

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 1004

By: Olsen

AS INTRODUCED

An Act relating to constitutional carry; amending 21 O.S. 2021, Section 1272, which relates to the unlawful carry of weapons; modifying certain age requirement for transporting firearms in vehicles; expanding scope of persons authorized to transport firearms in vehicles; amending 21 O.S. 2021, Sections 1290.8, as amended by Section 4, Chapter 160, O.S.L. 2023, and 1290.9 (21 O.S. Supp. 2024, Section 1290.8), which relate to the Oklahoma Self-Defense Act; expanding scope of persons authorized to carry concealed and unconcealed handguns; modifying eligibility requirements for handgun license applications; and declaring an emergency.

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

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

Section 1272.

UNLAWFUL CARRY

A. Notwithstanding any other provision of law, it shall be unlawful for any person to carry upon or about his or her person, or in a purse or other container belonging to the person, any pistol, revolver, shotgun or rifle whether loaded or unloaded or any

1 blackjack, loaded cane, hand chain, metal knuckles, or any other
2 offensive weapon, whether such weapon be concealed or unconcealed,
3 except this section shall not prohibit:

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

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

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

12 4. The carrying or use of weapons in a courthouse by a district
13 judge, associate district judge or special district judge within
14 this state, who is in possession of a valid handgun license issued
15 pursuant to the provisions of the Oklahoma Self-Defense Act and
16 whose name appears on a list maintained by the Administrative
17 Director of the Courts;

18 5. The carrying and use of firearms and other weapons provided
19 in this subsection when used for the purpose of living history
20 reenactment. For purposes of this paragraph, "living history
21 reenactment" means depiction of historical characters, scenes,
22 historical life or events for entertainment, education, or
23 historical documentation through the wearing or use of period,
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1 historical, antique or vintage clothing, accessories, firearms,
2 weapons, and other implements of the historical period; or

3 6. The transporting by vehicle on a public roadway or the
4 carrying of a firearm, concealed or unconcealed, loaded or unloaded,
5 by a person who is ~~twenty one (21) years of age or older or by a~~
6 ~~person who is~~ eighteen (18) years of age but not yet twenty-one (21)
7 years of age and the person is a member or veteran of the United
8 States Armed Forces, Reserves or National Guard or was discharged
9 under honorable conditions from the United States Armed Forces,
10 Reserves or National Guard, or who meets the age requirement
11 provided in the provisions of Section 1 of Article III of the
12 Oklahoma Constitution, and the person is otherwise not disqualified
13 from the possession or purchase of a firearm under state or federal
14 law and is not carrying the firearm in furtherance of a crime.

15 Except as provided in subsection B of Section 1283 of this
16 title, a person who has been convicted of any one of the following
17 offenses in this state or a violation of the equivalent law of
18 another state:

- 19 a. assault and battery pursuant to the provisions of
20 Section 644 of this title which caused serious
21 physical injury to the victim,
- 22 b. aggravated assault and battery pursuant to the
23 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.

B. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor punishable as provided in Section 1276 of this title.

SECTION 2. AMENDATORY 21 O.S. 2021, Section 1290.8, as amended by Section 4, Chapter 160, O.S.L. 2023 (21 O.S. Supp. 2024, Section 1290.8), is amended to read as follows:

Section 1290.8.

1 POSSESSION OF LICENSE REQUIRED

2 NOTIFICATION TO POLICE OF GUN

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

6 1. The person is in compliance with the provisions of the
7 Oklahoma Self-Defense Act; ~~or~~

8 2. The person is authorized pursuant to the provisions of
9 Section 1272 of this title; or

10 3. The person meets the age requirement provided in the
11 provisions of Section 1 of Article III of the Oklahoma Constitution.

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

18 C. The person shall be required to have possession of his or
19 her valid handgun license, valid military identification card, valid
20 driver license, or state photo identification card at all times when
21 in possession of a firearm. The person shall display either a valid
22 handgun license, valid military identification card, valid driver
23 license, or valid state photo identification card as provided for
24 qualified persons in this section on demand of a law enforcement
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1 officer; provided, however, that in the absence of reasonable and
2 articulable suspicion of other criminal activity, an individual
3 carrying an unconcealed or concealed firearm shall not be disarmed
4 or physically restrained unless the individual fails to display one
5 of the following:

- 6 1. A valid handgun license;
- 7 2. A valid military identification card;
- 8 3. A valid driver license; or
- 9 4. A valid state photo identification card,

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

14 Upon the arrest of any person for a violation of the provisions
15 of this subsection, the person may show proof to the court that a
16 valid handgun license, a valid military identification card, a valid
17 driver license, or a valid state photo identification card has been
18 issued to such person and the person may state any reason why the
19 valid handgun license, valid military identification card, valid
20 driver license, or valid state photo identification card as provided
21 for qualified persons in this section was not carried by the person
22 as required by the Oklahoma Self-Defense Act. The court shall
23 dismiss an alleged violation of Section 1272 of this title upon
24 payment of court costs, if proof of a valid handgun license, a valid

1 military identification card, a valid driver license, or valid state
2 photo identification card is shown to the court within ten (10) days
3 of the arrest of the person.

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

18 E. Any law enforcement officer coming in contact with a person
19 whose handgun license is suspended or revoked, or who is in
20 possession of a handgun license which has not been lawfully issued
21 to that person, shall confiscate the license and return it to the
22 Oklahoma State Bureau of Investigation for appropriate
23 administrative proceedings against the licensee when the license is
24 no longer needed as evidence in any criminal proceeding.

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

4 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1290.9, is
5 amended to read as follows:

6 Section 1290.9.

7 ELIGIBILITY

8 The following requirements shall apply to any person making
9 application to the Oklahoma State Bureau of Investigation for a
10 handgun license pursuant to the provisions of the Oklahoma Self-
11 Defense Act. The person must:

- 12 1. Be a citizen of the United States with established residency
13 ~~in the State of Oklahoma~~ this state; ~~or~~
- 14 2. Be a lawful permanent resident in the United States and have
15 established residency in ~~the State of Oklahoma~~ this state.

16 For purposes of the Oklahoma Self-Defense Act:

- 17 a. the term "residency" shall apply to any person who
18 either possesses a valid Oklahoma driver license or
19 state photo identification card, and physically
20 maintains a residence in this state or to any person,
21 including the spouse of such person, who has permanent
22 military orders within this state and possesses a
23 valid driver license from another state where such
24 person and spouse of such person claim residency, and
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1 b. the term "lawful permanent resident" shall mean a
2 noncitizen who is lawfully authorized to live
3 permanently within the United States;

4 3. Be at least:

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

6 b. eighteen (18) years of age ~~but not yet twenty one (21)~~
7 ~~years of age and the person is~~ a member or veteran of
8 the United States Armed Forces, the Reserves or
9 National Guard, or the person was discharged under
10 honorable conditions from the United States Armed
11 Forces, Reserves or National Guard;

12 4. Meet the age requirement provided in the provisions of
13 Section 1 of Article III of the Oklahoma Constitution;

14 5. Complete a firearms safety and training course and
15 demonstrate competence and qualifications with the type of pistol to
16 be carried by the person as provided in Section 1290.14 of this
17 title, and submit proof of training and qualification or an
18 exemption for training and qualification as authorized by Section
19 1290.14 of this title;

20 ~~5.~~ 6. Submit the required fee and complete the application
21 process as provided in Section 1290.12 of this title; and

22 ~~6.~~ 7. Comply in good faith with the provisions of the Oklahoma
23 Self-Defense Act.

1 SECTION 4. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.
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6 60-1-10040 GRS 11/12/24
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