

# An Act

ENROLLED SENATE  
BILL NO. 24

By: Bergstrom of the Senate

and

Steagall and Roberts (Sean)  
of the House

An Act relating to definitions of firearms; amending 21 O.S. 2011, Section 1289.3, as amended by Section 1, Chapter 13, O.S.L. 2017 (21 O.S. Supp. 2018, Section 1289.3), which relates to definitions of pistols or handguns in the Oklahoma Firearms Act of 1971; modifying inclusions; excluding firearms with a certain length; amending 21 O.S. 2011, Section 1289.5, which relates to definitions of shotguns in the Oklahoma Firearms Act of 1971; modifying language; amending 21 O.S. 2011, Section 1289.18, which relates to definitions; modifying language; stating certain exception to definitions; amending 21 O.S. 2011, Section 1290.2, as last amended by Section 2, Chapter 13, O.S.L. 2017 (21 O.S. Supp. 2018, Section 1290.2), which relates to definitions; modifying language; providing certain definition; and providing an effective date.

SUBJECT: Firearm definitions

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.3, as amended by Section 1, Chapter 13, O.S.L. 2017 (21 O.S. Supp. 2018, Section 1289.3), is amended to read as follows:

Section 1289.3.

DEFINITIONS FOR FIREARMS ACT

"Pistols" or "handguns" as used in the Oklahoma Firearms Act of 1971 and the Oklahoma Self-Defense Act shall mean any firearm capable of discharging single or multiple projectiles from a single round of ammunition composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than sixteen (16) inches in length, and using a combustible propellant charge, but not to include any firearm with an overall length of twenty-six (26) inches or more, flare guns, underwater fishing guns or blank pistols.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.5, is amended to read as follows:

Section 1289.5.

DEFINITIONS FOR FIREARMS ACT

"Shotguns" as used in the Oklahoma Firearms Act of 1971, ~~Sections 1289.1 through 1289.17 of this title,~~ shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than eighteen (18) inches in length, and using ~~either gunpowder, gas or any means of rocket propulsion~~ a combustible propellant charge, but not to include any weapon so designed with a barrel less than eighteen (18) inches in length unless the overall length of the firearm is twenty-six (26) inches or more. In addition, any "shotgun" capable of firing single projectiles but primarily designed to fire multiple projectiles such as "shot" will be regarded as a "shotgun".

SECTION 3. AMENDATORY 21 O.S. 2011, Section 1289.18, is amended to read as follows:

Section 1289.18.

DEFINITIONS

A. "Sawed-off shotgun" shall mean any firearm capable of discharging a series of projectiles of any material which may

reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than eighteen (18) inches in length, and using ~~either gunpowder, gas or any means of rocket propulsion a~~ combustible propellant charge, but does not include any weapon so designed with a barrel less than eighteen (18) inches in length, provided it has an overall length of twenty-six (26) inches or more.

B. "Sawed-off rifle" shall mean any rifle having a barrel or barrels of less than sixteen (16) inches in length or any weapon made from a rifle (whether by alteration, modification, or otherwise) if such a weapon as modified has an overall length of less than twenty-six (26) inches in length, including the stock portion.

C. Every person who knowingly has in his possession or under his immediate control a sawed-off shotgun or a sawed-off rifle, whether concealed or not, shall upon conviction be guilty of a felony for the possession of such device, and shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or imprisonment in the State Penitentiary for a period not to exceed two (2) years, or both such fine and imprisonment.

D. ~~It is a defense to prosecution under this section, if the approved application form that authorized the making or transfer of the particular firearm to the defendant, which indicates the registration of the firearm to said defendant pursuant to the National Firearm's Act, is introduced~~ This section shall not apply to any firearm that is lawfully possessed under federal law or that is otherwise not regulated as a "firearm" pursuant to the National Firearms Act.

E. The term "firearm" as used in this section and in the Oklahoma Firearms Act of 1971, shall not include an "antique firearm" as defined in 18 U.S.C., Section 921 (2006).

SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.2, as last amended by Section 2, Chapter 13, O.S.L. 2017 (21 O.S. Supp. 2018, Section 1290.2), is amended to read as follows:

Section 1290.2.

#### DEFINITIONS

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

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

2. "Unconcealed handgun" or "open carry" means a loaded or unloaded pistol or handgun carried upon the person in a holster where the firearm is visible, or carried upon the person using a scabbard, sling or case designed for carrying firearms; and

3. "Pistol" or "handgun" ~~means any derringer, revolver or semiautomatic firearm which:~~

~~a. has an overall barrel or barrels length of less than sixteen (16) inches,~~

~~b. is capable of discharging single or multiple projectiles from a single round of ammunition composed of any material which may reasonably be expected to be able to cause lethal injury,~~

~~c. can be held and fired by the use of one or both hands, and~~

~~d. uses a combustible propellant charge to propel the projectile or projectiles~~ shall have the same definition as provided in the Oklahoma Firearms Act of 1971, defined in Section 1289.3 of this title.

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

SECTION 5. This act shall become effective November 1, 2019.

Passed the Senate the 6th day of March, 2019.

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Presiding Officer of the Senate

Passed the House of Representatives the 9th day of April, 2019.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_