as
23 amended by Section 39, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
24 Section 1290.20), is amended to read as follows:

1 Section 1290.20

2 PENALTY FOR REFUSAL TO SUBMIT OR FALSIFICATION

3 It shall be unlawful for any sheriff or designee to fail or
4 refuse to accept an application for a handgun license as authorized
5 by the provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2
6 through 1290.27 of this title or to fail or refuse to process or
7 submit the completed application to the Oklahoma State Bureau of
8 Investigation within the time prescribed by paragraph 8 of Section
9 1290.12 of this title, or to falsify or knowingly allow any person
10 to falsify any information, documentation, fingerprint or photograph
11 submitted with a handgun application. Any violation shall, upon
12 conviction, be a misdemeanor. There is a presumption that the
13 sheriff has acted in good faith to comply with the provisions of ~~the~~
14 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of this
15 title and any alleged violation of the provisions of this section
16 shall require proof beyond a reasonable doubt.

17 SECTION 52. AMENDATORY 21 O.S. 2011, Section 1290.21, as
18 last amended by Section 6, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
19 2019, Section 1290.21), is amended to read as follows:

20 Section 1290.21

21 REPLACEMENT LICENSE

22 A. In the event a handgun license becomes missing, lost, stolen
23 or destroyed, the license shall be invalid, and the person to whom
24 the license was issued shall notify the Oklahoma State Bureau of

1 Investigation within thirty (30) days of the discovery of the fact
2 that the license is not in the possession of the licensee. The
3 person may obtain a substitute license upon furnishing a notarized
4 statement to the Bureau that the license is missing, lost, stolen or
5 destroyed and paying a fifteen-dollar replacement fee. During any
6 period when a license is missing, lost, stolen or destroyed, the
7 person shall have no authority to carry a concealed or unconcealed
8 handgun pursuant to the provisions of ~~the Oklahoma Self-Defense Act~~
9 Sections 1290.2 through 1290.27 of this title. The Bureau shall,
10 upon receipt of the notarized statement and fee from the licensee,
11 issue a substitute license with the same expiration date within ten
12 (10) days of the receipt of the notarized statement and fee.

13 B. Any person who knowingly or intentionally carries a
14 concealed or unconcealed handgun pursuant to a handgun license
15 authorized and issued pursuant to the provisions of ~~the Oklahoma~~
16 ~~Self-Defense Act~~ Sections 1290.2 through 1290.27 of this title which
17 is stolen shall, upon conviction, be guilty of a felony punishable
18 by a fine of Five Thousand Dollars (\$5,000.00).

19 C. Any person having a valid handgun license pursuant to the
20 ~~Oklahoma Self-Defense Act~~ provisions of Sections 1290.2 through
21 1290.27 of this title may carry any make or model of an authorized
22 pistol listed on the license, provided the type of pistol shall not
23 be other than the type or types listed on the license. A person may
24 complete additional firearms training for an additional type of

1 pistol during any license period and upon successful completion of
2 the training may request the additional type of pistol be included
3 on the license. The person shall submit to the Bureau a fifteen-
4 dollar replacement fee, the original certificate of training and
5 qualification for the additional type of firearm, and a statement
6 requesting the license be updated to include the additional type of
7 pistol. The Bureau shall issue an updated license with the same
8 expiration date within ten (10) days of the receipt of the request.
9 The person shall have no authority to carry any additional type of
10 pistol pursuant to the provisions of ~~the Oklahoma Self-Defense Act~~
11 Sections 1290.2 through 1290.27 of this title until the updated
12 license has been received by the licensee. The original license
13 shall be destroyed upon receipt of an updated handgun license.

14 D. A person may request during any license period an update for
15 a change of address or change of name by submitting to the Bureau a
16 fifteen-dollar replacement fee, and a notarized statement that the
17 address or name of the licensee has changed. The Bureau shall issue
18 an updated license with the same expiration date within ten (10)
19 days of receipt of the request. The original license shall be
20 destroyed upon the receipt of the updated handgun license.

21 SECTION 53. AMENDATORY 21 O.S. 2011, Section 1290.22, as
22 last amended by Section 12, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
23 2019, Section 1290.22), is amended to read as follows:

24 Section 1290.22

BUSINESS OWNER'S RIGHTS

1
2 A. Except as provided in subsections B, C and D of this
3 section, nothing contained in any provision of ~~the Oklahoma Self-~~
4 ~~Defense Act~~ Sections 1290.2 through 1290.27 of this title shall be
5 construed to limit, restrict or prohibit in any manner the existing
6 rights of any person, property owner, tenant, employer, place of
7 worship or business entity to control the possession of weapons on
8 any property owned or controlled by the person or business entity.

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

15 C. A property owner, tenant, employer, place of worship or
16 business entity may prohibit any person from carrying a concealed or
17 unconcealed firearm on the property. If the building or property is
18 open to the public, the property owner, tenant, employer, place of
19 worship or business entity shall post signs on or about the property
20 stating such prohibition.

21 D. No person, property owner, tenant, employer, holder of an
22 event permit, place of worship or business entity shall be permitted
23 to establish any policy or rule that has the effect of prohibiting
24 any person from carrying a concealed or unconcealed firearm on

1 property within the specific exclusion provided for in paragraph 4
2 of subsection B of Section 1277 of this title; provided that
3 carrying a concealed or unconcealed firearm may be prohibited in the
4 following places:

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

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

15 3. The fairgrounds during the Oklahoma State Fair or the Tulsa
16 State Fair; and

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

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

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

4 2. Refuses to leave the property and a peace officer is
5 summoned,
6 the person may be punished as provided in Section 1276 of this
7 title.

8 F. A person, property owner, tenant, employer, holder of an
9 event permit, place of worship or business entity that does or does
10 not prohibit any individual, except a convicted felon, from carrying
11 a loaded or unloaded, concealed or unconcealed weapon on property
12 that the person, property owner, tenant, employer, holder of an
13 event permit, place of worship or business entity owns, or has legal
14 control of, is immune from any liability arising from that decision.
15 Except for acts of gross negligence or willful or wanton misconduct,
16 an employer who does or does not prohibit his or her employees from
17 carrying a concealed or unconcealed weapon is immune from any
18 liability arising from that decision. A person, property owner,
19 tenant, employer, holder of an event permit, place of worship or
20 business entity that does not prohibit persons from carrying a
21 concealed or unconcealed weapon pursuant to subsection D of this
22 section shall be immune from any liability arising from the carrying
23 of a concealed or unconcealed weapon, while in the scope of
24 employment, on the property or in or about a business entity

1 vehicle. The provisions of this subsection shall not apply to
2 claims pursuant to the Administrative Workers' Compensation Act.

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

7 H. Nothing in subsections F and G of this section shall prevent
8 an employer, employee or person who has suffered loss resulting from
9 the discharge of a weapon to seek redress or damages of the person
10 who discharged the weapon or used the weapon outside the provisions
11 of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of
12 this title.

13 SECTION 54. AMENDATORY 21 O.S. 2011, Section 1290.23, as
14 amended by Section 41, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
15 Section 1290.23), is amended to read as follows:

16 Section 1290.23

17 DEPOSIT OF FEES BY OSBI

18 All money submitted by the sheriffs to the Oklahoma State Bureau
19 of Investigation as processing fees for applications submitted for
20 handgun licenses shall be deposited in the Oklahoma State Bureau of
21 Investigation Revolving Fund and shall be expended for purposes of
22 implementing the provisions of ~~the Oklahoma Self-Defense Act~~
23 Sections 1290.2 through 1290.27 of this title or as otherwise
24 provided by law.

1 SECTION 55. AMENDATORY 21 O.S. 2011, Section 1290.24, as
2 last amended by Section 13, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
3 2019, Section 1290.24), is amended to read as follows:

4 Section 1290.24

5 IMMUNITY

6 A. The state or any political subdivision of the state, as
7 defined in Section 152 of Title 51 of the Oklahoma Statutes, and its
8 officers, agents and employees shall be immune from liability
9 resulting or arising from:

10 1. Failure to prevent the licensing of an individual for whom
11 the receipt of the license is unlawful pursuant to the provisions of
12 ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of
13 this title or any other provision of law of this state;

14 2. Any action or misconduct with a firearm committed by a
15 person pursuant to the provisions of ~~the Oklahoma Self-Defense Act~~
16 Sections 1290.2 through 1290.27 of this title or by any person who
17 obtains a firearm;

18 3. Any injury to any person during a handgun training course
19 conducted by a firearms instructor certified by the Council on Law
20 Enforcement Education and Training to conduct training under the
21 ~~Oklahoma Self-Defense Act~~ provisions of Section 1290.14 of this
22 title, or injury from any misfire or malfunction of any handgun on a
23 training course firing range supervised by a certified firearms
24 instructor under the provisions of ~~the Oklahoma Self-Defense Act~~

1 Section 1290.14 of this title, or any injury resulting from carrying
2 a concealed or unconcealed handgun pursuant to a handgun license;
3 and

4 4. Any action or finding pursuant to a hearing conducted in
5 accordance with the Administrative Procedures Act as required in ~~the~~
6 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of this
7 title.

8 B. Firearms instructors certified by the Council on Law
9 Enforcement Education and Training to conduct training for ~~the~~
10 ~~Oklahoma Self-Defense Act~~ handgun licenses shall be immune from
11 liability to third persons resulting or arising from any claim based
12 on an act or omission of a trainee.

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

15 SECTION 56. AMENDATORY 21 O.S. 2011, Section 1290.25, as
16 amended by Section 43, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
17 Section 1290.25), is 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 concealed or unconcealed handguns for lawful self-
23 defense and self-protection, and further finds it necessary to
24 occupy the field of regulation of the bearing of concealed or

1 unconcealed handguns to ensure that no honest, law-abiding citizen
2 who qualifies pursuant to the provisions of ~~the Oklahoma Self-~~
3 ~~Defense Act~~ Sections 1290.2 through 1290.27 of this title is
4 subjectively or arbitrarily denied his or her rights. The
5 Legislature does not delegate to the Oklahoma State Bureau of
6 Investigation any authority to regulate or restrict the issuing of
7 handgun licenses except as provided by the provisions of this act.
8 Subjective or arbitrary actions or rules which encumber the issuing
9 process by placing burdens on the applicant beyond those
10 requirements detailed in the provisions of ~~the Oklahoma Self-Defense~~
11 ~~Act~~ Sections 1290.2 through 1290.27 of this title or which create
12 restrictions beyond those specified in this act are deemed to be in
13 conflict with the intent of this act and are hereby prohibited. ~~The~~
14 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of this
15 title shall be liberally construed to carry out the constitutional
16 right to bear arms for self-defense and self-protection. The
17 provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through
18 1290.27 of this title are cumulative to existing rights to bear arms
19 and nothing in ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through
20 1290.27 of this title shall impair or diminish those rights.

21 However, the conditions that mandate the administrative actions
22 of license denial, suspension, revocation or an administrative fine
23 are intended to protect the health, safety and public welfare of the
24 citizens of this state. The restricting conditions specified in ~~the~~

1 ~~Oklahoma Self-Defense Act~~ Sections 1290.9, 1290.10 and 1290.11 of
2 this title generally involve the criminal history, mental state,
3 alcohol or substance abuse of the applicant or licensee, a hazard of
4 domestic violence, a danger to police officers, or the ability of
5 the Oklahoma State Bureau of Investigation to properly administer
6 ~~the Oklahoma Self-Defense Act~~ handgun licenses. The restricting
7 conditions that establish a risk of injury or harm to the public are
8 tailored to reduce the risks to the benefit of the citizens of this
9 state.

10 SECTION 57. AMENDATORY 21 O.S. 2011, Section 1290.26, as
11 last amended by Section 4, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
12 2019, Section 1290.26), is amended to read as follows:

13 Section 1290.26

14 RECIPROCAL AGREEMENT AUTHORITY

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

21 A. Any person entering this state in possession of a firearm
22 authorized for concealed or unconcealed carry upon the authority and
23 license of another state or a valid military identification card as
24 provided for qualified persons in Section 1290.8 of this title is

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

12 B. Any person entering this state in possession of a firearm
13 authorized for concealed carry upon the authority of a state that is
14 a nonpermitted carry state and the person is in compliance with ~~the~~
15 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of this
16 title, the person is authorized to carry a concealed or unconcealed
17 firearm in this state. The firearm must be carried fully concealed,
18 or unconcealed and upon coming in contact with any peace officer of
19 this state, the person must disclose the fact that he or she is in
20 possession of a concealed or unconcealed firearm pursuant to the
21 nonpermitting laws of the state in which he or she is a legal
22 resident. The person shall present proper identification by a valid
23 photo ID as proof that he or she is a legal resident in such a non-
24 permitting state. The Department of Public Safety shall keep a

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

3 C. 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 in this state.

7 SECTION 58. AMENDATORY 21 O.S. 2011, Section 1364, as
8 amended by Section 45, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
9 Section 1364), is amended to read as follows:

10 Section 1364.

11 DISCHARGING FIREARM

12 Every person who willfully discharges any pistol, rifle,
13 shotgun, airgun or other weapon, or throws any other missile in any
14 public place, or in any place where there is any person to be
15 endangered thereby, although no injury to any person shall ensue, is
16 guilty of a misdemeanor. Any person convicted of a violation of the
17 provisions of this section after having been issued a handgun
18 license pursuant to the provisions of ~~the Oklahoma Self-Defense Act~~
19 Sections 1290.2 through 1290.27 of this title shall have the license
20 suspended for a period of six (6) months and shall be subject to an
21 administrative fine of Fifty Dollars (\$50.00), upon a hearing and
22 determination by the Oklahoma State Bureau of Investigation that the
23 person is in violation of the provisions of this section.

24

1 SECTION 59. AMENDATORY 21 O.S. 2011, Section 1902, as
2 amended by Section 1, Chapter 314, O.S.L. 2017 (21 O.S. Supp. 2019,
3 Section 1902), is amended to read as follows:

4 Section 1902. As used in the Bus Passenger Safety Act:

5 1. "Bus" means a vehicle designed to carry passengers that is
6 part of a network of passenger vehicles for use by the public,
7 running on a regular schedule of routes, times and fares;

8 2. "Bus transportation company" or "company" means any person
9 or governmental entity providing for-hire transport to passengers or
10 cargo by bus upon the roads, streets, highways and turnpikes of this
11 state;

12 3. "Deadly or dangerous weapon" includes all weapons listed in
13 Section 1287 of this title, and any other weapon capable of
14 inflicting serious bodily injury, except for a weapon carried for
15 lawful self-defense in compliance ~~under~~ with the ~~Oklahoma Self-~~
16 ~~Defense Act~~ provisions of Sections 1290.2 through 1290.27 of this
17 title;

18 4. "Passenger" means any person served by the bus
19 transportation company; and

20 5. "Terminal" means a bus station or depot or any facility
21 operated or leased by or operated on behalf of a bus transportation
22 company. This term shall include a reasonable area immediately
23 adjacent to any designated stop along the route traveled by any bus
24

1 operated by a bus transportation company and parking lots or parking
2 areas adjacent to a terminal.

3 SECTION 60. AMENDATORY 57 O.S. 2011, Section 21, as last
4 amended by Section 2, Chapter 226, O.S.L. 2015 (57 O.S. Supp. 2019,
5 Section 21), is amended to read as follows:

6 Section 21. A. Any person who, without authority, brings into
7 or has in his or her possession in any jail or state penal
8 institution or other place where prisoners are located, any gun,
9 knife, bomb or other dangerous instrument, any controlled dangerous
10 substance as defined by Section 2-101 et seq. of Title 63 of the
11 Oklahoma Statutes, any intoxicating beverage or low-point beer as
12 defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma
13 Statutes, money or financial documents for a person other than the
14 inmate or a spouse of the inmate, including but not limited to tax
15 returns, shall be guilty of a felony and, upon conviction, shall be
16 punished by imprisonment in the custody of the Department of
17 Corrections for a term of not less than one (1) year nor more than
18 five (5) years, or by a fine of not less than One Hundred Dollars
19 (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both
20 such fine and imprisonment. Provided, the provisions of this
21 subsection shall not prohibit any Department of Corrections employee
22 who has a valid handgun license pursuant to ~~the Oklahoma Self-~~
23 ~~Defense Act~~ Sections 1290.2 through 1290.27 of Title 21 of the
24 Oklahoma Statutes to keep a firearm in a vehicle on any property set

1 aside for the parking of any vehicle, whether occupied or
2 unoccupied, at any state-owned prison facility, provided the
3 employee has provided annual notification to the Department of
4 Corrections of the brand name, model, serial number, and owner
5 identification information of the firearm, and the firearm is
6 secured and stored in a locked metal storage container located in a
7 locked vehicle. The storage container will be secured in the
8 vehicle by a lockable chain or cable or by utilizing hardware
9 provided by the manufacturer.

10 B. If an inmate is found to be in possession of any item
11 prohibited by this section, upon conviction, such inmate shall be
12 guilty of a felony and shall be punished by imprisonment for a term
13 of not less than five (5) years nor more than twenty (20) years in
14 the custody of the Department of Corrections.

15 C. If the person found to be in possession of any item
16 prohibited by this section has committed, prior to the commission of
17 an offense in violation of this section, two or more felony
18 offenses, and the possession of contraband in violation of this
19 section is within ten (10) years of the completion of the execution
20 of the sentence for any prior offense, such person, upon conviction,
21 shall be guilty of a felony and shall be punished by imprisonment in
22 the custody of the Department of Corrections for a term of not less
23 than twenty (20) years. Felony offenses relied upon shall not have
24

1 arisen out of the same transaction or occurrence or series of events
2 closely related in time and location.

3 D. Any person who, without authority, brings into or has in his
4 or her possession in any jail or state penal institution or other
5 place where prisoners are located, cigarettes, cigars, snuff,
6 chewing tobacco or any other form of tobacco product shall, upon
7 conviction, be guilty of a misdemeanor punishable by imprisonment in
8 the county jail not to exceed one (1) year, or by a fine not
9 exceeding Five Hundred Dollars (\$500.00), or by both such fine and
10 imprisonment.

11 E. Any person who knowingly, willfully and without authority
12 brings into or has in his or her possession in any secure area of a
13 jail or state penal institution or other secure place where
14 prisoners are located any cellular phone or electronic device
15 capable of sending or receiving any electronic communication shall,
16 upon conviction, be guilty of a felony punishable by imprisonment in
17 the custody of the Department of Corrections for a term not
18 exceeding two (2) years, or by a fine not exceeding Two Thousand
19 Five Hundred Dollars (\$2,500.00), or by both such fine and
20 imprisonment.

21 F. Any electronic communication device which has no
22 identifiable owner and which is seized as a result of a violation of
23 this section may be disposed of or sold by the agency that seized
24 the device.

1 G. "Electronic communication" means any transfer of signs,
2 signals, writings, images, sounds, data or intelligence of any
3 nature transmitted in whole or part by a wire, radio,
4 electromagnetic, photo-electronic or photo-optical system, and
5 includes, but is not limited to, the transfer of that communication
6 through the Internet.

7 SECTION 61. AMENDATORY Section 3, Chapter 407, O.S.L.
8 2013, as amended by Section 2, Chapter 373, O.S.L. 2014 (59 O.S.
9 Supp. 2019, Section 1350.2), is amended to read as follows:

10 Section 1350.2 A. On and after February 1, 2015, no person
11 shall act or engage in, solicit or offer services, or represent
12 himself or herself, as a bail enforcer as defined by the Bail
13 Enforcement and Licensing Act without first having been issued a
14 valid license by the Council on Law Enforcement Education and
15 Training.

16 B. On or after February 1, 2015, any person who shall act or
17 engage in, solicit or offer services, or represent himself or
18 herself, as a bail enforcer without a valid license issued by the
19 Council shall be guilty of a felony, upon conviction, punishable by
20 a fine in an amount not exceeding Ten Thousand Dollars (\$10,000.00),
21 or by imprisonment in the custody of the Department of Corrections
22 for a term of not more than three (3) years, or by both such fine
23 and imprisonment.

24

1 C. Any person violating the provisions of subsection B of this
2 section while having in his or her possession or under his or her
3 control any firearm or weapon, including a firearm under the
4 authority of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through
5 1290.27 of Title 21 of the Oklahoma Statutes, shall be punished,
6 upon conviction, by an additional fine in an amount not exceeding
7 Five Thousand Dollars (\$5,000.00), or by an additional term of
8 imprisonment up to three (3) years, or by both such fine and
9 imprisonment. In addition, the authority to carry the firearm may
10 be permanently revoked by the issuing authority.

11 SECTION 62. AMENDATORY 63 O.S. 2011, Section 2-110, as
12 amended by Section 46, Chapter 259, O.S.L. 2012 (63 O.S. Supp. 2019,
13 Section 2-110), is amended to read as follows:

14 Section 2-110. The Director of the Oklahoma State Bureau of
15 Narcotics and Dangerous Drugs Control may employ attorneys, who
16 shall be unclassified employees of the state, or contract with
17 attorneys, as needed. These attorneys may advise the Director, the
18 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
19 Commission and Bureau personnel on all legal matters and shall
20 appear for and represent the Director, the Commission and Bureau
21 personnel in all administrative hearings and all litigation or other
22 proceedings which may arise in the discharge of their duties. At
23 the request of the Oklahoma State Bureau of Narcotics and Dangerous
24 Drugs Control Commission, such attorney shall assist the district

1 attorney in prosecuting charges of violators of the Uniform
2 Controlled Dangerous Substances Act or any felony relating to or
3 arising from a violation of the Uniform Controlled Dangerous
4 Substances Act. Attorneys for the Bureau who have been certified by
5 the Council on Law Enforcement Education and Training to carry a
6 weapon or have been issued a handgun license pursuant to the
7 provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2 through
8 1290.27 of Title 21 of the Oklahoma Statutes shall be allowed to
9 carry weapons pursuant to paragraph 3 of subsection A of Section
10 1272 of Title 21 of the Oklahoma Statutes. These attorneys,
11 pursuant to this provision, shall not be considered eligible to
12 participate in the Oklahoma Law Enforcement Retirement System. If a
13 conflict of interest would be created by such attorney representing
14 the Director, the Commission or Bureau personnel, additional counsel
15 may be hired upon approval of the Oklahoma State Bureau of Narcotics
16 and Dangerous Drugs Control Commission.

17 SECTION 63. AMENDATORY 63 O.S. 2011, Section 4210.3, as
18 amended by Section 47, Chapter 259, O.S.L. 2012 (63 O.S. Supp. 2019,
19 Section 4210.3), is amended to read as follows:

20 Section 4210.3 It shall be unlawful to transport a shotgun,
21 rifle or pistol in or to discharge such weapons from a vessel,
22 except for the purposes of hunting animals or fowl, and in
23 compliance with existing state and federal laws. Anyone violating
24 the provisions of this section, upon conviction, shall be guilty of

1 a misdemeanor and shall be punished by a fine of not less than Fifty
2 Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00), or
3 by imprisonment in the county jail for not less than ten (10) days
4 and not more than six (6) months, or by both such fine and
5 imprisonment. Any person in possession of a valid handgun license
6 from this state or a reciprocal state authorized by ~~the Oklahoma~~
7 ~~Self-Defense Act~~ Sections 1290.2 through 1290.27 of Title 21 of the
8 Oklahoma Statutes shall not be deemed guilty of transporting a
9 pistol in violation of this section when a handgun is carried
10 concealed or unconcealed upon or about their person in compliance
11 with the provisions of ~~the Oklahoma Self-Defense Act~~ Sections 1290.2
12 through 1290.27 of Title 21 of the Oklahoma Statutes.

13 SECTION 64. AMENDATORY Section 3, Chapter 310, O.S.L.
14 2015 (70 O.S. Supp. 2019, Section 5-149.2), is amended to read as
15 follows:

16 Section 5-149.2 A. The board of education of a school district
17 may, through a majority vote of the board, designate school
18 personnel who have been issued a handgun license pursuant to ~~the~~
19 ~~Oklahoma Self-Defense Act~~ Sections 1290.2 through 1290.27 of Title
20 21 of the Oklahoma Statutes to attend an armed security guard
21 training program, as provided for in Section 1750.5 of Title 59 of
22 the Oklahoma Statutes, or a reserve peace officer certification
23 program, as provided for in Section 3311 of Title 70 of the Oklahoma
24 Statutes, provided and developed by the Council on Law Enforcement

1 Education and Training (CLEET). Nothing in this section shall be
2 construed to prohibit or limit the board of education of a school
3 district from requiring ongoing education and training.

4 B. Participation in either the armed security guard training
5 program or the reserve peace officer certification program shall be
6 voluntary and shall not in any way be considered a requirement for
7 continued employment with the school district. The board of
8 education of a school district shall have the final authority to
9 determine and designate the school personnel who will be authorized
10 to obtain and use an armed security guard license or reserve peace
11 officer certification in conjunction with their employment as school
12 personnel.

13 C. The board of education of a school district that authorizes
14 school personnel to participate in either the armed security guard
15 program or the reserve peace officer program may pay all necessary
16 training, meal and lodging expenses associated with the training.

17 D. When carrying a firearm pursuant to the provisions of this
18 act, the person shall at all times carry the firearm on his or her
19 person or the firearm shall be stored in a locked and secure
20 location.

21 E. Any school personnel who have successfully completed either
22 training and while acting in good faith shall be immune from civil
23 and criminal liability for any injury resulting from the carrying of
24 a handgun onto public school property as provided for in this act.

1 Any board of education of a school district or participating local
2 law enforcement agency shall be immune from civil and criminal
3 liability for any injury resulting from any act committed by school
4 personnel who are designated to carry a concealed handgun on public
5 school property pursuant to the provisions of this act.

6 F. In order to carry out the provisions of this section, the
7 board of education of a school district is authorized to enter into
8 a memorandum of understanding with local law enforcement entities.

9 SECTION 65. REPEALER 21 O.S. 2011, Sections 1289.1 and
10 1290.1, as last amended by Section 2, Chapter 406, O.S.L. 2019 (21
11 O.S. Supp. 2019, Section 1290.1), are hereby repealed.

12 SECTION 66. This act shall become effective November 1, 2020.

13
14 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03/02/2020 -
15 DO PASS, As Amended and Coauthored.

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