

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2645

6 By: Echols

7 COMMITTEE SUBSTITUTE

8 An Act relating to firearms; amending 21 O.S. 2011,
9 Section 1272, as last amended by Section 1, Chapter
10 1, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1272),
11 which relates to the unlawful carry of firearms;
12 clarifying manner by which firearms may be
13 transported on public roadways; amending 21 O.S.
14 2011, Sections 1272.1, as amended by Section 2,
15 Chapter 259, O.S.L. 2012 and 1272.2, as amended by
16 Section 3, Chapter 259, O.S.L. 2012 (21 O.S. Supp.
17 2020, Sections 1272.1 and 1272.2), which relate to
18 carrying firearms where liquor is consumed; updating
19 statutory citations; modifying exception to include
20 employees of business establishments and licensed
21 armed security guards; authorizing the carrying of
22 firearms into designated bar areas of restaurants
23 under certain circumstances; defining term; modifying
24 scope of certain prohibited act; reducing and
deleting certain penalties; amending 21 O.S. 2011,
Section 1277, as last amended by Section 1, Chapter
235, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1277),
which relates to the unlawful carry of firearms in
certain places; deleting reference to certain
governmental authority; prohibiting the carry of
firearms on government property with minimum-security
provisions; describing minimum-security features;
clarifying exemption that authorizes the possession
of firearms on certain property; authorizing
concealed carry of firearms on government property
during permitted events that lack minimum-security
provisions; providing certain limitation; authorizing
open carry of firearms on property of nonprofit
entities and public trusts with permission;
authorizing municipalities to allow for the carry of

1 concealed firearms by municipal employees or
2 municipal public officials; providing eligibility
3 requirements; stating manner in which firearms shall
4 be carried and stored; providing exemption from
5 liability under certain circumstances; prohibiting
6 the carrying of firearms at certain locations;
7 providing penalty; defining term; providing
8 construing provision related to the carrying of
9 firearms by municipal employees or municipal public
10 officials; amending 21 O.S. 2011, Section 1280.1, as
11 last amended by Section 2, Chapter 310, O.S.L. 2015
12 (21 O.S. Supp. 2020, Section 1280.1), which relates
13 to possessing firearms on school property; modifying
14 circumstances that authorize the carry of firearms
15 and weapons on school property; clarifying liability
16 clause; amending 21 O.S. 2011, Sections 1289.2,
17 1289.7, as last amended by Section 5, Chapter 1,
18 O.S.L. 2019, 1289.13A, as last amended by Section 7,
19 Chapter 1, O.S.L. 2019 and 1289.24, as last amended
20 by Section 8, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
21 2020, Sections 1289.7, 1289.13A and 1289.24), which
22 relate to the Oklahoma Firearms Act of 1971;
23 modifying scope of legislative findings related to
24 the use of firearms; stating manner in which loaded
and unloaded firearms may be transported in vehicles;
deleting transport requirements for rifles and
shotguns and exception to certain prohibited act;
modifying scope of certain prohibited act; providing
for the return of ammunition under certain
circumstances; clarifying certain preemption
provision and certain mandate; specifying
circumstances which authorize the filing of civil
actions against certain persons and entities;
providing for the award of reasonable expenses under
specific conditions; defining term; amending 21 O.S.
2011, Sections 1290.2, as last amended by Section 4,
Chapter 63, O.S.L. 2019, 1290.4, as amended by
Section 25, Chapter 259, O.S.L. 2012, 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, 1290.22, as last amended by
Section 12, Chapter 1, O.S.L. 2019, 1290.24, as last
amended by Section 13, Chapter 1, O.S.L. 2019,
1290.25, as amended by Section 43, Chapter 259,
O.S.L. 2012 and 1290.26, as last amended by Section
4, Chapter 298, O.S.L. 2017 (21 O.S. Supp. 2020,

1 Sections 1290.2, 1290.4, 1290.6, 1290.7, 1290.8,
2 1290.22, 1290.24, 1290.25 and 1290.26), which relate
3 to the Oklahoma Self-Defense Act; clarifying
4 definitions and updating statutory citations;
5 removing references to handguns; defining terms;
6 specifying persons authorized to lawfully carry or
7 transport firearms; modifying scope of certain
8 prohibited act; clarifying construing provisions
9 related to the carrying of firearms; providing
10 statutory references; specifying conditions that
11 allow for the carry of firearms in this state;
12 requiring possession of certain license or
13 identification when carrying or possessing a firearm
14 while scouting; requiring possession of certain
15 license or identification card when possessing a
16 firearm; allowing certain documents to be displayed
17 when demanded by law enforcement; allowing certain
18 licenses or identification cards to be offered as
19 proof; modifying elements of certain prohibited act;
20 expanding scope of business owner's rights to include
21 liquor stores; prohibiting the establishment of
22 certain policies or rules relating to the transport,
23 carry or storage of firearms in vehicles; clarifying
24 liability clause; modifying legislative intent
regarding the issuance of licenses; clarifying
reciprocity requirements of the state; requiring
persons to disclose possession of firearm upon
request of law enforcement; removing requirement that
the Department of Public Safety keep a list of
nonpermitting states for law enforcement reference;
repealing 21 O.S. 2011, Section 1289.13, as last
amended by Section 6, Chapter 1, O.S.L. 2019 (21 O.S.
Supp. 2020, Section 1289.13), which relates to the
improper transportation of firearms; and declaring an
emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
last amended by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
2020, Section 1272), is amended to read as follows:

1 Section 1272.

2 UNLAWFUL CARRY

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

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

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

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

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

24

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

shall be prohibited from carrying a firearm under the provisions of this paragraph. Any person who carries a firearm in the manner provided for in this paragraph shall be prohibited from carrying the firearm into any of the places prohibited in subsection A of Section 1277 of this title or any other place currently prohibited by law. Nothing in this section shall modify or otherwise change where a 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 2. AMENDATORY 21 O.S. 2011, Section 1272.1, as
5 amended by Section 2, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
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~~ or alcoholic beverages, as defined by Section
12 ~~163.2 1-103~~ of Title ~~37~~ 37A of the Oklahoma Statutes, ~~or alcoholic~~
13 ~~beverages, as defined by Section 506 of Title 37 of the Oklahoma~~
14 ~~Statutes,~~ are consumed. This provision shall not apply to a peace
15 officer, as defined in Section 99 of this title, to licensed armed
16 security guards, or to private investigators with a firearms
17 authorization when acting in the scope and course of employment,
18 ~~and~~ Further, this provision shall not apply to an owner or,
19 proprietor or employee of the establishment having a pistol, rifle,
20 or shotgun; provided, the employee has permission from the owner or
21 proprietor of the establishment to have a weapon on the premises.
22 Provided, however, a person possessing a valid handgun license
23 pursuant to the provisions of the Oklahoma Self-Defense Act may
24 carry the ~~concealed or unconcealed handgun~~ weapon into any

1 restaurant or other establishment licensed to dispense ~~low-point~~
2 beer or alcoholic beverages where the sale of ~~low-point~~ beer or
3 alcoholic beverages does not constitute the primary purpose of the
4 business. Provided also, it shall be lawful for a person carrying a
5 weapon to be in a designated bar area of a restaurant as long as the
6 person carrying the weapon is not consuming beer or alcoholic
7 beverages.

8 ~~Provided further, nothing~~ B. Nothing in this section shall be
9 interpreted to authorize any peace officer in actual physical
10 possession of a weapon to consume ~~low-point~~ beer or alcoholic
11 beverages, except in the authorized line of duty as an undercover
12 officer.

13 C. Nothing in this section shall be interpreted to authorize
14 any patron, employee of the establishment, licensed armed security
15 guard or private investigator with a ~~firearms~~ or without
16 authorization to carry a firearm and in actual physical possession
17 of a weapon to consume ~~low-point~~ beer or alcoholic beverages in any
18 establishment where ~~low-point~~ beer or alcoholic beverages are
19 consumed.

20 ~~B.~~ D. Any person violating the provisions of this section shall
21 be punished as provided in Section 1272.2 of this title.

22 E. As used in this section, "consume" means the act of drinking
23 or ingesting beer or alcoholic beverages or eating a product
24 containing alcohol.

1 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1272.2, as
2 amended by Section 3, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
3 Section 1272.2), is amended to read as follows:

4 Section 1272.2

5 PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

6 Any ~~person~~ patron who ~~intentionally~~:

7 1. Intentionally or knowingly carries on his or her person any
8 weapon in violation of Section 1272.1 of this title~~;~~ and

9 2. Consumes beer or alcoholic beverages,

10 shall, upon conviction, be guilty of a ~~felony~~ misdemeanor punishable
11 by a fine not to exceed ~~One Thousand Dollars (\$1,000.00), or~~
12 ~~imprisonment in the custody of the Department of Corrections for a~~
13 ~~period not to exceed two (2) years, or by both such fine and~~
14 ~~imprisonment~~ Two Hundred Fifty Dollars (\$250.00).

15 ~~Any person convicted of violating the provisions of this section~~
16 ~~after having been issued a handgun license pursuant to the~~
17 ~~provisions of the Oklahoma Self-Defense Act shall have the license~~
18 ~~revoked by the Oklahoma State Bureau of Investigation after a~~
19 ~~hearing and determination that the person is in violation of Section~~
20 ~~1272.1 of this title.~~

21 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1277, as
22 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.
23 2020, Section 1277), is amended to read as follows:

24 Section 1277.

1 UNLAWFUL CARRY IN CERTAIN PLACES

2 A. It shall be unlawful for any person, including a person in
3 possession of a valid handgun license issued pursuant to the
4 provisions of the Oklahoma Self-Defense Act, to carry any concealed
5 or unconcealed ~~handgun~~ firearm into any of the following places:

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

9 2. Any courthouse, courtroom, prison, jail, detention facility
10 or any facility used to process, hold or house arrested persons,
11 prisoners or persons alleged delinquent or adjudicated delinquent,
12 except as provided in Section 21 of Title 57 of the Oklahoma
13 Statutes;

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

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

19 5. Any place where gambling is authorized by law, unless
20 allowed by the property owner; ~~and~~

21 6. Any other place specifically prohibited by law; and

22 7. Any property set aside by a county, city, town, public trust
23 with a county, city or town as a beneficiary, or state governmental
24 authority for an event that is secured with minimum-security

1 provisions. For purposes of this paragraph, a minimum-security
2 provision consists of a location that is secured utilizing the
3 following:

- 4 a. a metallic-style security fence that is at least eight
5 (8) feet in height that encompasses the property and
6 is secured in such a way as to deter unauthorized
7 entry,
- 8 b. controlled access points staffed by a uniformed,
9 commissioned peace officer, and
- 10 c. a metal detector whereby persons walk or otherwise
11 travel with their property through or by the metal
12 detector.

13 B. ~~For purposes of subsection A of this section, the prohibited~~
14 ~~place does not include and specifically excludes~~ It shall be lawful
15 for a person to carry a concealed or unconcealed firearm on the
16 following ~~property~~ properties:

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

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

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

4 4. Any public property designated by statute, ordinance,
5 resolution, policy or use by a city, town, county or state
6 governmental authority as a street, plaza, sidewalk, alley, park,
7 recreational area, wildlife refuge, wildlife management area or
8 fairgrounds; provided, nothing in this paragraph shall be construed
9 to authorize any entry by a person in possession of a concealed or
10 unconcealed firearm into any structure, building ~~or~~, office space or
11 event which is specifically prohibited by the provisions of
12 subsection A of this section; ~~and~~

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

18 6. Any public property set aside temporarily by a county, city,
19 town, public trust with a county, city or town as a beneficiary, or
20 state governmental authority for the holder of an event permit that
21 is without minimum-security provisions, as such term is defined in
22 paragraph 7 of subsection A of this section; provided, the carry of
23 firearms within said permitted event area shall be limited to
24

1 concealed carry of a handgun unless otherwise authorized by the
2 holder of the event permit.

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

10 C. A concealed or unconcealed weapon may be carried onto
11 private school property or in any school bus or vehicle used by any
12 private school for transportation of students or teachers by a
13 person who is licensed pursuant to the Oklahoma Self-Defense Act,
14 provided a policy has been adopted by the governing entity of the
15 private school that authorizes the carrying and possession of a
16 weapon on private school property or in any school bus or vehicle
17 used by a private school. Except for acts of gross negligence or
18 willful or wanton misconduct, a governing entity of a private school
19 that adopts a policy which authorizes the possession of a weapon on
20 private school property, a school bus or vehicle used by the private
21 school shall not be ~~immune from~~ subject to liability for any
22 injuries arising from the adoption of the policy. The provisions of
23 this subsection shall not apply to claims pursuant to the
24 Administrative Workers' Compensation Act.

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

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

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

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

13 E. ~~In~~ Notwithstanding the provisions of subsection A of this
14 section, on any property designated by a municipality by statute,
15 ordinance, resolution, policy or use as a municipal zoo or park of
16 any size that is owned, leased, operated or managed by:

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

19 2. A nonprofit entity,
20 an individual shall be allowed to carry a concealed handgun but not
21 openly carry a handgun on the property; provided, however, an
22 individual may openly carry a handgun on the property with
23 permission from the public trust or nonprofit entity.
24

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

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

21 1. Any property set aside for the use or parking of any motor
22 vehicle, whether attended or unattended, provided the firearm,
23 machete, blackjack, loaded cane, hand chain or metal knuckles are
24 carried or stored as required by law and the firearm, machete,

1 blackjack, loaded cane, hand chain or metal knuckles are not removed
2 from the motor vehicle without the prior consent of the college or
3 university president or technology center school administrator while
4 the vehicle is on any college, university or technology center
5 school property;

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

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

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

24

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

14 H. The provisions of this section shall not apply to the
15 following:

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

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

24

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

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

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

23 6. The board of county commissioners of any county may
24 authorize certain employees of the county, who possess a valid

1 handgun license issued pursuant to the provisions of the Oklahoma
2 Self-Defense Act, to carry a concealed handgun when acting in the
3 course and scope of employment on county annex facilities or grounds
4 surrounding the county courthouse.

5 I. 1. Municipalities may, by ordinance or resolution,
6 authorize all or certain municipal employees or municipal public
7 officials to carry concealed firearms, as defined in Section 1290.2
8 of this title, for their personal protection according to the terms
9 and conditions outlined in this subsection. To be eligible to carry
10 a concealed firearm while working and employed on municipal
11 property, the employee or official must have been issued a valid
12 handgun license pursuant to the provisions of the Oklahoma Self-
13 Defense Act.

14 2. Carrying a firearm as authorized in this subsection shall
15 not in any way be considered a requirement for continued employment
16 with the municipality.

17 3. When carrying a firearm pursuant to this subsection, the
18 employee or official shall at all times carry the firearm on his or
19 her person or the firearm shall be stored in a locked and secured
20 location which is permanently affixed or tethered at the storage
21 cite at the expense of the employee or official and with permission
22 of the governing body. The municipality shall not be liable for any
23 loss, damage or injuries that occur in relation to or caused by the
24

1 possession or storage of a firearm under the provisions of this
2 subsection.

3 4. Any municipal employee or municipal public official
4 authorized to carry a firearm under the provisions of this
5 subsection, while acting in a reasonable and prudent manner, shall
6 not be subject to civil or criminal liability for any injury
7 resulting from the carrying, accidental discharge or intentional
8 discharge of a firearm on municipal property as provided in this
9 subsection. Any municipality shall not be subject to civil or
10 criminal liability or other suit at law or in equity resulting from
11 any injury, act, failure to act or refusal to act committed by a
12 municipal employee or municipal public official who carries,
13 accidentally discharges or intentionally discharges a handgun on
14 municipal property as authorized by this subsection.

15 5. For purposes of this subsection, firearms may only be
16 carried by a municipal employee or municipal public official as
17 authorized by ordinance or resolution, unless the location is a
18 firearm-prohibited location. In addition to any employment
19 disciplinary actions, any person who violates the provisions of this
20 subsection shall be subject to the penalties provided for in
21 subsection F of this section. As used in this paragraph, "firearm-
22 prohibited location" shall include the following locations:

23 a. any room, location or other public place where public
24 meetings or other meetings governed by the Oklahoma

1 Open Meeting Act occur, unless specifically authorized
2 by municipal ordinance,

3 b. any room, location or other place on municipally
4 owned, leased or maintained property designated as a
5 firearm-prohibited location by the municipal
6 government, and

7 c. any police department, courthouse, courtroom, prison,
8 jail, detention facility or any facility used to
9 process, hold or house arrested persons, prisoners or
10 persons alleged delinquent or adjudicated delinquent.

11 6. Nothing in this subsection should be construed as a
12 mechanism to allow municipal employees or municipal public officials
13 to carry a firearm as a duty or function of their employment with
14 the municipality. Any act concerning the carrying of a firearm, a
15 refusal or failure to act with a firearm or the accidental or
16 intentional discharge of a firearm shall be considered taken on the
17 personal behalf of the municipal employee or municipal public
18 official and not on behalf of the municipality and shall not be
19 considered an act performed within the scope of duties of the
20 employee or municipal public official nor shall it be construed as
21 an act by the municipality or any employee or official thereof.

22 J. For the purposes of this section, "motor vehicle" means any
23 automobile, truck, minivan, sports utility vehicle, or motorcycle,
24 as defined in Section 1-135 of Title 47 of the Oklahoma Statutes,

1 equipped with a locked accessory container within or affixed to the
2 motorcycle.

3 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1280.1, as
4 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
5 2020, Section 1280.1), is amended to read as follows:

6 Section 1280.1

7 POSSESSION OF FIREARM ON SCHOOL PROPERTY

8 A. It shall be unlawful for any person to have in his or her
9 possession on any public or private school property or while in any
10 school bus or vehicle used by any school for transportation of
11 students or teachers any firearm or weapon designated in Section
12 1272 of this title, except as provided in subsection C of this
13 section or as otherwise authorized by law.

14 B. For purposes of this section:

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

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

24

1 3. "Motor vehicle" means any automobile, truck, minivan or
2 sports utility vehicle.

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

5 1. A ~~gun~~ firearm or knife designed for self-defense or for
6 hunting or fishing purposes kept in a privately owned vehicle and
7 properly ~~displayed or~~ stored as required by law, ~~provided such~~
8 ~~vehicle containing said gun or knife is driven onto school property~~
9 ~~only to transport a student to and from school and such vehicle does~~
10 ~~not remain unattended on school property;~~

11 2. A ~~gun~~ firearm or knife used for the purposes of
12 participating in the Oklahoma Department of Wildlife Conservation
13 certified hunter training education course or any other hunting,
14 fishing, safety or firearms training courses, or a recognized
15 firearms sports event, team shooting program or competition, or
16 living history reenactment, provided the course or event is approved
17 by the principal or chief administrator of the school where the
18 course or event is offered, and provided the firearm or weapon is
19 properly displayed or stored as required by law pending
20 participation in the course, event, program or competition;

21 3. ~~Weapons~~ Firearms or weapons in the possession of any peace
22 officer or other person authorized by law to possess a weapon in the
23 performance of his or her duties and responsibilities;

1 4. A concealed or unconcealed weapon carried onto private
2 school property or in any school bus or vehicle used by any private
3 school for transportation of students or teachers by a person who is
4 licensed pursuant to the Oklahoma Self-Defense Act, provided a
5 policy has been adopted by the governing entity of the private
6 school that authorizes the possession of a weapon on private school
7 property or in any school bus or vehicle used by a private school.
8 Except for acts of gross negligence or willful or wanton misconduct,
9 a governing entity of a private school that adopts a policy which
10 authorizes the possession of a weapon on private school property, a
11 school bus or vehicle used by the private school shall not be ~~immune~~
12 ~~from~~ subject to liability for any injuries arising from the adoption
13 of the policy. The provisions of this paragraph shall not apply to
14 claims pursuant to the Workers' Compensation Code;

15 5. A ~~gun~~ firearm, knife, bayonet or other weapon in the
16 possession of a member of a veterans group, the National Guard,
17 active military, the Reserve Officers' Training Corps (ROTC) or
18 Junior ROTC, in order to participate in a ceremony, assembly or
19 educational program approved by the principal or chief administrator
20 of a school or school district where the ceremony, assembly or
21 educational program is being held; provided, however, the ~~gun~~
22 firearm or other weapon that uses projectiles is not loaded and is
23 inoperable at all times while on school property;

24

1 6. A ~~handgun~~ firearm carried in a motor vehicle pursuant to a
2 ~~valid handgun license authorized by the provisions of the~~ Oklahoma
3 Self-Defense Act onto property set aside by a public or private
4 elementary or secondary school for the use or parking of any
5 vehicle; provided, however, said ~~handgun~~ firearm shall be stored and
6 hidden from view in a locked motor vehicle when the motor vehicle is
7 left unattended on school property; and

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

- 11 a. possess a valid armed security guard license as
12 provided for in Section 1750.1 et seq. of Title 59 of
13 the Oklahoma Statutes, or
- 14 b. hold a valid reserve peace officer certification as
15 provided for in Section 3311 of Title 70 of the
16 Oklahoma Statutes,

17 if a policy has been adopted by the board of education of the school
18 district that authorizes the carrying of a handgun onto public
19 school property by such personnel. Nothing in this subsection shall
20 be construed to restrict authority granted elsewhere in law to carry
21 firearms.

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

1 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.2, is
2 amended to read as follows:

3 Section 1289.2

4 LEGISLATIVE FINDINGS FOR FIREARMS ACT

5 The Legislature finds ~~as a matter of public policy and fact that~~
6 ~~it is necessary for~~ the safe and lawful use of firearms ~~to curb and~~
7 ~~prevent crime wherein weapons are used by enacting legislation~~
8 ~~having the purpose of controlling the use of firearms, and of~~
9 ~~prevention of their use, without unnecessarily denying their lawful~~
10 ~~use~~ in defense of an individual citizen's life, defense of a private
11 ~~home and~~ or personal, business or real property, and ~~their use~~ by
12 the United States or state military organizations, law enforcement
13 agencies and other agencies as may otherwise be provided by law,
14 including ~~their use and the~~ transportation ~~for~~ of firearms, is a
15 lawful ~~purposes~~ purpose.

16 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.7, as
17 last amended by Section 5, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
18 2020, Section 1289.7), is amended to read as follows:

19 Section 1289.7

20 FIREARMS IN VEHICLES

21 A. Any person who is not otherwise prohibited by law from
22 possessing or purchasing a firearm and is not carrying or
23 transporting a firearm in the furtherance of a crime may transport
24

1 in or on a ~~motor~~ vehicle a ~~pistol or handgun~~ firearm, loaded or
2 unloaded, at any time.

3 B. Any person who is eighteen (18) to twenty (20) years of age
4 and is not otherwise prohibited by law from possessing or purchasing
5 a firearm and is not carrying or transporting a firearm in
6 furtherance of a crime may transport in or on a ~~motor~~ vehicle a
7 ~~rifle or shotgun open or concealed, provided the rifle or shotgun is~~
8 ~~transported pursuant to the requirements of Section 1289.13 of this~~
9 ~~title~~ an unloaded firearm, open or concealed, at any time.

10 C. ~~Any person who is the operator of a motor vehicle or is a~~
11 ~~passenger in any motor vehicle wherein another person who is~~
12 ~~licensed pursuant to the Oklahoma Self-Defense Act or is otherwise~~
13 ~~permitted by law to carry a handgun, concealed or unconcealed, and~~
14 ~~is carrying a handgun or has the handgun in such vehicle, shall not~~
15 ~~be deemed in violation of the provisions of this section provided~~
16 ~~the licensee or person permitted by law is in or near the motor~~
17 ~~vehicle.~~

18 D. It shall be unlawful for any person transporting a firearm
19 in a ~~motor~~ vehicle to fail or refuse to identify that the person is
20 in actual possession of a firearm when ~~asked to do so~~ demanded by a
21 law enforcement officer of this state during any arrest, detainment
22 or routine traffic stop. Any person who violates the provisions of
23 this subsection may be issued a citation for an amount not to exceed
24 One Hundred Dollars (\$100.00).

1 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
2 last amended by Section 7, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
3 2020, Section 1289.13A), is amended to read as follows:

4 Section 1289.13A

5 IMPROPER TRANSPORTATION OF FIREARMS

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

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

20 1. The person is arrested for violating another provision of
21 law other than a violation of subsection A of this section;
22 provided, however, if the person is never charged with an offense
23 pursuant to this paragraph or if the charges are dismissed or the
24

1 person is acquitted, the weapon and ammunition shall be returned to
2 the person; or

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

4 a. contraband, or

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

7 C. Nothing in this section shall be construed to require
8 confiscation of any firearm.

9 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1289.24, as
10 last amended by Section 8, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
11 2020, Section 1289.24), is amended to read as follows:

12 Section 1289.24

13 FIREARM REGULATION - STATE PREEMPTION

14 A. 1. The State Legislature hereby occupies and preempts the
15 entire field of legislation in this state touching in any way
16 firearms, knives, firearm and ammunition components, ammunition, and
17 supplies to the complete exclusion of any order, policy, ordinance,
18 or regulation by any municipality or other political subdivision of
19 this state. Any existing or future orders, policies, ordinances, or
20 regulations in this field, except as provided for in paragraph 2 of
21 this subsection and subsection C of this section, are null and void.

22 2. A municipality may adopt any ordinance:

23 a. relating to the discharge of firearms within the
24 jurisdiction of the municipality, and

1 b. allowing the municipality to issue a traffic citation
2 for transporting a firearm improperly as provided for
3 in Section 1289.13A of this title, provided, however,
4 that penalties contained for violation of any
5 ordinance enacted pursuant to the provisions of this
6 subparagraph shall not exceed the penalties
7 established in the Oklahoma Self-Defense Act.

8 3. As provided in the preemption provisions of this section,
9 the otherwise lawful carrying or possession of a firearm under the
10 provisions of Chapter 53 of this title shall not be punishable by
11 any municipality or other political subdivision of this state as
12 disorderly conduct, disturbing the peace or similar offense against
13 public order.

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

17 B. No municipality, agency or other political subdivision of
18 this state shall adopt any order, policy, ordinance, resolution or
19 regulation concerning in any way the sale, purchase, purchase delay,
20 transfer, ownership, use, keeping, possession, carrying, bearing,
21 transportation, licensing, permit, registration, taxation other than
22 sales and compensating use taxes, or other controls on firearms,
23 knives, firearm and ammunition components, ammunition, and supplies.

1 C. Except as hereinafter provided, this section shall not
2 prohibit any order, policy, ordinance, or regulation by any
3 municipality concerning the confiscation of property used in
4 violation of the ordinances of the municipality as provided for in
5 Section 28-121 of Title 11 of the Oklahoma Statutes. Provided,
6 however, no municipal ordinance relating to transporting a firearm
7 or knife improperly may include a provision for confiscation of
8 property.

9 D. When a person's rights pursuant to the protection of the
10 preemption provisions of this section have been violated by any
11 order, policy, ordinance, resolution or regulation promulgated or
12 enforced by any person, municipality, agency or other political
13 subdivision of this state, the person so violated shall have the
14 right to bring a civil action against the ~~persons~~ person,
15 municipality, ~~and~~ agency or political subdivision jointly and
16 severally for injunctive relief or monetary damages or both.

17 E. A court may require the offending person, municipality,
18 agency or political subdivision to pay reasonable expenses to a
19 person in an action filed pursuant to the provisions of subsection D
20 of this section if:

21 1. The aggrieved party first provides written notice of the
22 unlawful order, policy, ordinance, resolution or regulation by
23 certified first-class mail or service of process to the person or
24 the designated agent of the municipality, agency or political

1 subdivision and allows the person, municipality, agency or political
2 subdivision ninety (90) days to rescind, repeal or otherwise
3 abrogate the order, policy, ordinance, resolution or regulation; and

4 2. A court grants final determination in favor of the person
5 whose rights were violated and the issue in controversy is governed
6 by previously settled law.

7 If the person, municipality, agency or political subdivision
8 fails to rescind, repeal or otherwise abrogate the unlawful order,
9 policy, ordinance, resolution or regulation within ninety (90) days
10 of required notice as provided in paragraph 1 of this subsection and
11 the order, policy, ordinance, resolution or regulation is
12 subsequently rescinded, repealed or otherwise abrogated after the
13 aggrieved party files suit, the aggrieved party shall retain
14 standing in the suit and may recover damages or reasonable expenses.

15 F. As used in this section, "reasonable expenses" includes, but
16 is not limited to, attorney fees, expert witness fees and court
17 costs.

18 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.2, as
19 last amended by Section 4, Chapter 63, O.S.L. 2019 (21 O.S. Supp.
20 2020, Section 1290.2), is amended to read as follows:

21 Section 1290.2

22 DEFINITIONS

23 A. As used in the Oklahoma Self-Defense Act:

24

1 1. "Concealed ~~handgun~~ firearm" means a loaded or unloaded
2 ~~pistol or handgun~~ firearm, not openly visible to the ordinary
3 observation of a reasonable person;

4 2. "Unconcealed ~~handgun~~ firearm" or "open carry" means a loaded
5 or unloaded ~~pistol or handgun~~ firearm that is not held in the hand,
6 but rather is carried upon the person in a holster where the firearm
7 is visible, or carried upon the person using a scabbard, or sling in
8 a general vertical position where the barrel of the firearm is
9 safely pointed in an up or down direction, or in a case designed for
10 carrying firearms. The provisions of this paragraph shall not apply
11 while lawfully at a gun range, while lawfully hunting, or during an
12 act of self-defense; and

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

16 4. "Rifle" shall have the same definition as provided in
17 Section 1289.4 of this title; and

18 5. "Shotgun" shall have the same definition as provided in
19 Section 1289.5 of this title.

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

23
24

1 C. Pistols, handguns, rifles, shotguns and all other lawful
2 firearms mentioned in the Oklahoma Self-Defense Act may collectively
3 be referred to as "firearms".

4 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1290.4, as
5 amended by Section 25, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
6 Section 1290.4), is amended to read as follows:

7 Section 1290.4

8 ~~UNLAWFUL~~ LAWFUL CARRY OF A FIREARM

9 ~~As~~ Except as provided by Section 1272 of this title, it is
10 ~~unlawful~~ lawful for ~~any person~~ a citizen or permanent resident, who
11 can lawfully purchase or possess a firearm under state law, to carry
12 or transport a concealed or unconcealed ~~handgun~~ firearm in this
13 state, ~~except~~ as hereby authorized by the provisions of the Oklahoma
14 Self-Defense Act or as may otherwise be provided by law.

15 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1290.6, as
16 amended by Section 27, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
17 Section 1290.6), is amended to read as follows:

18 Section 1290.6

19 PROHIBITED AMMUNITION

20 Any concealed or unconcealed ~~handgun~~ firearm when carried in a
21 manner authorized by the provisions of the Oklahoma Self-Defense Act
22 and when loaded with any ammunition which is either a restricted
23 bullet as defined by Section 1289.19 of this title or ~~is larger than~~
24 ~~.45 caliber~~ or is otherwise prohibited by law shall be deemed a

1 prohibited weapon for purposes of the Oklahoma Self-Defense Act.
2 Any person violating the provisions of this section shall be
3 punished for a criminal offense as provided by Section 1272 of this
4 title or any other applicable provision of law. In addition to any
5 criminal prosecution for a violation of the provisions of this
6 section, the licensee shall be subject to an administrative fine of
7 Five Hundred Dollars (\$500.00), upon a hearing and determination by
8 the Oklahoma State Bureau of Investigation that the person is in
9 violation of the provisions of this section.

10 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1290.7, as
11 last amended by Section 10, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
12 2020, Section 1290.7), is amended to read as follows:

13 Section 1290.7

14 CONSTRUING AUTHORITY OF ~~LICENSE~~

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

19 1. Carry or possess any weapon other than an authorized ~~pistol~~
20 firearm, as defined by the provisions of Section ~~1290.2~~ 1289.3,
21 1289.4 or 1289.5 of this title;

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

24

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

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

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

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

14 SECTION 14. AMENDATORY 21 O.S. 2011, Section 1290.8, as
15 last amended by Section 4, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
16 2020, Section 1290.8), is amended to read as follows:

17 Section 1290.8

18 ~~POSSESSION OF LICENSE REQUIRED~~

19 NOTIFICATION TO POLICE OF ~~GUN~~ A FIREARM

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

23 1. The person ~~has been issued a handgun license from the~~
24 ~~Oklahoma State Bureau of Investigation pursuant to the provisions of~~

1 ~~the Oklahoma Self-Defense Act, provided the person is in compliance~~
2 ~~with the provisions of the Oklahoma Self-Defense Act, and the~~
3 ~~license has not expired or been subsequently suspended or revoked;~~
4 or

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

- 7 a. ~~active military, or~~
- 8 b. ~~a member of the Reserve or National Guard to include~~
9 ~~Drill Status Guard and Reserve, Active Guard Reserves~~
10 ~~or Military Technicians,~~

11 ~~and presents a valid military identification card that shall be~~
12 ~~considered a valid handgun license issued authorized pursuant to the~~
13 ~~Oklahoma Self-Defense Act provisions of Section 1272 of this title.~~

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

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

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

16 Upon the arrest of any person for a violation of the provisions
17 of this subsection, the person may show proof to the court that a
18 valid handgun license ~~and the other required,~~ a valid military
19 identification card, a valid driver license or a valid state photo
20 identification card has been issued to such person and the person
21 may state any reason why the valid handgun license, ~~a~~ valid military
22 identification card, a valid driver license or a valid state photo
23 identification card as provided for qualified persons in this
24 section ~~or the other required identification~~ was not carried by the

1 person as required by the Oklahoma Self-Defense Act. The court
2 shall dismiss an alleged violation of Section 1272 of this title
3 upon payment of court costs, if proof of a valid handgun license ~~and~~
4 ~~other required,~~ a valid military identification card, a valid driver
5 license or a valid state photo identification card is shown to the
6 court within ten (10) days of the arrest of the person. ~~The court~~
7 ~~shall report a dismissal of a charge to the Bureau for consideration~~
8 ~~of administrative proceedings against the licensee.~~

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

24

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

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

11 SECTION 15. AMENDATORY 21 O.S. 2011, Section 1290.22, as
12 last amended by Section 12, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
13 2020, Section 1290.22), is amended to read as follows:

14 Section 1290.22

15 BUSINESS OWNER'S RIGHTS

16 A. Except as provided in subsections B, C and D of this
17 section, nothing contained in any provision of the Oklahoma Self-
18 Defense Act shall be construed to limit, restrict or prohibit in any
19 manner the existing rights of any person, property owner, tenant,
20 employer, liquor store, place of worship or business entity to
21 control the possession of weapons on any property owned or
22 controlled by the person or business entity.

23 B. 1. No person, property owner, tenant, employer, holder of
24 an event permit, liquor store, place of worship or business entity

1 shall be permitted to establish any policy or rule that has the
2 effect of prohibiting any person, except a convicted felon, from
3 transporting and storing firearms in a locked vehicle on any
4 property set aside for any vehicle.

5 2. No person, employer or business entity shall establish,
6 maintain or enforce any policy or rule that has the effect of
7 prohibiting any person or employee, except a convicted felon, from
8 transporting, carrying or storing firearms or ammunition in a motor
9 vehicle personally owned, leased or rented by the person or employee
10 while conducting business for the employer or business entity.

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

17 D. No person, property owner, tenant, employer, holder of an
18 event permit, liquor store, place of worship or business entity
19 shall be permitted to establish any policy or rule that has the
20 effect of prohibiting any person from carrying a concealed or
21 unconcealed firearm on property within the specific exclusion
22 provided for in paragraph 4 of subsection B of Section 1277 of this
23 title; provided that carrying a concealed or unconcealed firearm may
24 be prohibited in the following places:

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

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

11 3. The fairgrounds during the Oklahoma State Fair or the Tulsa
12 State Fair; and

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

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

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

24

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

5 F. 1. A person, property owner, tenant, employer, holder of an
6 event permit, liquor store, place of worship or business entity that
7 ~~does prohibits~~ or does not prohibit any individual, except a
8 convicted felon, from carrying a loaded or unloaded, concealed or
9 unconcealed weapon on property that the person, property owner,
10 tenant, employer, holder of an event permit, liquor store, place of
11 worship or business entity owns, or has legal control of, ~~is immune~~
12 ~~from any~~ shall not be subject to liability arising from that
13 decision.

14 2. Except for acts of gross negligence or willful or wanton
15 misconduct, an employer who ~~does prohibits~~ or does not prohibit his
16 or her employees from carrying a concealed or unconcealed weapon ~~is~~
17 ~~immune from any~~ shall not be subject to liability arising from that
18 decision.

19 3. A person, property owner, tenant, employer, holder of an
20 event permit, liquor store, place of worship or business entity that
21 does not prohibit ~~persons~~ employees from carrying a concealed or
22 unconcealed weapon pursuant to subsection D of this section shall
23 not be ~~immune from any~~ subject to liability arising from the
24 carrying of a concealed or unconcealed weapon, while in the scope of

1 employment, on the property or in or about a business entity
2 vehicle.

3 The provisions of this subsection shall not apply to claims
4 pursuant to the Administrative Workers' Compensation Act.

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

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

14 SECTION 16. AMENDATORY 21 O.S. 2011, Section 1290.24, as
15 last amended by Section 13, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
16 2020, Section 1290.24), is amended to read as follows:

17 Section 1290.24

18 IMMUNITY

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

23 1. Failure to prevent the licensing of an individual for whom
24 the receipt of the license is unlawful pursuant to the provisions of

1 the Oklahoma Self-Defense Act or any other provision of law of this
2 state;

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

6 3. Any injury to any person during a ~~handgun~~ firearm training
7 course conducted by a firearms instructor certified by the Council
8 on Law Enforcement Education and Training to conduct training under
9 the Oklahoma Self-Defense Act, or injury from any misfire or
10 malfunction of any ~~handgun~~ firearm on a training course firing range
11 supervised by a certified firearms instructor under the provisions
12 of the Oklahoma Self-Defense Act, or any injury resulting from
13 carrying a concealed or unconcealed ~~handgun~~ firearm pursuant to a
14 ~~handgun license~~ any firearms training; and

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

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

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

1 SECTION 17. AMENDATORY 21 O.S. 2011, Section 1290.25, as
2 amended by Section 43, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
3 Section 1290.25), is amended to read as follows:

4 Section 1290.25

5 LEGISLATIVE INTENT

6 The Legislature finds as a matter of public policy and fact that
7 it is necessary to provide statewide uniform standards for ~~issuing~~
8 ~~licenses to carry~~ carrying concealed or unconcealed ~~handguns~~
9 firearms for lawful self-defense and self-protection, and further
10 finds it necessary to occupy the field of regulation of the bearing
11 of concealed or unconcealed ~~handguns~~ firearms to ensure that no
12 honest, law-abiding citizen who qualifies pursuant to the provisions
13 of the Oklahoma Self-Defense Act is subjectively or arbitrarily
14 denied his or her rights. The Legislature does not delegate to the
15 Oklahoma State Bureau of Investigation any authority to regulate or
16 restrict the issuing of handgun licenses except as provided by the
17 provisions of this act. Subjective or arbitrary actions or rules
18 which encumber the issuing process by placing burdens on the
19 applicant beyond those requirements detailed in the provisions of
20 the Oklahoma Self-Defense Act or which create restrictions beyond
21 those specified in ~~this act~~ the Oklahoma Self-Defense Act are deemed
22 to be in conflict with the intent of ~~this act~~ the Oklahoma Self-
23 Defense Act and are hereby prohibited. The Oklahoma Self-Defense
24 Act shall be liberally construed to carry out the constitutional

1 right to bear arms for self-defense and self-protection. The
2 provisions of the Oklahoma Self-Defense Act are cumulative to
3 existing rights to bear arms and nothing in the Oklahoma Self-
4 Defense Act shall impair or diminish those rights.

5 However, the conditions that mandate the administrative actions
6 of license denial, suspension, revocation or an administrative fine
7 are intended to protect the health, safety and public welfare of the
8 citizens of this state. The restricting conditions specified in the
9 Oklahoma Self-Defense Act generally involve the criminal history,
10 mental state, alcohol or substance abuse of the applicant or
11 licensee, a hazard of domestic violence, a danger to police
12 officers, or the ability of the Oklahoma State Bureau of
13 Investigation to properly administer the Oklahoma Self-Defense Act.
14 The restricting conditions that establish a risk of injury or harm
15 to the public are tailored to reduce the risks to the benefit of the
16 citizens of this state.

17 SECTION 18. AMENDATORY 21 O.S. 2011, Section 1290.26, as
18 last amended by Section 4, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
19 2020, Section 1290.26), is amended to read as follows:

20 Section 1290.26

21 RECIPROCAL AGREEMENT AUTHORITY

22 A. The State of Oklahoma shall hereby ~~recognizes~~ recognize any
23 valid concealed or unconcealed carry weapons permit, valid military
24 identification card, as provided for qualified persons in Section

1 1290.8 of this title, or license issued by another state, or if the
2 state is or is not a nonpermitting carry state, this state shall
3 reciprocate under the permitting law of that state.

4 ~~A.~~ B. Any person entering this state in possession of a firearm
5 authorized for concealed or unconcealed carry upon the authority and
6 license of another state ~~or,~~ a valid military identification card, a
7 valid driver license or a valid state photo identification card, as
8 provided for qualified persons in Section 1290.8 of this title, is
9 authorized to continue to carry a concealed or unconcealed firearm
10 and license in this state; provided, the license from the other
11 state ~~or,~~ a valid military identification card, a valid driver
12 license or a valid state photo identification card, as provided for
13 qualified persons in Section 1290.8 of this title, remains valid.
14 The firearm must either be carried unconcealed or concealed, and
15 upon coming in contact with any peace officer of this state, the
16 person must disclose the fact that he or she is in possession of a
17 concealed or unconcealed firearm pursuant to a valid concealed or
18 unconcealed carry weapons permit, license or a valid military
19 identification card, as provided for qualified persons in Section
20 1290.8 of this title, issued in another state.

21 ~~B.~~ C. Any person ~~entering~~ who enters this state in possession
22 of a firearm authorized for ~~concealed~~ carry upon the authority of a
23 state that is a nonpermitted carry state and ~~the person~~ is in
24 compliance with the Oklahoma Self-Defense Act, ~~the person is~~ shall

1 be authorized to carry a concealed or unconcealed firearm in this
2 state. The firearm must be carried fully concealed, or unconcealed
3 ~~and upon.~~ When coming in contact with ~~any peace~~ a law enforcement
4 officer of this state and upon demand of the law enforcement
5 officer, the person must disclose the fact that he or she is in
6 possession of a ~~concealed or unconcealed~~ firearm pursuant to the
7 ~~nonpermitting laws of the state in which he or she is a legal~~
8 ~~resident. The person shall present proper identification by a valid~~
9 ~~photo ID as proof that he or she is a legal resident in such a non-~~
10 ~~permitting state. The Department of Public Safety shall keep a~~
11 ~~current list of non-permitting states for law enforcement officers~~
12 ~~to confirm that a state is nonpermitting.~~

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

17 SECTION 19. REPEALER 21 O.S. 2011, Section 1289.13, as
18 last amended by Section 6, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
19 2020, Section 1289.13), is hereby repealed.

20 SECTION 20. It being immediately necessary for the preservation
21 of the public peace, health or safety, an emergency is hereby
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24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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