

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3191

By: Williams

4  
5  
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2021,  
8 Sections 1290.2, 1290.4, 1290.7, 1290.8, 1290.24,  
9 1290.25 and 1290.26, which relate to the Oklahoma  
10 Self-Defense Act; updating and adding definitions;  
11 authorizing the lawful carry of firearms by certain  
12 persons; modifying references to handguns; adding  
13 statutory references; deleting certain eligibility  
14 requirements; specifying types of identification  
15 necessary for carrying firearms; clarifying liability  
16 provisions; updating references to certain named act;  
17 modifying components of reciprocity requirements; and  
18 providing an effective date.

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

20 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1290.2, is  
21 amended to read as follows:

22 Section 1290.2

23 DEFINITIONS

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

1. "Completed application" means all fields are completed, all  
questions are answered and the required signatures are present on  
the application for a handgun license, and the required documents

1 are attached to the application, including legible fingerprints, if  
2 applicable;

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

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

15 4. "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 5. "Rifle" shall have the same definition as provided in  
19 Section 1289.4 of this title; and

20 6. "Shotgun" shall have the same definition as provided in  
21 Section 1289.5 of this title.

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

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 2.        AMENDATORY        21 O.S. 2021, Section 1290.4, is  
5 amended to read as follows:

6        Section 1290.4

7                                UNLAWFUL AUTHORIZED CARRY OF FIREARMS

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

15        SECTION 3.        AMENDATORY        21 O.S. 2021, Section 1290.7, is  
16 amended to read as follows:

17        Section 1290.7

18                                CONSTRUING AUTHORITY OF LICENSE

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

1 1. Carry or possess any weapon other than an authorized ~~pistol~~  
2 firearm as defined by the provisions of ~~Section 1290.2~~ Sections  
3 1289.3, 1289.4, or 1289.5 of this title;

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

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

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

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

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

19 SECTION 4. AMENDATORY 21 O.S. 2021, Section 1290.8, is  
20 amended to read as follows:

21 Section 1290.8

22 POSSESSION OF LICENSE REQUIRED

23 NOTIFICATION TO POLICE OF GUN

24

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

4 1. ~~The person has been issued a handgun license from the~~  
5 ~~Oklahoma State Bureau of Investigation pursuant to the provisions of~~  
6 ~~the Oklahoma Self-Defense Act,~~ provided the person is in compliance  
7 with the provisions of the Oklahoma Self-Defense Act, ~~and the~~  
8 ~~license has not expired or been subsequently suspended or revoked;~~  
9 or

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

12 a. ~~active military,~~ or

13 b. ~~a member of the Reserve or National Guard to include~~  
14 ~~Drill Status Guard and Reserve, Active Guard Reserves~~  
15 ~~or Military Technicians,~~

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

19 B. A person in possession of a valid state photo identification  
20 card, driver license, or valid handgun license or who ~~meets the~~  
21 ~~criteria~~ and presents a valid military identification card ~~as~~  
22 ~~provided for in this section~~ and is in compliance with the  
23 provisions of the Oklahoma Self-Defense Act shall be authorized to  
24

1 carry such concealed or unconcealed ~~handgun~~ firearm while scouting  
2 as it relates to hunting or fishing or while hunting or fishing.

3 C. The person shall be required to have possession of his or  
4 her valid handgun license ~~or,~~ a valid military identification card  
5 ~~as provided for qualified persons in this section and,~~ a valid  
6 driver license, or state photo identification card at all times when  
7 in possession of ~~an authorized pistol~~ a firearm. The person shall  
8 display ~~the~~ either a valid handgun license or, a valid military  
9 identification card, a valid driver license, or a valid state photo  
10 identification card as provided for qualified persons in this  
11 section on demand of a law enforcement officer; provided, however,  
12 that in the absence of reasonable and articulable suspicion of other  
13 criminal activity, an individual carrying an unconcealed or  
14 concealed ~~handgun~~ firearm shall not be disarmed or physically  
15 restrained unless the individual fails to display ~~a~~ one of the  
16 following:

- 17 1. A valid handgun license ~~or a~~;
- 18 2. A valid military identification card;
- 19 3. A valid driver license; or
- 20 4. A valid state photo identification card,

21 as provided for qualified persons in this section in response to  
22 that demand. Any violation of the provisions of this subsection may  
23 be punishable as a criminal offense as authorized by Section 1272 of  
24 this title or pursuant to any other applicable provision of law.

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

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

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

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

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

19 SECTION 5. AMENDATORY 21 O.S. 2021, Section 1290.24, is  
20 amended to read as follows:

21 Section 1290.24

22 IMMUNITY

23 A. The state or any political subdivision of the state, as  
24 defined in Section 152 of Title 51 of the Oklahoma Statutes, and its



1 officers, agents and employees shall not be ~~immune from~~ subject to  
2 liability resulting or arising from:

3 1. Failure to prevent the licensing of an individual for whom  
4 the receipt of the license is unlawful pursuant to the provisions of  
5 the Oklahoma Self-Defense Act or any other provision of law of this  
6 state;

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

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

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

22 B. Firearms instructors certified by the Council on Law  
23 Enforcement Education and Training to conduct training for the  
24 Oklahoma Self-Defense Act shall not be ~~immune from~~ subject to

1 liability to third persons resulting or arising from any claim based  
2 on an act or omission of a trainee.

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

5 SECTION 6. AMENDATORY 21 O.S. 2021, Section 1290.25, is  
6 amended to read as follows:

7 Section 1290.25

8 LEGISLATIVE INTENT

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

1 Defense Act are deemed to be in conflict with the intent of ~~this act~~  
2 the Oklahoma Self-Defense Act and are hereby prohibited. The  
3 Oklahoma Self-Defense Act shall be liberally construed to carry out  
4 the constitutional right to bear arms for self-defense and self-  
5 protection. The provisions of the Oklahoma Self-Defense Act are  
6 cumulative to existing rights to bear arms and nothing in the  
7 Oklahoma Self-Defense Act shall impair or diminish those rights.

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

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

22       Section 1290.26

23                               RECIPROCAL AGREEMENT AUTHORITY

24

1        A. The State of Oklahoma shall hereby ~~recognizes~~ recognize any  
2 valid concealed or unconcealed carry weapons permit, valid military  
3 identification card as provided for qualified persons in Section  
4 1290.8 of this title or license issued by another state, or if the  
5 state is a nonpermitting carry state, this state shall reciprocate  
6 under the permitting law of that state.

7        ~~A.~~ B. Any person entering this state in possession of a firearm  
8 authorized for concealed or unconcealed carry upon the authority and  
9 license of another state ~~or~~, a valid military identification card, a  
10 valid driver license, or a valid state photo identification card, as  
11 provided for qualified persons in Section 1290.8 of this title, is  
12 authorized to continue to carry a concealed or unconcealed firearm  
13 and license in this state; provided, the license from the other  
14 state ~~or~~, a valid military identification card, a valid driver  
15 license, or a valid state photo identification card, as provided for  
16 qualified persons in Section 1290.8 of this title, remains valid.  
17 The firearm must either be carried unconcealed or concealed, and  
18 upon coming in contact with any peace officer of this state, the  
19 person must disclose the fact that he or she is in possession of a  
20 concealed or unconcealed firearm pursuant to a valid concealed or  
21 unconcealed carry weapons permit, license or a valid military  
22 identification card as provided for qualified persons in Section  
23 1290.8 of this title issued in another state.

24

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

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

21        SECTION 8. This act shall become effective November 1, 2022.

22  
23        58-2-9126                      GRS                      12/27/21

24