

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3897

By: Lowe

4
5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,
8 Section 1272, as last amended by Section 1, Chapter
9 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1272),
10 which relates to the carry of firearms by certain
11 persons; prohibiting the carrying of certain weapons;
12 and providing an effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
15 last amended by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
16 2019, Section 1272), is amended to read as follows:

Section 1272.

17 UNLAWFUL CARRY

18 A. Notwithstanding any other provision of law, it shall be
19 unlawful for any person to carry upon or about his or her person, or
20 in a purse or other container belonging to the person, any pistol,
21 revolver, shotgun or rifle whether loaded or unloaded or any
22 blackjack, loaded cane, hand chain, metal knuckles, or any other
23 offensive weapon, whether such weapon be concealed or unconcealed,
24 except this section shall not prohibit:

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

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

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

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

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

23 6. The carrying of a firearm, concealed or unconcealed, loaded
24 or unloaded, by a person who is twenty-one (21) years of age or

1 older or by a person who is eighteen (18) years of age but not yet
2 twenty-one (21) years of age and the person is a member or veteran
3 of the United States Armed Forces, Reserves or National Guard or was
4 discharged under honorable conditions from the United States Armed
5 Forces, Reserves or National Guard, and the person is otherwise not
6 disqualified from the possession or purchase of a firearm under
7 state or federal law and is not carrying the firearm in furtherance
8 of a crime.

9 Except as provided in subsection B of Section 1283 of this
10 title, a person who has been convicted of any one of the following
11 offenses in this state or a violation of the equivalent law of
12 another state:

- 13 a. assault and battery pursuant to the provisions of
14 Section 644 of this title which caused serious
15 physical injury to the victim,
- 16 b. aggravated assault and battery pursuant to the
17 provisions of Section 646 of this title,
- 18 c. assault and battery that qualifies as domestic abuse
19 as defined in Section 644 of this title,
- 20 d. stalking pursuant to the provisions of Section 1173 of
21 this title,
- 22 e. a violation of an order issued under the Protection
23 from Domestic Abuse Act or a domestic abuse protection
24 order issued by another state, or

1 f. a violation relating to illegal drug use or possession
2 under the provisions of the Uniform Controlled
3 Dangerous Substances Act,
4 shall be prohibited from carrying a firearm under the provisions of
5 this paragraph. Any person who carries a firearm in the manner
6 provided for in this paragraph shall be prohibited from carrying the
7 firearm into any of the places prohibited in subsection A of Section
8 1277 of this title or any other place currently prohibited by law.
9 Nothing in this section shall modify or otherwise change where a
10 person may legally carry a firearm. As used within the provisions
11 of this paragraph only, the term "firearm" shall not include and
12 specifically excludes rifles, as such term is defined in Section
13 1289.4 of this title, and shotguns, as such term is defined in
14 Section 1289.5 of this title.

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

18 SECTION 2. This act shall become effective November 1, 2020.

19
20 57-2-10302 GRS 01/07/20
21
22
23
24