

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2597

7 By: Echols, Mize, Crosswhite
8 Hader, Townley, McDugle,
9 Roberts (Sean), Olsen,
10 Gann, West (Kevin),
11 Steagall, **Moore, Humphrey,**
12 **McBride, Hasenbeck,**
13 **Patzkowsky, Cornwell,** and
14 **Hilbert** of the House

15 and

16 **David** and **Dahm** of the
17 Senate

18 COMMITTEE SUBSTITUTE

19 An Act relating to firearms; amending 21 O.S. 2011,
20 Section 1272, as last amended by Section 1, Chapter
21 68, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1272),
22 which relates to the unlawful carry of firearms;
23 adding exception to certain prohibited act; amending
24 21 O.S. 2011, Section 1277, as last amended by
Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp.
2018, Section 1277), which relates to the unlawful
carry of firearms in certain places; expanding scope
of crime to include certain persons; updating handgun
references; clarifying construing provision related
to the possession of firearms on certain property;
expanding scope of certain prohibited act on
university property; amending 21 O.S. 2011, Section
1283, as last amended by Section 1, Chapter 179,
O.S.L. 2014 (21 O.S. Supp. 2018, Section 1283), which
relates to penalties for unlawfully carrying firearms

1 by convicted felons and delinquents; making certain
2 act unlawful; providing penalties; amending 21 O.S.
3 2011, Sections 1289.6, as last amended by Section 1,
4 Chapter 268, O.S.L. 2016, 1289.7, as amended by
5 Section 12, Chapter 259, O.S.L. 2012, 1289.13, as
6 amended by Section 18, Chapter 259, O.S.L. 2012,
7 1289.13A, as amended by Section 19, Chapter 259,
8 O.S.L. 2012 and 1289.24, as last amended by Section
9 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2018,
10 Sections 1289.6, 1289.7, 1289.13, 1289.13A and
11 1289.24), which relate to the Oklahoma Firearms Act
12 of 1971; clarifying manner by which firearms may be
13 lawfully carried; adding condition that allows for
14 firearms to be lawfully carried; deleting certain
15 conditions related to the carrying of unloaded
16 firearms; clarifying manner by which firearms may be
17 transported in motor vehicles; deleting certain
18 definition; making certain acts unlawful; providing
19 penalties; deleting statutory references and
20 references to certain act; clarifying scope of
21 certain prohibited act; modifying statutory
22 reference; expanding scope of certain prohibited act;
23 making issuance of citation discretionary; modifying
24 firearm confiscation requirements; changing statutory
reference in state preemption requirements; amending
21 O.S. 2011, Sections 1290.1, 1290.7, as last
amended by Section 3, Chapter 366, O.S.L. 2013,
1290.8, as last amended by Section 3, Chapter 68,
O.S.L. 2018 and 1290.22, as last amended by Section
1, Chapter 358, O.S.L. 2017 (21 O.S. Supp. 2018,
Sections 1290.7, 1290.8 and 1290.22), which relate to
the Oklahoma Self-Defense Act; updating statutory
references; providing construing provision related to
the carrying of handguns or pistols without a handgun
license; deleting penalty for certain prohibited act;
clarifying firearm notification requirements; making
penalty for certain prohibited act discretionary;
clarifying scope of certain prohibited act; and
providing an effective date.

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

1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
2 last amended by Section 1, Chapter 68, O.S.L. 2018 (21 O.S. Supp.
3 2018, Section 1272), is amended to read as follows:

4 Section 1272.

5 UNLAWFUL CARRY

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

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

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

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

20 4. The carrying or use of weapons in a courthouse by a district
21 judge, associate district judge or special district judge within
22 this state, who is in possession of a valid handgun license issued
23 pursuant to the provisions of the Oklahoma Self-Defense Act and
24

1 whose name appears on a list maintained by the Administrative
2 Director of the Courts; ~~or~~

3 5. The carrying and use of firearms and other weapons provided
4 in this subsection when used for the purpose of living history
5 reenactment. For purposes of this paragraph, "living history
6 reenactment" means depiction of historical characters, scenes,
7 historical life or events for entertainment, education, or
8 historical documentation through the wearing or use of period,
9 historical, antique or vintage clothing, accessories, firearms,
10 weapons, and other implements of the historical period; or

11 6. The carrying of a firearm, concealed or unconcealed, loaded
12 or unloaded, by a person who is twenty-one (21) years of age or
13 older or by a person who is eighteen (18) years of age but not yet
14 twenty-one (21) years of age and the person is a member or veteran
15 of the United States Armed Forces, Reserves or National Guard or was
16 discharged under honorable conditions from the United States Armed
17 Forces, Reserves or National Guard, and the person is otherwise not
18 disqualified from the possession or purchase of a firearm under
19 state or federal law and is not carrying the firearm in furtherance
20 of a crime.

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

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

16 shall be prohibited from carrying a firearm under the provisions of
17 this paragraph. Any person who carries a firearm in the manner
18 provided for in this paragraph shall be prohibited from carrying the
19 firearm into any of the places prohibited in subsection A of Section
20 1277 of this title or any other place currently prohibited by law.
21 Nothing in this section shall modify or otherwise change where a
22 person may legally carry a firearm.

23

24

1 B. Any person convicted of violating the foregoing provision
2 shall be guilty of a misdemeanor punishable as provided in Section
3 1276 of this title.

4 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
5 last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp.
6 2018, Section 1277), is amended to read as follows:

7 Section 1277.

8 UNLAWFUL CARRY IN CERTAIN PLACES

9 A. It shall be unlawful for any person, including a person in
10 possession of a valid handgun license issued pursuant to the
11 provisions of the Oklahoma Self-Defense Act, to carry any concealed
12 or unconcealed handgun into any of the following places:

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

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

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

24

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

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

5 6. Any other place specifically prohibited by law.

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

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

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

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

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

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

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

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

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

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

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

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

17 E. Any person violating the provisions of paragraph 2 or 3 of
18 subsection A of this section shall, upon conviction, be guilty of a
19 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
20 Dollars (\$250.00). A person violating any other provision of
21 subsection A of this section may be denied entrance onto the
22 property or removed from the property. If the person refuses to
23 leave the property and a peace officer is summoned, the person may
24

1 be issued a citation for an amount not to exceed Two Hundred Fifty
2 Dollars (\$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 or who
5 is carrying or in possession of a handgun as otherwise permitted by
6 law or who is carrying or in possession of a blackjack, loaded cane,
7 hand chain or metal knuckles shall be authorized to carry the
8 handgun, blackjack, loaded cane, hand chain or metal knuckles into
9 or upon any college, university or technology center school
10 property, except as provided in this subsection. For purposes of
11 this subsection, the following property shall not be construed ~~as~~
12 ~~prohibited for persons having a valid handgun license~~ to be college,
13 university or technology center school property:

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

22 2. Any property authorized for possession or use of handguns,
23 blackjacks, loaded canes, hand chains or metal knuckles by college,
24 university or technology center school policy; and

1 3. Any property authorized by the written consent of the
2 college or university president or technology center school
3 administrator, provided the written consent is carried with the
4 handgun, blackjack, loaded cane, hand chain or metal knuckles and
5 the valid handgun license while on college, university or technology
6 center school property.

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

16 Nothing contained in any provision of this subsection shall be
17 construed to authorize or allow any college, university or
18 technology center school to establish any policy or rule that has
19 the effect of prohibiting any person in lawful possession of a
20 handgun license or any person in lawful possession of a handgun,
21 blackjack, loaded cane, hand chain or metal knuckles from possession
22 of a handgun ~~allowable under such license,~~ blackjack, loaded cane,
23 hand chain or metal knuckles in places described in paragraphs 1, 2
24 and 3 of this subsection. Nothing contained in any provision of

1 this subsection shall be construed to limit the authority of any
2 college, university or technology center school in this state from
3 taking administrative action against any student for any violation
4 of any provision of this subsection.

5 G. The provisions of this section shall not apply to the
6 following:

7 1. Any peace officer or any person authorized by law to carry a
8 ~~pistol~~ firearm in the course of employment;

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

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

17 4. Elected officials of a county, who are in possession of a
18 valid handgun license issued pursuant to the provisions of the
19 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
20 in the performance of their duties within the courthouses of the
21 county in which he or she was elected. The provisions of this
22 paragraph shall not allow the elected county official to carry the
23 handgun into a courtroom;

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

13 6. The board of county commissioners of any county may
14 authorize certain employees of the county, who possess a valid
15 handgun license issued pursuant to the provisions of the Oklahoma
16 Self-Defense Act, to carry a concealed handgun when acting in the
17 course and scope of employment on county annex facilities or grounds
18 surrounding the county courthouse.

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

21 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1283, as
22 last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.
23 2018, Section 1283), is amended to read as follows:

24 Section 1283.

1 CONVICTED FELONS AND DELINQUENTS

2 A. Except as provided in subsection B of this section, it shall
3 be unlawful for any person convicted of any felony in any court of
4 this state or of another state or of the United States to have in
5 his or her possession or under his or her immediate control, or in
6 any vehicle which the person is operating, or in which the person is
7 riding as a passenger, or at the residence where the convicted
8 person resides, any pistol, imitation or homemade pistol, altered
9 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
10 other dangerous or deadly firearm.

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

21 C. It shall be unlawful for any person serving a term of
22 probation for any felony in any court of this state or of another
23 state or of the United States or under the jurisdiction of any
24 alternative court program to have in his or her possession or under

1 his or her immediate control, or at his or her residence, or in any
2 passenger vehicle which the person is operating or is riding as a
3 passenger, any pistol, shotgun or rifle, including any imitation or
4 homemade pistol, altered air or toy pistol, shotgun or rifle, while
5 such person is subject to supervision, probation, parole or inmate
6 status.

7 D. It shall be unlawful for any person previously adjudicated
8 as a delinquent child or a youthful offender for the commission of
9 an offense, which would have constituted a felony offense if
10 committed by an adult, to have in the possession of the person or
11 under the immediate control of the person, or have in any vehicle
12 which he or she is driving or in which the person is riding as a
13 passenger, or at the residence of the person, any pistol, imitation
14 or homemade pistol, altered air or toy pistol, machine gun, sawed-
15 off shotgun or rifle, or any other dangerous or deadly firearm
16 within ten (10) years after such adjudication; provided, that
17 nothing in this subsection shall be construed to prohibit the
18 placement of the person in a home with a full-time duly appointed
19 peace officer who is certified by the Council on Law Enforcement
20 Education and Training (CLEET) pursuant to the provisions of Section
21 3311 of Title 70 of the Oklahoma Statutes.

22 E. It shall be unlawful for any person who is an alien
23 illegally or unlawfully in the United States to have in the
24 possession of the person or under the immediate control of the

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

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

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

24

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

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

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

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

14 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.6, as
15 last amended by Section 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp.
16 2018, Section 1289.6), is amended to read as follows:

17 Section 1289.6

18 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

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

- 23 1. When hunting animals or fowl;
- 24

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

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

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

16 5. During a practice for or a performance for entertainment
17 purposes;

18 6. As provided for in subsection A of Section 1272 of this
19 title; or

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

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1 ~~7. For any legitimate purpose not in violation of the Oklahoma~~
2 ~~Firearms Act of 1971 or any legislative enactment regarding the use,~~
3 carrying, ownership and control of firearms.

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

8 ~~1. When and when going to or from the person's private~~
9 ~~residence or vehicle or a vehicle in which the person is riding as a~~
10 ~~passenger to a place designated or authorized for firearms repairs~~
11 ~~or reconditioning, or for firearms trade, sale, or barter, or~~
12 ~~gunsmith, or hunting animals or fowl, or hunter safety course, or~~
13 ~~target shooting, or skeet or trap shooting or any recognized~~
14 ~~firearms activity or event and while in such places; or~~

15 ~~2. For any legitimate purpose not in violation of the Oklahoma~~
16 ~~Firearms Act of 1971.~~

17 C. The provisions of this section shall not be construed to
18 prohibit educational or recreational activities, exhibitions,
19 displays or shows involving the use or display of rifles, shotguns
20 or pistols or other weapons if the activity is approved by the
21 property owner and sponsor of the activity.

22 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1289.7, as
23 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018,
24 Section 1289.7), is amended to read as follows:

1 Section 1289.7

2 FIREARMS IN VEHICLES

3 A. Any person, ~~except a convicted felon,~~ who is not otherwise
4 prohibited by law from possessing a firearm may transport in a motor
5 vehicle a ~~rifle, shotgun or pistol~~ or handgun, ~~open and loaded or~~
6 ~~unloaded,~~ at any time. ~~For purposes of this section "open" means~~
7 ~~the firearm is transported in plain view, in a case designed for~~
8 ~~carrying firearms, which case is wholly or partially visible, in a~~
9 ~~gun rack mounted in the vehicle, in an exterior locked compartment~~
10 ~~or a trunk of a vehicle.~~

11 B. Any person, ~~except a convicted felon,~~ who is not otherwise
12 prohibited by law from possessing a firearm may transport in a motor
13 vehicle a rifle or shotgun open or ~~concealed behind a seat of the~~
14 ~~vehicle or within the interior of the vehicle,~~ provided the rifle or
15 shotgun is ~~not clip, magazine or chamber loaded.~~ ~~The authority to~~
16 ~~transport a clip or magazine loaded rifle or shotgun shall be~~
17 transported pursuant to the requirements of Section 1289.13 of this
18 title.

19 C. Any person who is the operator of a motor vehicle or is a
20 passenger in any motor vehicle wherein another person who is
21 licensed pursuant to the Oklahoma Self-Defense Act or is otherwise
22 permitted by law to carry a handgun, concealed or unconcealed, and
23 is carrying a handgun or has the handgun in such vehicle, shall not
24 be deemed in violation of the provisions of this section provided

1 the licensee or person permitted by law is in or near the motor
2 vehicle.

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

10 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.13, as
11 amended by Section 18, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018,
12 Section 1289.13), is amended to read as follows:

13 Section 1289.13

14 TRANSPORTING A LOADED FIREARM

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

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

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

10 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
11 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018,
12 Section 1289.13A), is amended to read as follows:

13 Section 1289.13A

14 IMPROPER TRANSPORTATION OF FIREARMS

15 A. Notwithstanding the provisions of Section 1272 or ~~1289.13~~
16 1289.7 of this title, any person stopped pursuant to a moving
17 traffic violation who is transporting a loaded pistol in the motor
18 vehicle without a valid handgun license authorized by the Oklahoma
19 Self-Defense Act or valid license from another state, or in
20 violation of any law related to the carrying or transporting of
21 firearms, whether the loaded firearm is concealed or unconcealed in
22 the vehicle, ~~shall~~ may be issued a traffic citation in the amount of
23 Seventy Dollars (\$70.00), plus court costs for transporting a
24 firearm improperly. In addition to the traffic citation provided in

1 this section, the person may also be arrested for any other
2 violation of law.

3 B. ~~When the arresting officer determines that a valid handgun~~
4 ~~license exists, pursuant to the Oklahoma Self-Defense Act or any~~
5 ~~provision of law from another state, for any person in the stopped~~
6 ~~vehicle, any firearms permitted to be~~ Any firearm lawfully carried
7 or transported as permitted pursuant to ~~that license~~ state law shall
8 not be confiscated, unless:

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

14 2. The officer has probable cause to believe the weapon is:
15 a. contraband, or
16 b. a firearm used in the commission of a crime other than
17 a violation of subsection A of this section.

18 C. Nothing in this section shall be construed to require
19 confiscation of any firearm.

20 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1289.24, as
21 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.
22 2018, Section 1289.24), is amended to read as follows:

23 Section 1289.24

24 FIREARM REGULATION - STATE PREEMPTION

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

9 2. A municipality may adopt any ordinance:

10 a. relating to the discharge of firearms within the
11 jurisdiction of the municipality, and

12 b. allowing the municipality to issue a traffic citation
13 for transporting a firearm improperly as provided for
14 in Section 1289.13A of this title, provided, however,
15 that penalties contained for violation of any
16 ordinance enacted pursuant to the provisions of this
17 subparagraph shall not exceed the penalties
18 established in the Oklahoma Self-Defense Act.

19 3. As provided in the preemption provisions of this section,
20 the otherwise lawful ~~open~~ carrying or possession of a ~~handgun~~
21 firearm under the provisions of ~~the Oklahoma Self-Defense Act~~
22 Chapter 53 of this title shall not be punishable by any municipality
23 or other political subdivision of this state as disorderly conduct,
24 disturbing the peace or similar offense against public order.

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

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

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

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

23 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1290.1, is
24 amended to read as follows:

1 Section 1290.1

2 SHORT TITLE

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

5 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.7, as
6 last amended by Section 3, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
7 2018, Section 1290.7), is amended to read as follows:

8 Section 1290.7

9 CONSTRUING AUTHORITY OF LICENSE

10 A. The authority to carry a concealed or unconcealed handgun
11 pursuant to a valid handgun license as authorized by the provisions
12 of the Oklahoma Self-Defense Act shall not be construed to authorize
13 any person to:

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

16 2. Carry or possess any pistol in any manner or in any place
17 otherwise prohibited by law;

18 3. Carry or possess any prohibited ammunition or any illegal,
19 imitation or homemade pistol;

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

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

24

1 b. a member of the Reserve or National Guard to include
2 Drill Status Guard and Reserve, Active Guard Reserves
3 or Military Technicians,
4 and presents a valid military identification card that shall be
5 considered a valid handgun license issued pursuant to the Oklahoma
6 Self-Defense Act.

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

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

1 card as provided for qualified persons in this section in response
2 to that demand. Any violation of the provisions of this subsection
3 may be punishable as a criminal offense as authorized by Section
4 1272 of this title or pursuant to any other applicable provision of
5 law. ~~Any second or subsequent violation of the provisions of this~~
6 ~~subsection shall be grounds for the Bureau to suspend the handgun~~
7 ~~license for a period of six (6) months, in addition to any other~~
8 ~~penalty imposed.~~

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

23 D. It shall be unlawful for any person to fail or refuse to
24 identify the fact that the person is in actual possession of a

1 concealed or unconcealed ~~handgun~~ firearm pursuant to the authority
2 of the Oklahoma Self-Defense Act ~~when the person comes into contact~~
3 ~~with any law enforcement officer of this state or its political~~
4 ~~subdivisions or a federal law enforcement officer~~ during the course
5 of any arrest, detainment, or routine traffic stop. Said
6 identification to the law enforcement officer shall be ~~made at~~
7 required upon the first opportunity demand of the law enforcement
8 officer. No person shall be required to identify himself or herself
9 as a handgun licensee or as lawfully in possession of any other
10 firearm if the law enforcement officer does not demand the
11 information. No person shall be required to identify himself or
12 herself as a handgun licensee when no handgun is in the possession
13 of the person or in any vehicle in which the person is driving or is
14 a passenger. Any violation of the provisions of this subsection
15 ~~shall, upon conviction, may be a misdemeanor punishable by a fine~~
16 issued a citation for an amount not exceeding One Hundred Dollars
17 (\$100.00).

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

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

4 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1290.22, as
5 last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp.
6 2018, Section 1290.22), is amended to read as follows:

7 Section 1290.22

8 BUSINESS OWNER'S RIGHTS

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

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

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

1 open to the public, the property owner, tenant, employer, place of
2 worship or business entity shall post signs on or about the property
3 stating such prohibition.

4 D. No person, property owner, tenant, employer, holder of an
5 event permit, place of worship or business entity shall be permitted
6 to establish any policy or rule that has the effect of prohibiting
7 any person from carrying a concealed or unconcealed firearm on
8 property within the specific exclusion provided for in paragraph 4
9 of subsection B of Section 1277 of this title; provided that
10 carrying a concealed or unconcealed firearm may be prohibited in the
11 following places:

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

16 2. Any public property sports field, including any adjacent
17 seating or adjacent area set aside for viewing a sporting event,
18 where an elementary or secondary school, collegiate, or professional
19 sporting event or an International Olympic Committee or organization
20 or any committee subordinate to the International Olympic Committee
21 event is being held;

22 3. The fairgrounds during the Oklahoma State Fair or the Tulsa
23 State Fair; and

24

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

4 E. The otherwise lawful carrying of a concealed or unconcealed
5 firearm by a person ~~who has been issued a handgun license~~ on
6 property that has signs prohibiting the carrying of firearms shall
7 not be deemed a criminal act but may subject the person to being
8 denied entrance onto the property or removed from the property. If
9 the person ~~refuses~~:

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

13 2. Refuses to leave the property and a peace officer is
14 summoned,
15 the person may ~~be issued a citation for an amount not to exceed Two~~
16 ~~Hundred Fifty Dollars (\$250.00)~~ be punished as provided in Section
17 1276 of this title.

18 F. A person, property owner, tenant, employer, holder of an
19 event permit, place of worship or business entity that does or does
20 not prohibit any individual, except a convicted felon, from carrying
21 a loaded or unloaded, concealed or unconcealed weapon on property
22 that the person, property owner, tenant, employer, holder of an
23 event permit, place of worship or business entity owns, or has legal
24 control of, is immune from any liability arising from that decision.

1 Except for acts of gross negligence or willful or wanton misconduct,
2 an employer who does or does not prohibit ~~their~~ his or her employees
3 from carrying a concealed or unconcealed weapon is immune from any
4 liability arising from that decision. A person, property owner,
5 tenant, employer, holder of an event permit, place of worship or
6 business entity that does not prohibit persons from carrying a
7 concealed or unconcealed weapon pursuant to subsection D of this
8 section shall be immune from any liability arising from the carrying
9 of a concealed or unconcealed weapon, while in the scope of
10 employment, on the property or in or about a business entity
11 vehicle. The provisions of this subsection shall not apply to
12 claims pursuant to the Administrative Workers' Compensation Act.

13 G. It shall not be considered part of an employee's job
14 description or within the employee's scope of employment if an
15 employee is allowed to carry or discharge a weapon pursuant to this
16 section.

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

22
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24

SECTION 13. This act shall become effective November 1, 2019.

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/11/2019 -
DO PASS, As Amended and Coauthored.