

1 O.S. Supp. 2015, Section 1276), which relates to
2 penalties for certain prohibited acts; deleting
3 penalty for handgun licensees; amending 21 O.S. 2011,
4 Section 1277, as last amended by Section 1, Chapter
5 310, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1277),
6 which relates to the unlawful carry of firearms in
7 certain places; modifying scope of prohibited acts;
8 deleting references to the Oklahoma Self-Defense Act;
9 deleting certain notification requirement, hearing
10 procedures and administrative penalty; amending 21
11 O.S. 2011, Section 1278, as amended by Section 7
12 Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015, Section
13 1278), which relates to unlawful intent to carry
14 weapons; deleting penalty for handgun licensees;
15 amending 21 O.S. 2011, Section 1279, as amended by
16 Section 1, Chapter 171, O.S.L. 2013 (21 O.S. Supp.
17 2015, Section 1279), which relates to pointing a
18 firearm; deleting penalty for handgun licensees;
19 amending 21 O.S. 2011, Section 1280, which relates to
20 penalties for pointing a firearm; deleting penalty
21 for handgun licensees; amending 21 O.S. 2011, Section
22 1280.1, as last amended by Section 2, Chapter 310,
23 O.S.L. 2015 (21 O.S. Supp. 2015, Section 1280.1),
24 which relates to possession of firearm on school
property; deleting references to the Oklahoma Self-
Defense Act; amending 21 O.S. 2011, Section 1283, as
last amended by Section 1, Chapter 179, O.S.L. 2014
(21 O.S. Supp. 2015, Section 1283), which relates to
unlawful possession by convicted felons and
delinquents; deleting references to the Oklahoma
Self-Defense Act; deleting certain prohibited act;
deleting penalty for handgun licensees; amending 21
O.S. 2011, Section 1287, as amended by Section 10,
Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015, Section
1287), which relates to use of firearm while
committing felony; deleting penalty for handgun
licensees; amending 21 O.S. 2011, Sections 1289.6, as
amended by Section 11, Chapter 259, O.S.L. 2012,
1289.7, as amended by Section 12, Chapter 259, O.S.L.
2012, 1289.8, as amended by Section 2, Chapter 144,
O.S.L. 2015, 1289.9, as amended by Section 14,
Chapter 259, O.S.L. 2012, 1289.10, as amended by
Section 15, Chapter 259, O.S.L. 2012, 1289.11, as
amended by Section 16, Chapter 259, O.S.L. 2012,
1289.12, as amended by Section 17, Chapter 259,
O.S.L. 2012, 1289.13, as amended by Section 18,
Chapter 259, O.S.L. 2012, 1289.13A, as amended by

1 Section 19, Chapter 259, O.S.L. 2012, 1289.16, as
2 amended by Section 20, Chapter 259, O.S.L. 2012,
3 1289.23, as last amended by Section 1, Chapter 216,
4 O.S.L. 2015, 1289.24, as last amended by Section 1,
5 Chapter 241, O.S.L. 2015 and 1289.25 (21 O.S. Supp.
6 2015, Sections 1289.6, 1289.7, 1289.8, 1289.9,
7 1289.10, 1289.11, 1289.12, 1289.13, 1289.13A,
8 1289.16, 1289.23 and 1289.24), which relate to the
9 Firearms Act of 1971; deleting references to the
10 Oklahoma Self-Defense Act; modifying manner in which
11 firearms may be carried; authorizing certain persons
12 to carry firearms; prohibiting the carrying of
13 firearms into certain places; deleting penalties for
14 handgun licensees; deleting statutory references;
15 deleting exception to certain prohibited act;
16 deleting construing provisions; deleting certain
17 authorization for commissioned peace officers;
18 deleting handgun license application procedures for
19 peace officers; amending 21 O.S. 2011, Sections
20 1290.1, 1290.3, as amended by Section 24, Chapter
21 259, O.S.L. 2012, 1290.5, as last amended by Section
22 1, Chapter 122, O.S.L. 2014, 1290.7, as last amended
23 by Section 3, Chapter 366, O.S.L. 2013, 1290.12, as
24 last amended by Section 1, Chapter 207, O.S.L. 2015,
1290.14, as last amended by Section 2, Chapter 207,
O.S.L. 2015, 1290.15, as last amended by Section 2,
Chapter 86, O.S.L. 2013, 1290.17, as amended by
Section 36, Chapter 259, O.S.L. 2012, 1290.18, as
last amended by Section 1, Chapter 200, O.S.L. 2015,
1290.21, as last amended by Section 6, Chapter 366,
O.S.L. 2013, 1290.22, as amended by Section 7,
Chapter 366, O.S.L. 2013, 1290.24, as amended by
Section 42, Chapter 259, O.S.L. 2012 and 1290.25, as
amended by Section 43, Chapter 259, O.S.L. 2012 (21
O.S. Supp. 2015, Sections 1290.3, 1290.5, 1290.7,
1290.12, 1290.14, 1290.15, 1290.17, 1290.18, 1290.21,
1290.22, 1290.24 and 1290.25), which relate to the
Oklahoma Self-Defense Act; updating statutory
reference; clarifying authorization of the Oklahoma
Statute Bureau of Investigation to issue handgun
licenses; deleting manner in which handgun must be
carried; clarifying scope of authority of handgun
license; modifying construing provision; deleting
certain prohibited act; modifying certain application
requirement; clarifying license replacement
provision; modifying scope of legislative intent;
amending 21 O.S. 2011, Section 1364, as amended by

1 Section 45, Chapter 259, O.S.L. 2012 (21 O.S. Supp.
2 2015, Section 1364), which relates to the discharge
3 of firearms; deleting administrative penalty for
4 certain prohibited act; amending 57 O.S. 2011,
5 Section 21, as last amended by Section 2, Chapter
6 226, O.S.L. 2015 (57 O.S. Supp. 2015, Section 21),
7 modifying handgun license exception to certain
8 prohibited act; amending Section 3, Chapter 407,
9 O.S.L. 2013, as amended by Section 2, Chapter 373,
10 O.S.L. 2014 (59 O.S. Supp. 2015, Section 1350.2),
11 which relates to the Bail Enforcement and Licensing
12 Act; modifying scope of certain prohibited act;
13 amending 63 O.S. 2011, Section 2-110, as amended by
14 Section 46, Chapter 259, O.S.L. 2012 (63 O.S. Supp.
15 2015, Section 2-110), which relates to the Uniform
16 Controlled Dangerous Substances Act; deleting
17 authority for attorneys to carry under the Oklahoma
18 Self-Defense Act; amending 63 O.S. 2011, Section
19 4210.3, as amended by Section 47, Chapter 259, O.S.L.
20 2012 (63 O.S. Supp. 2015, Section 4210.3), which
21 relates to the Oklahoma Boating Safety Regulation
22 Act; deleting administrative penalty for certain
23 prohibited act; repealing 21 O.S. 2011, Sections
24 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 and 1290.8, as last amended by Section 4,
Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015,
Sections 1290.4, 1290.6 and 1290.8), which relate to
the Oklahoma Self-Defense Act; and providing an
effective date.

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

19 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
20 last amended by Section 1, Chapter 197, O.S.L. 2015 (21 O.S. Supp.
21 2015, Section 1272), is amended to read as follows:

22 Section 1272.

23 UNLAWFUL CARRY

1 A. It shall be unlawful for any person to carry upon or about
2 his or her person, or in a purse or other container belonging to the
3 person, any pistol, revolver, shotgun or rifle whether loaded or
4 unloaded or any dagger, bowie knife, dirk knife, sword cane,
5 blackjack, loaded cane, billy, hand chain, metal knuckles, or any
6 other offensive weapon, whether such weapon be concealed or
7 unconcealed, except this section shall not prohibit:

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

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

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

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

22 5. The carrying and use of firearms and other weapons provided
23 in this subsection when used for the purpose of living history
24 reenactment. For purposes of this paragraph, "living history

1 reenactment" means depiction of historical characters, scenes,
2 historical life or events for entertainment, education, or
3 historical documentation through the wearing or use of period,
4 historical, antique or vintage clothing, accessories, firearms,
5 weapons, and other implements of the historical period.

6 B. Any person convicted of violating the foregoing provision
7 shall be guilty of a misdemeanor punishable as provided in Section
8 1276 of this title.

9 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1272.1, as
10 amended by Section 2, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
11 Section 1272.1), is amended to read as follows:

12 Section 1272.1

13 CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

14 A. It shall be unlawful for any person to carry or possess any
15 weapon designated in Section 1272 of this title in any establishment
16 where low-point beer, as defined by Section 163.2 of Title 37 of the
17 Oklahoma Statutes, or alcoholic beverages, as defined by Section 506
18 of Title 37 of the Oklahoma Statutes, are consumed. This provision
19 shall not apply to a peace officer, as defined in Section 99 of this
20 title, or to private investigators with a firearms authorization
21 when acting in the scope and course of employment, and shall not
22 apply to an owner or proprietor of the establishment having a
23 pistol, rifle, or shotgun on the premises. ~~Provided however, a~~ A
24 ~~person possessing a valid handgun license pursuant to the provisions~~

1 ~~of the Oklahoma Self-Defense Act~~ may carry the ~~concealed or~~
2 ~~unconcealed~~ handgun into any restaurant or other establishment
3 licensed to dispense low-point beer or alcoholic beverages where the
4 sale of low-point beer or alcoholic beverages does not constitute
5 the primary purpose of the business.

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

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

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

17 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1272.2, as
18 amended by Section 3, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
19 Section 1272.2), is amended to read as follows:

20 Section 1272.2

21 PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

22 Any person who intentionally or knowingly carries on his or her
23 person any weapon in violation of Section 1272.1 of this title,
24 shall, upon conviction, be guilty of a felony punishable by a fine

1 not to exceed One Thousand Dollars (\$1,000.00), or imprisonment in
2 the custody of the Department of Corrections for a period not to
3 exceed two (2) years, or by both such fine and imprisonment.

4 ~~Any person convicted of violating the provisions of this section~~
5 ~~after having been issued a handgun license pursuant to the~~
6 ~~provisions of the Oklahoma Self-Defense Act shall have the license~~
7 ~~revoked by the Oklahoma State Bureau of Investigation after a~~
8 ~~hearing and determination that the person is in violation of Section~~
9 ~~1272.1 of this title.~~

10 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1273, as
11 last amended by Section 1, Chapter 193, O.S.L. 2014 (21 O.S. Supp.
12 2015, Section 1273), is amended to read as follows:

13 Section 1273.

14 ALLOWING MINORS TO POSSESS FIREARMS

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

1 B. It shall be unlawful for any parent or guardian to
2 intentionally, knowingly, or recklessly permit his or her child to
3 possess any of the arms or weapons designated in Section 1272 of
4 this title, including any firearm, if such parent is aware of a
5 substantial risk that the child will use the weapon to commit a
6 criminal offense or if the child has either been adjudicated a
7 delinquent or has been convicted as an adult for any criminal
8 offense that contains as an element the threat or use of physical
9 force against the person of another.

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

18 D. Any person violating the provisions of this section shall,
19 upon conviction, be punished as provided in Section 1276 of this
20 title, and, any child violating the provisions of this section shall
21 be subject to adjudication as a delinquent. In addition, any person
22 violating the provisions of subsection A or B of this section shall
23 be liable for civil damages for any injury or death to any person
24 and for any damage to property, as provided in Section 10 of Title

1 23 of the Oklahoma Statutes, resulting from any discharge of a
2 firearm by the child or use of any other weapon that the person had
3 given to the child or permitted the child to possess. ~~Any person~~
4 ~~convicted of violating the provisions of this section after having~~
5 ~~been issued a handgun license pursuant to the provisions of the~~
6 ~~Oklahoma Self-Defense Act may be liable for an administrative~~
7 ~~violation as provided in Section 1276 of this title.~~

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

10 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1276, as
11 amended by Section 5, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
12 Section 1276), is amended to read as follows:

13 Section 1276.

14 PENALTY FOR 1272 AND 1273

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

1 a period not less than thirty (30) days nor more than three (3)
2 months, or by both such fine and imprisonment.

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

11 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1277, as
12 last amended by Section 1, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
13 2015, Section 1277), is amended to read as follows:

14 Section 1277.

15 UNLAWFUL CARRY IN CERTAIN PLACES

16 A. It shall be unlawful for any person ~~in possession of a valid~~
17 ~~handgun license issued pursuant to the provisions of the Oklahoma~~
18 ~~Self-Defense Act to carry any concealed or unconcealed a~~ handgun
19 into any of the following places:

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

23
24

1 2. Any prison, jail, detention facility or any facility used to
2 process, hold, or house arrested persons, prisoners or persons
3 alleged delinquent or adjudicated delinquent;

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

7 4. Any sports arena during a professional sporting event;

8 5. Any place where pari-mutuel wagering is authorized by law;
9 and

10 6. Any other place specifically prohibited by law.

11 B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A
12 of this section, the prohibited place does not include and
13 specifically excludes the following property:

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

17 2. Any property set aside for the use or parking of any
18 vehicle, whether attended or unattended, by any entity offering any
19 professional sporting event which is open to the public for
20 admission, or by any entity engaged in pari-mutuel wagering
21 authorized by law;

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

1 4. Any property designated by a city, town, county, or state
2 governmental authority as a park, recreational area, or fairgrounds;
3 provided, nothing in this paragraph shall be construed to authorize
4 any entry by a person in possession of a ~~concealed or unconcealed~~
5 handgun into any structure, building, or office space which is
6 specifically prohibited by the provisions of subsection A of this
7 section; and

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

13 Nothing contained in any provision of this subsection or
14 subsection C of this section shall be construed to authorize or
15 allow any person in control of any place described in paragraph 1,
16 2, 3, 4 or 5 of subsection A of this section to establish any policy
17 or rule that has the effect of prohibiting any person in lawful
18 possession of a handgun license from possession of a handgun
19 allowable under such license in places described in paragraph 1, 2,
20 3, 4 or 5 of this subsection.

21 C. A ~~concealed or unconcealed~~ weapon may be carried onto
22 private school property or in any school bus or vehicle used by any
23 private school for transportation of students or teachers ~~by a~~
24 ~~person who is licensed pursuant to the Oklahoma Self-Defense Act,~~

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

11 D. Notwithstanding paragraph 3 of subsection A of this section,
12 a board of education of a school district may adopt a policy
13 pursuant to Section 3 of this act to authorize the carrying of a
14 handgun onto school property by school personnel specifically
15 designated by the board of education, provided such personnel
16 either:

- 17 1. Possess a valid armed security guard license as provided for
18 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or
- 19 2. Hold a valid reserve peace officer certification as provided
20 for in Section 3311 of Title 70 of the Oklahoma Statutes.

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

23 E. Any person violating the provisions of subsection A of this
24 section shall, upon conviction, be guilty of a misdemeanor

1 punishable by a fine not to exceed Two Hundred Fifty Dollars
2 (\$250.00).

3 F. No person ~~in possession of a valid handgun license issued~~
4 ~~pursuant to the provisions of the Oklahoma Self-Defense Act~~ shall be
5 authorized to carry ~~the~~ a handgun into or upon any college,
6 university, or technology center school property, except as provided
7 in this subsection. For purposes of this subsection, the following
8 property shall not be construed as prohibited ~~for persons having a~~
9 ~~valid handgun license~~:

10 1. Any property set aside for the use or parking of any
11 vehicle, whether attended or unattended, provided the handgun is
12 carried or stored as required by law and the handgun is not removed
13 from the vehicle without the prior consent of the college or
14 university president or technology center school administrator while
15 the vehicle is on any college, university, or technology center
16 school property;

17 2. Any property authorized for possession or use of handguns by
18 college, university, or technology center school policy; and

19 3. Any property authorized by the written consent of the
20 college or university president or technology center school
21 administrator, provided the written consent is carried with the
22 handgun ~~and the valid handgun license~~ while on college, university,
23 or technology center school property.

24

1 ~~The college, university, or technology center school may notify~~
2 ~~the Oklahoma State Bureau of Investigation within ten (10) days of a~~
3 ~~violation of any provision of this subsection by a licensee. Upon~~
4 ~~receipt of a written notification of violation, the Bureau shall~~
5 ~~give a reasonable notice to the licensee and hold a hearing. At the~~
6 ~~hearing, upon a determination that the licensee has violated any~~
7 ~~provision of this subsection, the licensee may be subject to an~~
8 ~~administrative fine of Two Hundred Fifty Dollars (\$250.00) and may~~
9 ~~have the handgun license suspended for three (3) months.~~

10 Nothing contained in any provision of this subsection shall be
11 construed to authorize or allow any college, university, or
12 technology center school to establish any policy or rule that has
13 the effect of prohibiting any person in ~~lawful possession of a~~
14 ~~handgun license~~ from possession of a handgun allowable ~~under such~~
15 ~~license~~ in places described in paragraphs 1, 2 and 3 of this
16 subsection. Nothing contained in any provision of this subsection
17 shall be construed to limit the authority of any college, university
18 or technology center school in this state from taking administrative
19 action against any student for any violation of any provision of
20 this subsection.

21 G. The provisions of this section shall not apply to any peace
22 officer or to any person authorized by law to carry a pistol in the
23 course of employment. District judges, associate district judges
24 and special district judges, ~~who are in possession of a valid~~

1 ~~handgun license issued pursuant to the provisions of the Oklahoma~~
2 ~~Self-Defense Act~~ and whose names appear on a list maintained by the
3 Administrative Director of the Courts, shall be exempt from this
4 section when acting in the course and scope of employment within the
5 courthouses of this state. Private investigators with a firearms
6 authorization shall be exempt from this section when acting in the
7 course and scope of employment.

8 H. For the purposes of this section, "motor vehicle" means any
9 automobile, truck, minivan or ~~sports~~ sport utility vehicle.

10 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1278, as
11 amended by Section 7, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
12 Section 1278), is amended to read as follows:

13 Section 1278.

14 UNLAWFUL INTENT TO CARRY

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

24

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

8 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1279, as
9 amended by Section 1, Chapter 171, O.S.L. 2013 (21 O.S. Supp. 2015,
10 Section 1279), is amended to read as follows:

11 Section 1279.

12 MISDEMEANOR POINTING A FIREARM

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

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

22 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1280, is
23 amended to read as follows:

24 Section 1280.

PENALTY FOR 1279

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

SECTION 10. AMENDATORY 21 O.S. 2011, Section 1280.1, as last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1280.1), is amended to read as follows:

Section 1280.1

POSSESSION OF FIREARM ON SCHOOL PROPERTY

A. It shall be unlawful for any person to have in his or her possession on any public or private school property or while in any school bus or vehicle used by any school for transportation of students or teachers any firearm or weapon designated in Section

1 1272 of this title, except as provided in subsection C of this
2 section or as otherwise authorized by law.

3 B. For purposes of this section:

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

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

13 3. "Motor vehicle" means any automobile, truck, minivan or
14 ~~sports~~ sport utility vehicle.

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

17 1. A gun or knife designed for hunting or fishing purposes kept
18 in a privately owned vehicle and properly displayed or stored as
19 required by law, provided such vehicle containing said gun or knife
20 is driven onto school property only to transport a student to and
21 from school and such vehicle does not remain unattended on school
22 property;

23 2. A gun or knife used for the purposes of participating in the
24 Oklahoma Department of Wildlife Conservation certified hunter

1 training education course or any other hunting, fishing, safety or
2 firearms training courses, or a recognized firearms sports event,
3 team shooting program or competition, or living history reenactment,
4 provided the course or event is approved by the principal or chief
5 administrator of the school where the course or event is offered,
6 and provided the weapon is properly displayed or stored as required
7 by law pending participation in the course, event, program or
8 competition;

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

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

1 policy. The provisions of this paragraph shall not apply to claims
2 pursuant to the Workers' Compensation Code;

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

12 6. A handgun carried in a motor vehicle ~~pursuant to a valid~~
13 ~~handgun license authorized by the Oklahoma Self-Defense Act~~ onto
14 property set aside by a public or private elementary or secondary
15 school for the use or parking of any vehicle; provided, however,
16 said handgun shall be stored and hidden from view in a locked motor
17 vehicle when the motor vehicle is left unattended on school
18 property; and

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

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

1 b. hold a valid reserve peace officer certification as
2 provided for in Section 3311 of Title 70 of the
3 Oklahoma Statutes,
4 if a policy has been adopted by the board of education of the school
5 district that authorizes the carrying of a handgun onto public
6 school property by such personnel. Nothing in this subsection shall
7 be construed to restrict authority granted elsewhere in law to carry
8 firearms.

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

12 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1283, as
13 last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.
14 2015, Section 1283), is amended to read as follows:

15 Section 1283.

16 CONVICTED FELONS AND DELINQUENTS

17 A. Except as provided in subsection B of this section, it shall
18 be unlawful for any person convicted of any felony in any court of
19 this state or of another state or of the United States to have in
20 his or her possession or under his or her immediate control, or in
21 any vehicle which the person is operating, or in which the person is
22 riding as a passenger, or at the residence where the convicted
23 person resides, any pistol, imitation or homemade pistol, altered
24

1 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
2 other dangerous or deadly firearm.

3 B. Any person who has previously been convicted of a nonviolent
4 felony in any court of this state or of another state or of the
5 United States, and who has received a full and complete pardon from
6 the proper authority and has not been convicted of any other felony
7 offense which has not been pardoned, shall have restored the right
8 to possess any firearm or other weapon prohibited by subsection A of
9 this section, ~~the right to apply for and carry a concealed handgun,~~
10 ~~concealed or unconcealed, pursuant to the Oklahoma Self-Defense Act~~
11 and the right to perform the duties of a peace officer, gunsmith, or
12 for firearms repair.

13 C. It shall be unlawful for any person serving a term of
14 probation for any felony in any court of this state or of another
15 state or of the United States or under the jurisdiction of any
16 alternative court program to have in his or her possession or under
17 his or her immediate control, or at his or her residence, or in any
18 passenger vehicle which the person is operating or is riding as a
19 passenger, any pistol, shotgun or rifle, including any imitation or
20 homemade pistol, altered air or toy pistol, shotgun or rifle, while
21 such person is subject to supervision, probation, parole or inmate
22 status.

23 D. It shall be unlawful for any person previously adjudicated
24 as a delinquent child or a youthful offender for the commission of

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

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

1 ~~F.~~ Any convicted or adjudicated person violating the provisions
2 of this section shall, upon conviction, be guilty of a felony
3 punishable as provided in Section 1284 of this title.

4 ~~G.~~ F. For purposes of this section, "sawed-off shotgun or
5 rifle" shall mean any shotgun or rifle which has been shortened to
6 any length.

7 ~~H.~~ G. For purposes of this section, "altered toy pistol" shall
8 mean any toy weapon which has been altered from its original
9 manufactured state to resemble a real weapon.

10 ~~I.~~ H. For purposes of this section, "altered air pistol" shall
11 mean any air pistol manufactured to propel projectiles by air
12 pressure which has been altered from its original manufactured
13 state.

14 ~~J.~~ I. For purposes of this section, "alternative court program"
15 shall mean any drug court, Anna McBride or mental health court, DUI
16 court or veterans court.

17 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1287, as
18 amended by Section 10, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
19 Section 1287), is amended to read as follows:

20 Section 1287.

21 USE OF FIREARM WHILE COMMITTING A FELONY

22 A. Any person who, while committing or attempting to commit a
23 felony, possesses a pistol, shotgun or rifle or any other offensive
24 weapon in such commission or attempt, whether the pistol, shotgun or

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

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

24

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

4 ~~D.~~ C. As used in this section, "altered air pistol" shall mean
5 any air pistol manufactured to propel projectiles by air pressure
6 which has been altered from its original manufactured state.

7 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1289.6, as
8 amended by Section 11, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
9 Section 1289.6), is amended to read as follows:

10 Section 1289.6

11 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

12 A. A person shall be permitted to carry loaded and unloaded
13 shotguns, rifles and pistols, open and ~~not~~ concealed ~~and without a~~
14 ~~handgun license as authorized by the Oklahoma Self-Defense Act~~
15 pursuant to the following conditions:

16 1. When hunting animals or fowl;

17 2. During competition in or practicing in a safety or hunter
18 safety class, target shooting, skeet, trap or other recognized
19 sporting events;

20 3. During participation in or in preparation for a military
21 function of the state military forces to be defined as the Oklahoma
22 Army or Air National Guard, Federal Military Reserve and active
23 military forces;

24

1 4. During participation in or in preparation for a recognized
2 police function of either a municipal, county or state government as
3 functioning police officials;

4 5. During a practice for or a performance for entertainment
5 purposes;

6 6. For lawful self-defense and self-protection or any other
7 legitimate purpose in or on property that is owned, leased, rented,
8 or otherwise legally controlled by the person; ~~or~~

9 7. When carried in a holster that is concealed or unconcealed
10 or in a scabbard, case or with a sling designed for carrying
11 firearms that is concealed or unconcealed and the person is twenty-
12 one (21) years of age or older. Any person who carries a firearm in
13 the manner provided for in this paragraph shall be prohibited from
14 carrying the firearm into any of the places as prescribed in
15 subsection A of Section 1277 of this title; or

16 8. For any legitimate purpose not in violation of the Oklahoma
17 Firearms Act of 1971 or any legislative enactment regarding the use,
18 ownership and control of firearms.

19 B. A person shall be permitted to carry unloaded shotguns,
20 rifles and pistols, open and not concealed ~~and without a handgun~~
21 ~~license as authorized by the Oklahoma Self-Defense Act pursuant to~~
22 the following conditions:

23 1. When going to or from the person's private residence or
24 vehicle or a vehicle in which the person is riding as a passenger to

1 a place designated or authorized for firearms repairs or
2 reconditioning, or for firearms trade, sale, or barter, or gunsmith,
3 or hunting animals or fowl, or hunter safety course, or target
4 shooting, or skeet or trap shooting or any recognized firearms
5 activity or event and while in such places; or

6 2. For any legitimate purpose not in violation of the Oklahoma
7 Firearms Act of 1971.

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

13 SECTION 14. AMENDATORY 21 O.S. 2011, Section 1289.7, as
14 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
15 Section 1289.7), is amended to read as follows:

16 Section 1289.7

17 FIREARMS IN VEHICLES

18 Any person, except a convicted felon, may transport in a motor
19 vehicle a rifle, shotgun or pistol, open and unloaded, at any time.
20 For purposes of this section "open" means the firearm is transported
21 in plain view, in a case designed for carrying firearms, which case
22 is wholly or partially visible, in a gun rack mounted in the
23 vehicle, in an exterior locked compartment or a trunk of a vehicle.

24

1 Any person, except a convicted felon, may transport in a motor
2 vehicle a rifle or shotgun concealed behind a seat of the vehicle or
3 within the interior of the vehicle provided the rifle or shotgun is
4 not clip, magazine or chamber loaded. The authority to transport a
5 clip or magazine loaded rifle or shotgun shall be pursuant to
6 Section 1289.13 of this title.

7 ~~Any person who is the operator of a vehicle or is a passenger in~~
8 ~~any vehicle wherein another person who is licensed pursuant to the~~
9 ~~Oklahoma Self-Defense Act to carry a handgun, concealed or~~
10 ~~unconcealed, and is carrying a handgun or has the handgun in such~~
11 ~~vehicle, shall not be deemed in violation of the provisions of this~~
12 ~~section provided the licensee is in or near the vehicle.~~

13 SECTION 15. AMENDATORY 21 O.S. 2011, Section 1289.8, as
14 amended by Section 2, Chapter 144, O.S.L. 2015 (21 O.S. Supp. 2015,
15 Section 1289.8), is amended to read as follows:

16 Section 1289.8

17 CARRYING CONCEALED WEAPON

18 A. Any fire marshal inspector who is retired, state, county or
19 municipal peace officer of this state who is retired, or any state,
20 county or municipal peace officer classified as a reserve who is
21 retired, or any federal law enforcement officer who is retired may
22 retain their status as a peace officer, retired, in the State of
23 Oklahoma, and as such may carry a concealed pistol pursuant to the
24 provisions of subsection B of this section. A retired state, county

1 or municipal peace officer may in times of great emergency or danger
2 serve to enforce the law, keep the peace or to protect the public in
3 keeping with their availability and ability at the request of the
4 Governor, the sheriff or the mayor of their retirement jurisdiction.
5 If a retired fire marshal is activated for duty, the peace officer
6 powers of the retired fire marshal are limited to the duties granted
7 prior to retirement.

8 B. The Council on Law Enforcement Education and Training
9 (CLEET) shall issue an identification card to eligible retired
10 federal, state, county, and municipal peace officers which
11 authorizes the retired peace officer to carry a concealed pistol
12 anywhere in the State of Oklahoma. The identification card shall
13 bear the full name of the retired officer, the signature of the
14 retired officer, the date of issuance, and such other information as
15 may be deemed appropriate by CLEET. The card shall not expire, but
16 may be denied, suspended or revoked as provided by the rules
17 promulgated by CLEET ~~or upon the discovery of any preclusion~~
18 ~~prescribed in Section 1290.10 or 1290.11 of this title.~~ The Council
19 on Law Enforcement Education and Training shall request the Oklahoma
20 State Bureau of Investigation to conduct a state and national
21 criminal history records search on each retired peace officer
22 authorized to carry a concealed firearm pursuant to the provisions
23 of this section every four (4) years, and unless a ~~preclusion~~
24 ~~prescribed in Section 1290.10 or 1290.11 of this title~~ violation of

1 a rule promulgated by CLEET is found to exist, no action shall be
2 necessary. When a ~~preclusion~~ rule violation is discovered, the
3 Council shall notify the retired peace officer and shall hold a
4 hearing before taking any action to suspend or revoke the authority
5 to carry a concealed pistol.

6 C. The retired peace officer shall be required to submit the
7 following information to the Council on Law Enforcement Education
8 and Training (CLEET) and any other information requested by CLEET:

9 1. A statement from the appropriate retirement system verifying
10 the status of the person as a retired peace officer of the
11 jurisdiction or, if the retired peace officer does not participate
12 in a retirement system, a statement from the appropriate law
13 enforcement agency verifying the status of the person as a retired
14 peace officer of that jurisdiction, and the reason why the retired
15 peace officer does not participate in a retirement system; and

16 2. A notarized statement, signed by the retired peace officer,
17 stating that the officer:

18 a. has not been convicted of and is currently not subject
19 to any pending criminal prosecution for any felony
20 offense, any drug-related offense, aggravated assault
21 and battery or any offense involving impairment by
22 drugs or alcohol,

23 b. has not been forced into retirement due to any mental
24 disorder, and

1 c. has not suffered any injury or any physical or mental
2 impairment which would render the person unsafe to
3 carry a concealed pistol.

4 D. A retired peace officer, who has made application for the
5 CLEET identification card authorized in subsection B of this
6 section, shall be authorized to carry a concealed firearm as an off-
7 duty peace officer, pursuant to Section 1289.23 of this title, until
8 the authority to carry a concealed firearm as a retired officer is
9 finally approved or denied by CLEET.

10 E. The Council on Law Enforcement Education and Training shall
11 promulgate rules and procedures necessary to implement the
12 provisions of this section.

13 F. Any peace officer, retired, who carries any pistol in
14 violation of the provisions of this section shall be deemed to be in
15 violation of Section 1272 of this title and may be prosecuted as
16 provided by law for a violation of that section.

17 SECTION 16. AMENDATORY 21 O.S. 2011, Section 1289.9, as
18 amended by Section 14, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
19 Section 1289.9), is amended to read as follows:

20 Section 1289.9

21 CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

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

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

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

15 SECTION 17. AMENDATORY 21 O.S. 2011, Section 1289.10, as
16 amended by Section 15, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
17 Section 1289.10), is amended to read as follows:

18 Section 1289.10

19 FURNISHING FIREARMS TO INCOMPETENT PERSONS

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

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

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

10 SECTION 18. AMENDATORY 21 O.S. 2011, Section 1289.11, as
11 amended by Section 16, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
12 Section 1289.11), is amended to read as follows:

13 Section 1289.11

14 RECKLESS CONDUCT

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

23 ~~Any person convicted of a violation of the provisions of this~~
24 ~~section after having been issued a handgun license pursuant to the~~

1 ~~Oklahoma Self-Defense Act shall have the license revoked and shall~~
2 ~~be subject to an administrative fine of One Thousand Dollars~~
3 ~~(\$1,000.00), upon a hearing and determination by the Oklahoma State~~
4 ~~Bureau of Investigation that the person is in violation of the~~
5 ~~provisions of this section.~~

6 SECTION 19. AMENDATORY 21 O.S. 2011, Section 1289.12, as
7 amended by Section 17, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
8 Section 1289.12), is amended to read as follows:

9 Section 1289.12

10 GIVING FIREARMS TO CONVICTED PERSONS

11 It shall be unlawful for any person within this state to
12 knowingly sell, trade, give, transmit or otherwise cause the
13 transfer of rifles, shotguns or pistols to any convicted felon or an
14 adjudicated delinquent, and it shall be unlawful for any person
15 within this state to knowingly sell, trade, give, transmit or
16 otherwise cause the transfer of any shotgun, rifle or pistol to any
17 individual who is under the influence of alcohol or drugs or is
18 mentally or emotionally unbalanced or disturbed. All persons who
19 engage in selling, trading or otherwise transferring firearms will
20 display this section prominently in full view at or near the point
21 of normal firearms sale, trade or transfer. Any person convicted of
22 violating the provisions of this section shall be punished as
23 provided in Section 1289.15 of this title.

24

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

8 SECTION 20. AMENDATORY 21 O.S. 2011, Section 1289.13, as
9 amended by Section 18, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
10 Section 1289.13), is amended to read as follows:

11 Section 1289.13

12 TRANSPORTING A LOADED FIREARM

13 Except as otherwise provided by the provisions of the Oklahoma
14 Self-Defense Act or another provision of law, it shall be unlawful
15 to transport a loaded pistol, rifle or shotgun in a landborne motor
16 vehicle over a public highway or roadway. ~~However, a rifle or~~
17 ~~shotgun may be transported clip or magazine loaded and not chamber~~
18 ~~loaded when transported in an exterior locked compartment of the~~
19 ~~vehicle or trunk of the vehicle or in the interior compartment of~~
20 ~~the vehicle notwithstanding the provisions of Section 1289.7 of this~~
21 ~~title when the person is in possession of a valid handgun license~~
22 ~~pursuant to the Oklahoma Self-Defense Act.~~

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

1 ~~Any person who is the operator of a vehicle or is a passenger in~~
2 ~~any vehicle wherein another person who is licensed pursuant to the~~
3 ~~Oklahoma Self-Defense Act to carry a handgun, concealed or~~
4 ~~unconcealed, and is carrying a handgun or has a handgun or rifle or~~
5 ~~shotgun in such vehicle shall not be deemed in violation of the~~
6 ~~provisions of this section provided the licensee is in or near the~~
7 ~~vehicle.~~

8 SECTION 21. AMENDATORY 21 O.S. 2011, Section 1289.13A,
9 as amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp.
10 2015, Section 1289.13A), is amended to read as follows:

11 Section 1289.13A

12 IMPROPER TRANSPORTATION OF FIREARMS

13 A. Notwithstanding the provisions of Section 1272 or 1289.13 of
14 this title, any person stopped pursuant to a moving traffic
15 violation who is transporting a loaded pistol in the motor vehicle
16 without a ~~valid handgun license authorized by the Oklahoma Self-~~
17 ~~Defense Act~~ or valid license from another state, whether the loaded
18 firearm is concealed or unconcealed in the vehicle, shall be issued
19 a traffic citation in the amount of Seventy Dollars (\$70.00), plus
20 court costs for transporting a firearm improperly. In addition to
21 the traffic citation provided in this section, the person may also
22 be arrested for any other violation of law.

23 B. When the arresting officer determines that a valid handgun
24 license exists, pursuant to ~~the Oklahoma Self-Defense Act~~ or any

1 provision of law from another state, for any person in the stopped
2 vehicle, any firearms permitted to be carried pursuant to that
3 license shall not be confiscated, unless:

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

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

10 a. contraband, or

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

13 C. Nothing in this section shall be construed to require
14 confiscation of any firearm.

15 SECTION 22. AMENDATORY 21 O.S. 2011, Section 1289.16, as
16 amended by Section 20, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
17 Section 1289.16), is amended to read as follows:

18 Section 1289.16

19 FELONY POINTING FIREARMS

20 It shall be unlawful for any person to willfully or without
21 lawful cause point a shotgun, rifle or pistol, or any deadly weapon,
22 whether loaded or not, at any person or persons for the purpose of
23 threatening or with the intention of discharging the firearm or with
24 any malice or for any purpose of injuring, either through physical

1 injury or mental or emotional intimidation or for purposes of
2 whimsy, humor or prank, or in anger or otherwise, but not to include
3 the pointing of shotguns, rifles or pistols by law enforcement
4 authorities in the performance of their duties, members of the state
5 military forces in the performance of their duties, members of the
6 federal military reserve and active military components in the
7 performance of their duties, or any federal government law
8 enforcement officer in the performance of any duty, or in the
9 performance of a play on stage, rodeo, television or on film, or in
10 defense of any person, one's home or property. Any person convicted
11 of a violation of the provisions of this section shall be punished
12 as provided in Section 1289.17 of this title.

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

20 SECTION 23. AMENDATORY 21 O.S. 2011, Section 1289.23, as
21 last amended by Section 1, Chapter 216, O.S.L. 2015 (21 O.S. Supp.
22 2015, Section 1289.23), is amended to read as follows:

23 Section 1289.23

24 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

1 A. A full-time duly appointed peace officer who is certified by
2 the Council on Law Enforcement Education and Training (CLEET),
3 pursuant to the provisions of Section 3311 of Title 70 of the
4 Oklahoma Statutes, is hereby authorized to carry a weapon certified
5 and approved by the employing agency during periods when the officer
6 is not on active duty as provided by the provisions of subsection B
7 of this section.

8 B. When an off-duty officer carries a certified weapon, the
9 officer shall be wearing the law enforcement uniform prescribed by
10 the employing agency or when not wearing the prescribed law
11 enforcement uniform, the officer shall be required:

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

16 2. To keep the authorized weapon concealed or unconcealed at
17 all times, except when the weapon is used within the guidelines
18 established by the employing agency.

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

22 D. A reserve peace officer who has satisfactorily completed a
23 basic police course of not less than one hundred twenty (120) hours
24 of accredited instruction for reserve police officers and reserve

1 deputies from the Council on Law Enforcement Education and Training
2 or a course of study approved by CLEET may carry a certified weapon
3 when such officer is off duty as provided by subsection E of this
4 section, provided:

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

7 2. The employing agency shall maintain a current list of any
8 officers authorized to carry a certified weapon while said officers
9 are off duty, and shall provide a copy of such list to the Council
10 on Law Enforcement Education and Training. Any change to the list
11 shall be made in writing and mailed to the Council on Law
12 Enforcement Education and Training within five (5) days.

13 E. When an off-duty reserve peace officer carries a certified
14 weapon, the officer shall be wearing the law enforcement uniform
15 prescribed by the employing agency or when not wearing the
16 prescribed law enforcement uniform, the officer shall be required:

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

19 2. To keep the authorized weapon concealed or unconcealed at
20 all times, except when the weapon is used within the guidelines
21 established by the employing agency.

22 F. Nothing in subsection D of this section shall be construed
23 to alter or amend the provisions of Section 1750.2 of Title 59 of
24

1 the Oklahoma Statutes or expand the duties, jurisdiction or
2 authority of any reserve peace officer.

3 ~~G. Nothing in this section shall be construed to limit or~~
4 ~~restrict any peace officer or reserve peace officer from carrying a~~
5 ~~handgun, concealed or unconcealed, as allowed by the Oklahoma Self-~~
6 ~~Defense Act after issuance of a valid license. When an off-duty~~
7 ~~officer elects to carry a handgun under the authority of the~~
8 ~~Oklahoma Self-Defense Act, the person shall comply with all~~
9 ~~provisions of such act and shall not be representing the employing~~
10 ~~agency.~~

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

15 ~~I. On or after November 1, 2004, a reserve or full-time~~
16 ~~commissioned peace officer may apply to carry a weapon pursuant to~~
17 ~~the Oklahoma Self-Defense Act as follows:~~

18 ~~1. The officer shall apply in writing to the Council on Law~~
19 ~~Enforcement Education and Training (CLEET) stating that the officer~~
20 ~~desires to have a handgun license pursuant to the Oklahoma Self-~~
21 ~~Defense Act and certifying that he or she has no preclusions to~~
22 ~~having such handgun license. The officer shall submit with the~~
23 ~~application:~~

24

- 1 a. ~~an official letter from his or her employing agency~~
2 ~~confirming the officer's employment and status as a~~
3 ~~full-time commissioned peace officer or an active~~
4 ~~reserve peace officer,~~
- 5 b. ~~a fee of Twenty-five Dollars (\$25.00) for the handgun~~
6 ~~license, and~~
- 7 c. ~~two passport size photographs of the peace officer~~
8 ~~applicant.~~

9 2. ~~Upon receiving the required information, CLEET shall~~
10 ~~determine whether the peace officer is in good standing, has CLEET~~
11 ~~certification and training, and is otherwise eligible for a handgun~~
12 ~~license. Upon verification of the officer's eligibility, CLEET~~
13 ~~shall send the information to the Oklahoma State Bureau of~~
14 ~~Investigation (OSBI) and OSBI shall issue a handgun license in the~~
15 ~~same or similar form as other handgun licenses. All other~~
16 ~~requirements in Section 1290.12 of this title concerning application~~
17 ~~for a handgun license shall be waived for active duty peace officers~~
18 ~~except as provided in this subsection, including but not limited to~~
19 ~~training, fingerprints and criminal history records checks unless~~
20 ~~the officer does not have fingerprints on file or a criminal history~~
21 ~~records background check conducted prior to employment as a peace~~
22 ~~officer. The OSBI shall not be required to conduct any further~~
23 ~~investigation into the eligibility of the peace officer applicant~~
24

1 ~~and shall not deny a handgun license except when preclusions are~~
2 ~~found to exist.~~

3 ~~3. The term of the handgun license for an active duty reserve~~
4 ~~or full-time commissioned peace officer pursuant to this section~~
5 ~~shall be as provided in Section 1290.5 of this title, renewable in~~
6 ~~the same manner provided in this subsection for an original~~
7 ~~application by a peace officer. The handgun license shall be valid~~
8 ~~when the peace officer is in possession of a valid driver license~~
9 ~~and law enforcement commission card.~~

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

17 ~~5. There shall be no refund of any fee for any unexpired term~~
18 ~~of any handgun license that is suspended, revoked, or voluntarily~~
19 ~~returned to CLEET, or that is denied, suspended or revoked by the~~
20 ~~OSBI.~~

21 ~~6. CLEET may promulgate any rules, forms or procedures~~
22 ~~necessary to implement the provisions of this section.~~

23 ~~7. Nothing in this subsection shall be construed to change or~~
24 ~~amend the application process, eligibility, effective date or fees~~

1 ~~of any handgun license pending issuance on November 1, 2004, or~~
2 ~~previously issued to any peace officer prior to November 1, 2004.~~

3 SECTION 24. AMENDATORY 21 O.S. 2011, Section 1289.24, as
4 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.
5 2015, Section 1289.24), is amended to read as follows:

6 Section 1289.24

7 FIREARM REGULATION - STATE PREEMPTION

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

16 2. A municipality may adopt any ordinance:

- 17 a. relating to the discharge of firearms within the
18 jurisdiction of the municipality, and
- 19 b. allowing the municipality to issue a traffic citation
20 for transporting a firearm improperly as provided for
21 in Section 1289.13A of this title, ~~provided however,~~
22 ~~that penalties contained for violation of any~~
23 ~~ordinance enacted pursuant to the provisions of this~~

24

1 ~~subparagraph shall not exceed the penalties~~
2 ~~established in the Oklahoma Self-Defense Act.~~

3 3. As provided in the preemption provisions of this section,
4 the otherwise lawful ~~open~~ carrying of a handgun ~~under the provisions~~
5 ~~of the Oklahoma Self-Defense Act~~ shall not be punishable by any
6 municipality or other political subdivision of this state as
7 disorderly conduct, disturbing the peace or similar offense against
8 public order.

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

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

19 C. Except as hereinafter provided, this section shall not
20 prohibit any order, ordinance, or regulation by any municipality
21 concerning the confiscation of property used in violation of the
22 ordinances of the municipality as provided for in Section 28-121 of
23 Title 11 of the Oklahoma Statutes. Provided, however, no municipal
24

1 ordinance relating to transporting a firearm or knife improperly may
2 include a provision for confiscation of property.

3 D. When a person's rights pursuant to the protection of the
4 preemption provisions of this section have been violated, the person
5 shall have the right to bring a civil action against the persons,
6 municipality, and political subdivision jointly and severally for
7 injunctive relief or monetary damages or both.

8 SECTION 25. AMENDATORY 21 O.S. 2011, Section 1289.25, is
9 amended to read as follows:

10 Section 1289.25

11 PHYSICAL OR DEADLY FORCE AGAINST INTRUDER

12 A. The Legislature hereby recognizes that the citizens of the
13 State of Oklahoma have a right to expect absolute safety within
14 their own homes or places of business.

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

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

1 to remove another against the will of that person from the dwelling,
2 residence, occupied vehicle, or place of business; and

3 2. The person who uses defensive force knew or had reason to
4 believe that an unlawful and forcible entry or unlawful and forcible
5 act was occurring or had occurred.

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

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

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

17 3. The person who uses defensive force is engaged in an
18 unlawful activity or is using the dwelling, residence, occupied
19 vehicle, or place of business to further an unlawful activity.

20 D. A person who is not engaged in an unlawful activity and who
21 is attacked in any other place where he or she has a right to be has
22 no duty to retreat and has the right to stand his or her ground and
23 meet force with force, including deadly force, if he or she
24 reasonably believes it is necessary to do so to prevent death or

1 great bodily harm to himself or herself or another or to prevent the
2 commission of a forcible felony.

3 E. A person who unlawfully and by force enters or attempts to
4 enter the dwelling, residence, occupied vehicle of another person,
5 or a place of business is presumed to be doing so with the intent to
6 commit an unlawful act involving force or violence.

7 F. A person who uses force, as permitted pursuant to the
8 provisions of subsections B and D of this section, is justified in
9 using such force and is immune from criminal prosecution and civil
10 action for the use of such force. As used in this subsection, the
11 term "criminal prosecution" includes charging or prosecuting the
12 defendant.

13 G. A law enforcement agency may use standard procedures for
14 investigating the use of force, but the law enforcement agency may
15 not arrest the person for using force unless it determines that
16 there is probable cause that the force that was used was unlawful.

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

22 I. The provisions of this section ~~and the provisions of the~~
23 ~~Oklahoma Self-Defense Act~~ shall not be construed to require any
24

1 person using a pistol pursuant to the provisions of this section to
2 be licensed in any manner.

3 J. As used in this section:

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

8 2. "Residence" means a dwelling in which a person resides
9 either temporarily or permanently or is visiting as an invited
10 guest; and

11 3. "Vehicle" means a conveyance of any kind, whether or not
12 motorized, which is designed to transport people or property.

13 SECTION 26. AMENDATORY 21 O.S. 2011, Section 1290.1, is
14 amended to read as follows:

15 Section 1290.1

16 SHORT TITLE

17 Sections ~~4~~ 1290.1 through ~~25~~ 1290.27 of this ~~act~~ title shall be
18 known and may be cited as the "Oklahoma Self-Defense Act".

19 SECTION 27. AMENDATORY 21 O.S. 2011, Section 1290.3, as
20 amended by Section 24, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
21 Section 1290.3), is amended to read as follows:

22 Section 1290.3

23 AUTHORITY TO ISSUE LICENSE

24

1 license has been voluntarily surrendered or suspended or revoked for
2 any reason.

3 B. A license may be renewed any time within ninety (90) days
4 prior to the expiration date as provided in this subsection. The
5 Bureau shall send a renewal application to each eligible licensee
6 with a return address requested. There shall be a ninety-day grace
7 period on license renewals beginning on the date of expiration,
8 thereafter the license is considered expired. However, any
9 applicant shall have three (3) years from the expiration of the
10 license to comply with the renewal requirements of this section.

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

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

21 3. Upon receipt of the renewal application, photographs and
22 fee, the Bureau will conduct a criminal history records name search,
23 an investigation of medical records or other records or information
24 deemed by the Bureau to be relevant to the renewal application. If

1 the applicant appears not to have any prohibition to renewing the
2 handgun license, the Bureau shall issue the renewed license for a
3 period of five (5) or ten (10) years.

4 C. Beginning November 1, 2007, any person making application
5 for a handgun license or any licensee seeking to renew a handgun
6 license shall have the option to request that said license be valid
7 for a period of ten (10) years. The fee for any handgun license
8 issued for a period of ten (10) years shall be double the amount of
9 the fee provided for in paragraph 4 of subsection A of Section
10 1290.12 of this title. The renewal fee for a handgun license issued
11 for a period of ten (10) years shall be double the amount of the fee
12 provided for in paragraph 2 of subsection B of this section.

13 SECTION 29. AMENDATORY 21 O.S. 2011, Section 1290.7, as
14 last amended by Section 3, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
15 2015, Section 1290.7), is amended to read as follows:

16 Section 1290.7

17 CONSTRUING AUTHORITY OF LICENSE

18 The authority to carry a ~~concealed or unconcealed~~ handgun when
19 travelling outside the borders of this state pursuant to a valid
20 handgun license as authorized by the provisions of the Oklahoma
21 Self-Defense Act shall not be construed to authorize any person to:

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

24

- 1 b. procedures to follow to process the application form,
2 and
3 c. a copy of the Oklahoma Self-Defense Act with any
4 modifications thereto;

5 2. The person shall be required to successfully complete a
6 firearms safety and training course from a firearms instructor who
7 is approved and registered in this state as provided in Section
8 1290.14 of this title or from an interactive online firearms safety
9 and training course available electronically via the Internet
10 approved and certified by the Council on Law Enforcement Education
11 and Training, and the person shall be required to demonstrate
12 competency and qualification with a pistol authorized for ~~concealed~~
13 ~~or unconcealed~~ carry by the Oklahoma Self-Defense Act. The original
14 certificate of successful completion of a firearms safety and
15 training course and an original certificate of successful
16 demonstration of competency and qualification to carry and handle a
17 pistol shall be submitted with the application for a handgun
18 license. No duplicate, copy, facsimile or other reproduction of the
19 certificate of training, certificate of competency and qualification
20 or exemption from training shall be acceptable as proof of training
21 as required by the provisions of the Oklahoma Self-Defense Act. A
22 person exempt from the training requirements as provided in Section
23 1290.15 of this title must show the required proof of such exemption
24 to the firearms instructor to receive an exemption certificate. The

1 original exemption certificate must be submitted with the
2 application for a handgun license when the person claims an
3 exemption from training and qualification;

4 3. The application form shall be completed and delivered by the
5 applicant, in person, to the sheriff of the county wherein the
6 applicant resides;

7 4. The person shall deliver to the sheriff at the time of
8 delivery of the completed application form a fee of One Hundred
9 Dollars (\$100.00) for processing the application through the
10 Oklahoma State Bureau of Investigation and processing the required
11 fingerprints through the Federal Bureau of Investigation. The
12 processing fee shall be in the form of:

- 13 a. a money order or a cashier's check made payable to the
14 Oklahoma State Bureau of Investigation,
- 15 b. by a nationally recognized credit card issued to the
16 applicant. For purposes of this paragraph,
17 "nationally recognized credit card" means any
18 instrument or device, whether known as a credit card,
19 credit plate, charge plate, or by any other name,
20 issued with or without fee by the issuer for the use
21 of the cardholder in obtaining goods, services, or
22 anything else of value on credit which is accepted by
23 over one thousand merchants in the state. The
24 Oklahoma State Bureau of Investigation shall determine

1 which nationally recognized credit cards will be
2 accepted by the Bureau, or

3 c. by electronic funds transfer.

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

10 5. The completed application form shall be signed by the
11 applicant in person before the sheriff. The signature shall be
12 given voluntarily upon a sworn oath that the person knows the
13 contents of the application and that the information contained in
14 the application is true and correct. Any person making any false or
15 misleading statement on an application for a handgun license shall,
16 upon conviction, be guilty of perjury as defined by Section 491 of
17 this title. Any conviction shall be punished as provided in Section
18 500 of this title. In addition to a criminal conviction, the person
19 shall be denied the right to have a handgun license pursuant to the
20 provisions of Section 1290.10 of this title and the Oklahoma State
21 Bureau of Investigation shall revoke the handgun license, if issued;

22 6. Two passport-size photographs of the applicant shall be
23 submitted with the completed application. The cost of the
24 photographs shall be the responsibility of the applicant. The

1 sheriff is authorized to take the photograph of the applicant for
2 purposes of the Oklahoma Self-Defense Act and, if such photographs
3 are taken by the sheriff, the cost of the photographs shall not
4 exceed Ten Dollars (\$10.00) for the two photos. All money received
5 by the sheriff from photographing applicants pursuant to the
6 provisions of this paragraph shall be retained by the sheriff and
7 deposited into the Sheriff's Service Fee Account;

8 7. The sheriff shall witness the signature of the applicant and
9 review or take the photographs of the applicant and shall verify
10 that the person making application for a handgun license is the same
11 person in the photographs submitted and the same person who signed
12 the application form. Proof of a valid Oklahoma driver license with
13 a photograph of the applicant or an Oklahoma state photo
14 identification for the applicant shall be required to be presented
15 by the applicant to the sheriff for verification of the person's
16 identity;

17 8. Upon verification of the identity of the applicant, the
18 sheriff shall take two complete sets of fingerprints of the
19 applicant. Both sets of fingerprints shall be submitted by the
20 sheriff with the completed application, certificate of training or
21 an exemption certificate, photographs and processing fee to the
22 Oklahoma State Bureau of Investigation within fourteen (14) days of
23 taking the fingerprints. The cost of the fingerprints shall be paid
24 by the applicant and shall not exceed Twenty-five Dollars (\$25.00)

1 for the two sets. All fees collected by the sheriff from taking
2 fingerprints pursuant to the provisions of this paragraph shall be
3 retained by the sheriff and deposited into the Sheriff's Service Fee
4 Account;

5 9. The sheriff shall submit to the Oklahoma State Bureau of
6 Investigation within the fourteen-day period, together with the
7 completed application, including the certificate of training,
8 certificate of competency and qualification or exemption
9 certificate, photographs, processing fee and legible fingerprints
10 meeting the Oklahoma State Bureau of Investigation's Automated
11 Fingerprint Identification System (AFIS) submission standards, and a
12 report of information deemed pertinent to an investigation of the
13 applicant for a handgun license. The sheriff shall make a
14 preliminary investigation of pertinent information about the
15 applicant and the court clerk shall assist the sheriff in locating
16 pertinent information in court records for this purpose. If no
17 pertinent information is found to exist either for or against the
18 applicant, the sheriff shall so indicate in the report;

19 10. The Oklahoma State Bureau of Investigation, upon receipt of
20 the application and required information from the sheriff, shall
21 forward one full set of fingerprints of the applicant to the Federal
22 Bureau of Investigation for a national criminal history records
23 search. The cost of processing the fingerprints nationally shall be
24

1 paid from the processing fee collected by the Oklahoma State Bureau
2 of Investigation;

3 11. Notwithstanding the provisions of the Oklahoma Self-Defense
4 Act, or any other provisions of law, any person who has been granted
5 a permanent victim's protective order by the court, as provided for
6 in the Protection from Domestic Abuse Act, may be issued a temporary
7 handgun license for a period not to exceed six (6) months. A
8 temporary handgun license may be issued if the person has
9 successfully passed the required weapons course, completed the
10 application process for the handgun license, passed the preliminary
11 investigation of the person by the sheriff and court clerk, and
12 provided the sheriff proof of a certified permanent victim
13 protection order and a valid Oklahoma state photo identification
14 card or driver license. The sheriff shall issue a temporary handgun
15 license on a form approved by the Oklahoma State Bureau of
16 Investigation, at no cost. Any person who has been issued a
17 temporary license shall carry the temporary handgun license and a
18 valid Oklahoma state photo identification on his or her person at
19 all times, and shall be subject to all the requirements of the
20 Oklahoma Self-Defense Act when carrying a handgun. The person may
21 proceed with the handgun licensing process. In the event the
22 victim's protection order is no longer enforceable, the temporary
23 handgun license shall cease to be valid;

24

1 12. The Oklahoma State Bureau of Investigation shall make a
2 reasonable effort to investigate the information submitted by the
3 applicant and the sheriff, to ascertain whether or not the issuance
4 of a handgun license would be in violation of the provisions of the
5 Oklahoma Self-Defense Act. The investigation by the Bureau of an
6 applicant shall include, but shall not be limited to: a statewide
7 criminal history records search, a national criminal history records
8 search, a Federal Bureau of Investigation fingerprint search, and if
9 applicable, an investigation of medical records or other records or
10 information deemed by the Bureau to be relevant to the application.

11 a. In the course of the investigation by the Bureau, it
12 shall present the name of the applicant along with any
13 known aliases, the address of the applicant and the
14 social security number of the applicant to the
15 Department of Mental Health and Substance Abuse
16 Services. The Department of Mental Health and
17 Substance Abuse Services shall respond within ten (10)
18 days of receiving such information to the Bureau as
19 follows:

20 (1) with a "Yes" answer, if the records of the
21 Department indicate that the person was
22 involuntarily committed to a mental institution
23 in Oklahoma,
24

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

5 (3) with an "Inconclusive" answer if the records of
6 the Department suggest the applicant may be a
7 formerly committed person. In the case of an
8 inconclusive answer, the Bureau shall ask the
9 applicant whether he or she was involuntarily
10 committed. If the applicant states under penalty
11 of perjury that he or she has not been
12 involuntarily committed, the Bureau shall
13 continue processing the application for a
14 license.

15 b. In the course of the investigation by the Bureau, it
16 shall check the name of any applicant who is twenty-
17 eight (28) years of age or younger along with any
18 known aliases, the address of the applicant and the
19 social security number of the applicant against the
20 records in the Juvenile Online Tracking System (JOLTS)
21 of the Office of Juvenile Affairs. The Office of
22 Juvenile Affairs shall provide the Bureau direct
23 access to check the applicant against the records
24 available on JOLTS.

- 1 (1) If the Bureau finds a record on the JOLTS that
2 indicates the person was adjudicated a delinquent
3 for an offense that would constitute a felony
4 offense if committed by an adult within the last
5 ten (10) years the Bureau shall deny the license,
6 (2) If the Bureau finds no record on the JOLTS
7 indicating the named person was adjudicated
8 delinquent for an offense that would constitute a
9 felony offense if committed by an adult within
10 the last ten (10) years, or
11 (3) If the records suggest the applicant may have
12 been adjudicated delinquent for an offense that
13 would constitute a felony offense if committed by
14 an adult but such record is inconclusive, the
15 Bureau shall ask the applicant whether he or she
16 was adjudicated a delinquent for an offense that
17 would constitute a felony offense if committed by
18 an adult within the last ten (10) years. If the
19 applicant states under penalty of perjury that he
20 or she was not adjudicated a delinquent within
21 ten (10) years, the Bureau shall continue
22 processing the application for a license; and

23 13. If the background check set forth in paragraph 12 of this
24 subsection reveals no records pertaining to the applicant, the

1 Oklahoma State Bureau of Investigation shall either issue a handgun
2 license or deny the application within sixty (60) days of the date
3 of receipt of the applicant's completed application and the required
4 information from the sheriff. In all other cases, the Oklahoma
5 State Bureau of Investigation shall either issue a handgun license
6 or deny the application within ninety (90) days of the date of the
7 receipt of the applicant's completed application and the required
8 information from the sheriff. The Bureau shall approve an applicant
9 who appears to be in full compliance with the provisions of the
10 Oklahoma Self-Defense Act, if completion of the federal fingerprint
11 search is the only reason for delay of the issuance of the handgun
12 license to that applicant. Upon receipt of the federal fingerprint
13 search information, if the Bureau receives information which
14 precludes the person from having a handgun license, the Bureau shall
15 revoke the handgun license previously issued to the applicant. The
16 Bureau shall deny a license when the applicant fails to properly
17 complete the application form or application process or is
18 determined not to be eligible as specified by the provisions of
19 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall
20 approve an application in all other cases. If an application is
21 denied, the Bureau shall notify the applicant in writing of its
22 decision. The notification shall state the grounds for the denial
23 and inform the applicant of the right to an appeal as may be
24 provided by the provisions of the Administrative Procedures Act.

1 All notices of denial shall be mailed by first-class mail to the
2 address of the applicant listed in the application. Within sixty
3 (60) calendar days from the date of mailing a denial of application
4 to an applicant, the applicant shall notify the Bureau in writing of
5 the intent to appeal the decision of denial or the right of the
6 applicant to appeal shall be deemed waived. Any administrative
7 hearing on a denial which may be provided shall be conducted by a
8 hearing examiner appointed by the Bureau. The decision of the
9 hearing examiner shall be a final decision appealable to a district
10 court in accordance with the Administrative Procedures Act. When an
11 application is approved, the Bureau shall issue the license and
12 shall mail the license by first-class mail to the address of the
13 applicant listed in the application.

14 B. Nothing contained in any provision of the Oklahoma Self-
15 Defense Act shall be construed to require or authorize the
16 registration, documentation or providing of serial numbers with
17 regard to any firearm. For purposes of the Oklahoma Self-Defense
18 Act, the sheriff may designate a person to receive, fingerprint,
19 photograph or otherwise process applications for handgun licenses.

20 SECTION 31. AMENDATORY 21 O.S. 2011, Section 1290.14, as
21 last amended by Section 2, Chapter 207, O.S.L. 2015 (21 O.S. Supp.
22 2015, Section 1290.14), is amended to read as follows:

23 Section 1290.14

24 SAFETY AND TRAINING COURSE

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

15 B. The Council on Law Enforcement Education and Training
16 (CLEET) shall establish criteria for approving firearms instructors
17 and interactive online firearms safety and training courses
18 available electronically via the Internet for purposes of training
19 and qualifying individuals for a handgun license pursuant to the
20 provisions of the Oklahoma Self-Defense Act. Prior to submitting an
21 application for CLEET approval as a firearms instructor, applicants
22 shall attend a firearms instructor school, meeting the following
23 minimum requirements:
24

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

- 3 a. Council on Law Enforcement Education and Training,
- 4 b. National Rifle Association,
- 5 c. Oklahoma Rifle Association,
- 6 d. federal law enforcement agencies, or
- 7 e. other professionally recognized organizations;

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

9 3. Upon completion of the course, the applicant shall be
10 qualified to provide instruction on revolvers, semiautomatic
11 pistols, or both; and

12 4. Receive a course completion certificate.

13 All firearms instructors shall be required to meet the
14 eligibility requirements for a handgun license as provided in
15 Sections 1290.9, 1290.10, and 1290.11 of this title and the
16 application shall be processed as provided for applicants in Section
17 1290.12 of this title, including the state and national criminal
18 history records search and fingerprint search. A firearms
19 instructor shall be required to pay a fee of One Hundred Dollars
20 (\$100.00) to the Council on Law Enforcement Education and Training
21 (CLEET) each time the person makes application for CLEET approval as
22 a firearms instructor pursuant to the provisions of the Oklahoma
23 Self-Defense Act. The fee shall be retained by CLEET and shall be
24 deposited into the Firearms Instructors Revolving Fund. CLEET shall

1 promulgate the rules, forms and procedures necessary to implement
2 the approval of firearms instructors as authorized by the provisions
3 of this subsection. CLEET shall periodically review each approved
4 instructor during a training and qualification course to assure
5 compliance with the rules and course contents. Any violation of the
6 rules may result in the revocation or suspension of CLEET and
7 Oklahoma State Bureau of Investigation approval. Unless the
8 approval has been revoked or suspended, a firearms instructor's
9 CLEET approval shall be for a term of five (5) years. Beginning on
10 July 1, 2003, any firearms instructor who has been issued a four-
11 year CLEET approval shall not be eligible for the five-year approval
12 until the expiration of the approval previously issued. CLEET shall
13 be responsible for notifying all approved firearms instructors of
14 statutory and policy changes related to the Oklahoma Self-Defense
15 Act. A firearms instructor shall not be required to submit his or
16 her fingerprints for a fingerprint search when renewing a firearms
17 instructor's CLEET approval.

18 C. 1. All firearms instructors approved by CLEET to train and
19 qualify individuals for a handgun license shall be required to apply
20 for registration with the Oklahoma State Bureau of Investigation
21 after receiving CLEET approval. All firearms instructors teaching
22 the approved course for a handgun license must display their
23 registration certificate during each training and qualification
24 course. Each approved firearms instructor shall complete a

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

18 2. On or after July 1, 2003, the registered instructors listed
19 in subparagraphs a and b of this paragraph shall not be required to
20 renew the firearms instructor registration certificate with the
21 Oklahoma State Bureau of Investigation at the expiration of the
22 registration term, provided the instructor is not subject to any
23 suspension or revocation of the firearms instructor certificate.
24 The firearms instructor registration with the Oklahoma State Bureau

1 of Investigation shall automatically renew together with the handgun
2 license authorized in paragraph 1 of this subsection for an
3 additional five-year term and no additional cost or fee may be
4 charged for the following individuals:

5 a. an active duty law enforcement officer of this state
6 or any of its political subdivisions or of the federal
7 government who has a valid CLEET approval as a
8 firearms instructor pursuant to the Oklahoma Self-
9 Defense Act, and

10 b. a retired law enforcement officer authorized to carry
11 a firearm pursuant to Section 1289.8 of this title who
12 has a valid CLEET approval as a firearms instructor
13 pursuant to the Oklahoma Self-Defense Act.

14 D. The Oklahoma State Bureau of Investigation shall approve
15 registration for a firearms instructor applicant who is in full
16 compliance with CLEET rules regarding firearms instructors and the
17 provisions of subsection B of this section, if completion of the
18 federal fingerprint search is the only reason for delay of
19 registration of that firearms instructor applicant. Upon receipt of
20 the federal fingerprint search information, if the Bureau receives
21 information which precludes the person from having a handgun
22 license, the Bureau shall revoke both the registration and the
23 handgun license previously issued to the firearms instructor.

24

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

1 the person is either deemed unsafe or unfit for firing or is a
2 weapon not authorized by the Oklahoma Self-Defense Act. The course
3 shall provide an opportunity for the applicant to qualify himself or
4 herself on either a derringer, a revolver, a semiautomatic pistol or
5 any combination of a derringer, a revolver and a semiautomatic
6 pistol, provided no pistol shall be capable of firing larger than
7 .45 caliber ammunition. Any applicant who successfully trains and
8 qualifies himself or herself with a semiautomatic pistol may be
9 approved by the firearms instructor on the training certificate for
10 a semiautomatic pistol, a revolver and a derringer upon request of
11 the applicant. Any person who qualifies on a derringer or revolver
12 shall not be eligible for a semiautomatic rating until the person
13 has demonstrated competence and qualifications on a semiautomatic
14 pistol. Upon successful completion of the training and
15 qualification course, a certificate of training and a certificate of
16 competency and qualification shall be issued to each applicant who
17 successfully completes the course. The certificate of training and
18 certificate of competency and qualification shall comply with the
19 forms established by CLEET and shall be submitted with an
20 application for a handgun license pursuant to the provisions of
21 paragraph 2 of subsection A of Section 1290.12 of this title. The
22 certificate of training and certificate of competency and
23 qualification issued to an applicant shall be valid for a period of
24 three (3) years.

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

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

1 SECTION 32. AMENDATORY 21 O.S. 2011, Section 1290.15, as
2 last amended by Section 2, Chapter 86, O.S.L. 2013 (21 O.S. Supp.
3 2015, Section 1290.15), is amended to read as follows:

4 Section 1290.15

5 PERSONS EXEMPT FROM TRAINING COURSE

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

9 1. A firearms instructor registered with the Oklahoma State
10 Bureau of Investigation for purposes of the Oklahoma Self-Defense
11 Act;

12 2. An active duty law enforcement officer of this state or any
13 of its political subdivisions or of the federal government;

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

16 4. A CLEET-certified armed security officer, armed guard,
17 correctional officer, or any other person having a CLEET
18 certification to carry a firearm in the course of their employment;

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

22 6. A person honorably discharged from active military duty,
23 National Guard duty or military reserves within twenty (20) years
24 preceding the date of the application for a handgun license pursuant

1 to the provisions of the Oklahoma Self-Defense Act, who is a legal
2 resident of this state, and who has been trained and qualified in
3 the use of handguns;

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

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

10 Provided, however, persons applying for an exemption pursuant to
11 paragraph 3, 4, 5, 6 or 7 of this subsection may be required to
12 successfully complete the classroom portion of the training course.
13 The fee for the classroom portion of the training course shall be
14 determined by the instructor or entity that is conducting the
15 course.

16 B. The Council on Law Enforcement Education and Training
17 (CLEET) shall establish criteria for providing proof of an
18 exemption. Before any person shall be considered exempt from all or
19 part of the required training and qualification pursuant to the
20 provisions of the Oklahoma Self-Defense Act, the person shall
21 present the required proof of exemption to a registered firearms
22 instructor. Each person determined to be exempt from training or
23 qualification as provided in this subsection shall receive an
24 exemption certificate from the registered firearms instructor. The

1 rules promulgated by CLEET to implement the provisions of this
2 section and Section 1290.14 of this title may require that a fee not
3 to exceed Five Dollars (\$5.00) be charged for processing an
4 exemption certificate. The original exemption certificate must be
5 submitted with an application for a handgun license as provided in
6 paragraph 2 of Section 1290.12 of this title. No person who is
7 determined to be exempt from training or qualification may carry a
8 ~~concealed or unconcealed~~ firearm pursuant to the authority of the
9 Oklahoma Self-Defense Act until issued a valid handgun license.

10 C. Nothing contained in any provision of the Oklahoma Self-
11 Defense Act shall be construed to alter, amend, or modify the
12 authority of any active duty law enforcement officer, or any person
13 certified by the Council on Law Enforcement Education and Training
14 to carry a pistol during the course of their employment, to carry
15 any pistol in any manner authorized by law or authorized by the
16 employing agency.

17 SECTION 33. AMENDATORY 21 O.S. 2011, Section 1290.17, as
18 amended by Section 36, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
19 Section 1290.17), is amended to read as follows:

20 Section 1290.17

21 SUSPENSION AND REVOCATION OF LICENSE

22 A. The Oklahoma State Bureau of Investigation shall have
23 authority pursuant to the provisions of the Oklahoma Self-Defense
24 Act and any other provision of law to suspend or revoke any handgun

1 license issued pursuant to the provisions of the Oklahoma Self-
2 Defense Act. A person whose license has been suspended or revoked
3 or against whom a fine has been assessed shall be entitled to an
4 appeal through a hearing in accordance with the Administrative
5 Procedures Act. Any administrative hearing on suspensions,
6 revocations or fines shall be conducted by a hearing examiner
7 appointed by the Bureau. The hearing examiner's decision shall be a
8 final decision appealable to a district court in accordance with the
9 Administrative Procedures Act. After a handgun license has been
10 issued, the discovery of or the occurrence of any condition which
11 directly affects a person's eligibility for a handgun license as
12 provided by the provisions of Section 1290.9 or 1290.10 of this
13 title shall require a revocation of the license by the Bureau. The
14 discovery of or the occurrence of any condition pursuant to Section
15 1290.11 of this title, after a license has been issued, shall cause
16 a suspension of the handgun license for a period of time as
17 prescribed for the condition. Any provision of law that requires a
18 revocation of a handgun license upon a conviction shall cause the
19 Bureau to suspend the handgun license upon the discovery of the
20 arrest of the person for such offense until a determination of the
21 criminal case at which time the Bureau shall proceed with the
22 appropriate administrative action. A licensee may voluntarily
23 surrender a license to the Oklahoma State Bureau of Investigation at
24 any time. Such surrender of a handgun license will render the

1 license invalid. Nothing in this section may be interpreted to
2 prevent a subsequent new application for a license. The licensee
3 shall be informed and acknowledge in writing as follows:

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

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

9 3. By surrendering the license, the licensee shall forfeit all
10 fees paid to date.

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

23 C. Any law enforcement officer of this state shall confiscate a
24 handgun license in the possession of any person and return it to the

1 Oklahoma State Bureau of Investigation for appropriate
2 administrative proceedings against the licensee when the license is
3 no longer needed as evidence in any criminal proceeding, as follows:

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

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

7 3. For any violation of the provisions of the Oklahoma Self-
8 Defense Act; or

9 4. When the officer has been called to assist or is
10 investigating any situation which would be a preclusion to having a
11 handgun license; ~~or~~

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

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

24

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

5 1. The person whose license has been suspended applies for
6 reinstatement in accordance with the administrative rules of the
7 Bureau. The Bureau shall not charge any fee in conjunction with an
8 application for a license reinstatement. The person whose license
9 has been suspended must demonstrate that the condition or preclusion
10 which was the basis for the suspension has lapsed and is no longer
11 in effect; and

12 2. Any and all administrative fines assessed against the person
13 have been paid in full.

14 In the event a handgun license expires during the term of the
15 suspension, the person shall be required to apply for renewal of the
16 license in accordance with Section 1290.5 of this title.

17 SECTION 34. AMENDATORY 21 O.S. 2011, Section 1290.18, as
18 last amended by Section 1, Chapter 200, O.S.L. 2015 (21 O.S. Supp.
19 2015, Section 1290.18), is amended to read as follows:

20 Section 1290.18

21 APPLICATION FORM CONTENTS

22 The application shall be completed upon the sworn oath of the
23 applicant as provided in paragraph 5 of Section 1290.12 of this
24 title. The application form shall be provided by the Oklahoma State

1 Bureau of Investigation and shall contain the following information
2 in addition to any other information deemed relevant by the Bureau:

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

1 semiautomatic pistol, or some combination of derringer, revolver and
2 semiautomatic pistol and the maximum ammunition capacity of the
3 firearm shall be .45 caliber;

4 20. An acknowledgment that the applicant desires a handgun
5 license as a means of lawful self-defense and self-protection when
6 travelling outside the borders of this state and for no other intent
7 or purpose;

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

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

16 23. An authorization for the Oklahoma State Bureau of
17 Investigation to investigate the applicant and any or all records
18 relating to the applicant for purposes of approving or denying a
19 handgun license pursuant to the provisions of the Oklahoma Self-
20 Defense Act;

21 24. An acknowledgment that the applicant has been furnished a
22 copy of the Oklahoma Self-Defense Act and is knowledgeable about its
23 provisions;

24

1 25. A statement that the applicant is the identical person who
2 completed the firearms training course for which the original
3 training certificate is submitted as part of the application or a
4 statement that the applicant is the identical person who is exempt
5 from firearms training for which the original exemption certificate
6 is submitted as part of the application, whichever is applicable to
7 the applicant;

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

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

15 28. Two separate places for the original signature of the
16 applicant;

17 29. A place for attachment of a passport size photograph of the
18 applicant; and

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

21 Information provided by the person on an application for a
22 handgun license shall be confidential except to law enforcement
23 officers or law enforcement agencies.

24

1 SECTION 35. AMENDATORY 21 O.S. 2011, Section 1290.21, as
2 last amended by Section 6, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
3 2015, Section 1290.21), is amended to read as follows:

4 Section 1290.21

5 REPLACEMENT LICENSE

6 A. In the event a handgun license becomes missing, lost, stolen
7 or destroyed, the license shall be invalid, and the person to whom
8 the license was issued shall notify the Oklahoma State Bureau of
9 Investigation within thirty (30) days of the discovery of the fact
10 that the license is not in the possession of the licensee. The
11 person may obtain a substitute license upon furnishing a notarized
12 statement to the Bureau that the license is missing, lost, stolen or
13 destroyed and paying a fifteen-dollar replacement fee. During any
14 period when a license is missing, lost, stolen or destroyed, the
15 person shall have no authority to carry a ~~concealed or unconcealed~~
16 handgun when traveling outside the borders of this state pursuant to
17 the provisions of the Oklahoma Self-Defense Act. The Bureau shall,
18 upon receipt of the notarized statement and fee from the licensee,
19 issue a substitute license with the same expiration date within ten
20 (10) days of the receipt of the notarized statement and fee.

21 B. Any person who knowingly or intentionally carries a
22 ~~concealed or unconcealed~~ handgun pursuant to a handgun license
23 authorized and issued pursuant to the provisions of the Oklahoma
24 Self-Defense Act which is stolen shall, upon conviction, be guilty

1 of a felony punishable by a fine of Five Thousand Dollars
2 (\$5,000.00).

3 C. Any person having a valid handgun license pursuant to the
4 Oklahoma Self-Defense Act may carry any make or model of an
5 authorized pistol listed on the license, provided the type of pistol
6 shall not be other than the type or types listed on the license. A
7 person may complete additional firearms training for an additional
8 type of pistol during any license period and upon successful
9 completion of the training may request the additional type of pistol
10 be included on the license. The person shall submit to the Bureau a
11 fifteen-dollar replacement fee, the original certificate of training
12 and qualification for the additional type of firearm, and a
13 statement requesting the license be updated to include the
14 additional type of pistol. The Bureau shall issue an updated
15 license with the same expiration date within ten (10) days of the
16 receipt of the request. The person shall have no authority to carry
17 any additional type of pistol pursuant to the provisions of the
18 Oklahoma Self-Defense Act until the updated license has been
19 received by the licensee. The original license shall be destroyed
20 upon receipt of an updated handgun license.

21 D. A person may request during any license period an update for
22 a change of address or change of name by submitting to the Bureau a
23 fifteen-dollar replacement fee, and a notarized statement that the
24 address or name of the licensee has changed. The Bureau shall issue

1 an updated license with the same expiration date within ten (10)
2 days of receipt of the request. The original license shall be
3 destroyed upon the receipt of the updated handgun license.

4 SECTION 36. AMENDATORY 21 O.S. 2011, Section 1290.22, as
5 amended by Section 7, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015,
6 Section 1290.22), is amended to read as follows:

7 Section 1290.22

8 BUSINESS OWNER'S RIGHTS

9 A. Except as provided in subsection B of this section, nothing
10 contained in any provision of the Oklahoma Self-Defense Act shall be
11 construed to limit, restrict or prohibit in any manner the existing
12 rights of any person, property owner, tenant, employer, place of
13 worship or business entity to control the possession of weapons on
14 any property owned or controlled by the person or business entity.

15 B. No person, property owner, tenant, employer, place of
16 worship or business entity shall be permitted to establish any
17 policy or rule that has the effect of prohibiting any person, except
18 a convicted felon, from transporting and storing firearms in a
19 locked vehicle on any property set aside for any vehicle.

20 C. A property owner, tenant, employer, place of worship or
21 business entity may prohibit any person from carrying a ~~concealed or~~
22 ~~unconcealed~~ firearm on the property. If the building or property is
23 open to the public, the property owner, tenant, employer, place of
24

1 worship or business entity shall post signs on or about the property
2 stating such prohibition.

3 D. The carrying of a ~~concealed or unconcealed~~ firearm by a
4 person ~~who has been issued a handgun license~~ on property that has
5 signs prohibiting the carrying of firearms shall not be deemed a
6 criminal act but may subject the person to being denied entrance
7 onto the property or removed from the property. If the person
8 refuses to leave the property and a peace officer is summoned, the
9 person may be issued a citation for an amount not to exceed Two
10 Hundred Fifty Dollars (\$250.00).

11 E. A person, corporation, place of worship or any other
12 business entity that does or does not prohibit any individual except
13 a convicted felon from carrying a loaded or unloaded, ~~concealed or~~
14 ~~unconcealed~~ weapon on property that the person, corporation, place
15 of worship or other business entity owns, or has legal control of,
16 is immune from any liability arising from that decision. Except for
17 acts of gross negligence or willful or wanton misconduct, an
18 employer who does or does not prohibit their employees from carrying
19 a ~~concealed or unconcealed~~ weapon is immune from any liability
20 arising from that decision. The provisions of this subsection shall
21 not apply to claims pursuant to the Workers' Compensation Code.

22 SECTION 37. AMENDATORY 21 O.S. 2011, Section 1290.24, as
23 amended by Section 42, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
24 Section 1290.24), is amended to read as follows:

1 Section 1290.24

2 IMMUNITY

3 A. The state, its officers, agents and employees shall be
4 immune from liability resulting or arising from:

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

9 2. Any action or misconduct with a pistol committed by a person
10 to whom a license to carry a ~~concealed or unconcealed~~ handgun has
11 been issued or by any person who obtains a pistol from a licensee;

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

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

23 B. Firearms instructors certified by the Council on Law
24 Enforcement Education and Training to conduct training for the

1 Oklahoma Self-Defense Act shall be immune from liability to third
2 persons resulting or arising from any claim based on an act or
3 omission of a trainee.

4 SECTION 38. AMENDATORY 21 O.S. 2011, Section 1290.25, as
5 amended by Section 43, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
6 Section 1290.25), is 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 ~~concealed or unconcealed~~ handguns for lawful self-
12 defense and self-protection when traveling outside the borders of
13 this state, and further finds it necessary to occupy the field of
14 regulation of the bearing of ~~concealed or unconcealed~~ handguns to
15 ensure that no honest, law-abiding citizen who qualifies pursuant to
16 the provisions of the Oklahoma Self-Defense Act is subjectively or
17 arbitrarily denied his or her rights. The Legislature does not
18 delegate to the Oklahoma State Bureau of Investigation any authority
19 to regulate or restrict the issuing of handgun licenses except as
20 provided by the provisions of this act. Subjective or arbitrary
21 actions or rules which encumber the issuing process by placing
22 burdens on the applicant beyond those requirements detailed in the
23 provisions of the Oklahoma Self-Defense Act or which create
24 restrictions beyond those specified in this act are deemed to be in

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

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

19 SECTION 39. AMENDATORY 21 O.S. 2011, Section 1364, as
20 amended by Section 45, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
21 Section 1364), is amended to read as follows:

22 Section 1364.

23 DISCHARGING FIREARM

24

1 Every person who willfully discharges any pistol, rifle,
2 shotgun, airgun or other weapon, or throws any other missile in any
3 public place, or in any place where there is any person to be
4 endangered thereby, although no injury to any person shall ensue, is
5 guilty of a misdemeanor. ~~Any person convicted of a violation of the~~
6 ~~provisions of this section after having been issued a handgun~~
7 ~~license pursuant to the provisions of the Oklahoma Self-Defense Act~~
8 ~~shall have the license suspended for a period of six (6) months and~~
9 ~~shall be subject to an administrative fine of Fifty Dollars~~
10 ~~(\$50.00), upon a hearing and determination by the Oklahoma State~~
11 ~~Bureau of Investigation that the person is in violation of the~~
12 ~~provisions of this section.~~

13 SECTION 40. AMENDATORY 57 O.S. 2011, Section 21, as last
14 amended by Section 2, Chapter 226, O.S.L. 2015 (57 O.S. Supp. 2015,
15 Section 21), is amended to read as follows:

16 Section 21. A. Any person who, without authority, brings into
17 or has in his or her possession in any jail or state penal
18 institution or other place where prisoners are located, any gun,
19 knife, bomb or other dangerous instrument, any controlled dangerous
20 substance as defined by Section 2-101 et seq. of Title 63 of the
21 Oklahoma Statutes, any intoxicating beverage or low-point beer as
22 defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma
23 Statutes, money or financial documents for a person other than the
24 inmate or a spouse of the inmate, including but not limited to tax

1 returns, shall be guilty of a felony and, upon conviction, shall be
2 punished by imprisonment in the custody of the Department of
3 Corrections for a term of not less than one (1) year nor more than
4 five (5) years, or by a fine of not less than One Hundred Dollars
5 (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both
6 such fine and imprisonment. Provided, the provisions of this
7 subsection shall not prohibit any Department of Corrections employee
8 ~~who has a valid handgun license pursuant to the Oklahoma Self-~~
9 ~~Defense Act~~ to keep a firearm in a vehicle on any property set aside
10 for the parking of any vehicle, whether occupied or unoccupied, at
11 any state-owned prison facility, provided the employee has provided
12 annual notification to the Department of Corrections of the brand
13 name, model, serial number, and owner identification information of
14 the firearm, and the firearm is secured and stored in a locked metal
15 storage container located in a locked vehicle. The storage
16 container will be secured in the vehicle by a lockable chain or
17 cable or by utilizing hardware provided by the manufacturer.

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

23 C. If the person found to be in possession of any item
24 prohibited by this section has committed, prior to the commission of

1 an offense in violation of this section, two or more felony
2 offenses, and the possession of contraband in violation of this
3 section is within ten (10) years of the completion of the execution
4 of the sentence for any prior offense, such person, upon conviction,
5 shall be guilty of a felony and shall be punished by imprisonment in
6 the custody of the Department of Corrections for a term of not less
7 than twenty (20) years. Felony offenses relied upon shall not have
8 arisen out of the same transaction or occurrence or series of events
9 closely related in time and location.

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

18 E. Any person who knowingly, willfully and without authority
19 brings into or has in his or her possession in any secure area of a
20 jail or state penal institution or other secure place where
21 prisoners are located any cellular phone or electronic device
22 capable of sending or receiving any electronic communication shall,
23 upon conviction, be guilty of a felony punishable by imprisonment in
24 the custody of the Department of Corrections for a term not

1 exceeding two (2) years, or by a fine not exceeding Two Thousand
2 Five Hundred Dollars (\$2,500.00), or by both such fine and
3 imprisonment.

4 F. Any electronic communication device which has no
5 identifiable owner and which is seized as a result of a violation of
6 this section may be disposed of or sold by the agency that seized
7 the device.

8 G. "Electronic communication" means any transfer of signs,
9 signals, writings, images, sounds, data or intelligence of any
10 nature transmitted in whole or part by a wire, radio,
11 electromagnetic, photo-electronic or photo-optical system, and
12 includes, but is not limited to, the transfer of that communication
13 through the Internet.

14 SECTION 41. AMENDATORY Section 3, Chapter 407, O.S.L.
15 2013, as amended by Section 2, Chapter 373, O.S.L. 2014 (59 O.S.
16 Supp. 2015, Section 1350.2), is amended to read as follows:

17 Section 1350.2 A. On and after February 1, 2015, no person
18 shall act or engage in, solicit or offer services, or represent
19 himself or herself, as a bail enforcer as defined by the Bail
20 Enforcement and Licensing Act without first having been issued a
21 valid license by the Council on Law Enforcement Education and
22 Training.

23 B. On or after February 1, 2015, any person who shall act or
24 engage in, solicit or offer services, or represent himself or

1 herself, as a bail enforcer without a valid license issued by the
2 Council shall be guilty of a felony, upon conviction, punishable by
3 a fine in an amount not exceeding Ten Thousand Dollars (\$10,000.00),
4 or by imprisonment in the custody of the Department of Corrections
5 for a term of not more than three (3) years, or by both such fine
6 and imprisonment.

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

16 SECTION 42. AMENDATORY 63 O.S. 2011, Section 2-110, as
17 amended by Section 46, Chapter 259, O.S.L. 2012 (63 O.S. Supp. 2015,
18 Section 2-110), is amended to read as follows:

19 Section 2-110. The Director of the Oklahoma State Bureau of
20 Narcotics and Dangerous Drugs Control may employ attorneys, who
21 shall be unclassified employees of the state, or contract with
22 attorneys, as needed. These attorneys may advise the Director, the
23 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
24 Commission and Bureau personnel on all legal matters and shall

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

21 SECTION 43. AMENDATORY 63 O.S. 2011, Section 4210.3, as
22 amended by Section 47, Chapter 259, O.S.L. 2012 (63 O.S. Supp. 2015,
23 Section 4210.3), is amended to read as follows:

24

1 Section 4210.3 It shall be unlawful to transport a shotgun,
2 rifle or pistol in or to discharge such weapons from a vessel,
3 except for the purposes of hunting animals or fowl, and in
4 compliance with existing state and federal laws. Anyone violating
5 the provisions of this section, upon conviction, shall be guilty of
6 a misdemeanor and shall be punished by a fine of not less than Fifty
7 Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00), or
8 by imprisonment in the county jail for not less than ten (10) days
9 and not more than six (6) months, or by both such fine and
10 imprisonment. ~~Any person in possession of a valid handgun license~~
11 ~~from this state or a reciprocal state authorized by the Oklahoma~~
12 ~~Self-Defense Act shall not be deemed guilty of transporting a pistol~~
13 ~~in violation of this section when a handgun is carried concealed or~~
14 ~~unconcealed upon or about their person in compliance with the~~
15 ~~provisions of the Oklahoma Self-Defense Act.~~

16 SECTION 44. REPEALER 21 O.S. 2011, Sections 1290.4, as
17 amended by Section 25, Chapter 259, O.S.L. 2012, 1290.6, as amended
18 by Section 27, Chapter 259, O.S.L. 2012 and 1290.8, as last amended
19 by Section 4, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015, Sections
20 1290.4, 1290.6 and 1290.8), are hereby repealed.

21 SECTION 45. This act shall become effective November 1, 2016.

22
23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/22/2016 -
24 DO PASS, As Amended and Coauthored.