

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1400

By: Dahm

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2011, Section 1290.2, as last amended by Section 4, Chapter 63, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1290.2), which relates to definitions; modifying definitions; providing definition; amending 21 O.S. 2011, Section 1290.4, as amended by Section 25, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019, Section 1290.4), which relates to unlawful carry; clarifying who can lawfully carry; amending 21 O.S. 2011, Section 1290.6, as amended by Section 27, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019, Section 1290.6), which relates to prohibited ammunition; clarifying language; removing certain administrative fine; amending 21 O.S. 2011, Section 1290.7, as last amended by Section 10, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1290.7), which relates to construing authority of license; clarifying language; updating statutory references; amending 21 O.S. 2011, Section 1290.8, as last amended by Section 4, Chapter 406, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1290.8), which relates to possession of license required; modifying language; amending 21 O.S. 2011, Section 1290.26, as last amended by Section 4, Chapter 298, O.S.L. 2017 (21 O.S. Supp. 2019, Section 1290.26), which relates to reciprocal agreement authority; modifying language; amending 21 O.S. 2011, Section 1289.2, which relates to legislative findings for Firearms Act; clarifying findings; amending 21 O.S. 2011, Section 1290.25, as amended by Section 43, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019, Section 1290.25), which relates to legislative intent; modifying language; updating statutory references; amending 21 O.S. 2011, Section 1272, as last amended by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1272), which relates to unlawful carry;



1 3. "Pistol" or "handgun" shall have the same definition as  
2 provided in ~~the Oklahoma Firearms Act of 1971, defined in Section~~  
3 1289.3 of this title; and

4 4. For general purposes of carry concealed or unconcealed,  
5 pistols, handguns, rifles, shotguns and all other lawful firearms  
6 are defined as "firearms".

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

10 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.4, as  
11 amended by Section 25, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,  
12 Section 1290.4), is amended to read as follows:

13 Section 1290.4.

14 UNLAWFUL CARRY

15 ~~As~~ Except as provided by Section 1272 of this title, it is  
16 ~~unlawful~~ lawful for any ~~person~~ citizen or permanent resident, who  
17 can lawfully purchase or possess a firearm under state and federal  
18 law, to carry or transport a concealed or unconcealed ~~handgun~~  
19 firearm in this state, ~~except as hereby~~ authorized by pursuant to  
20 the provisions of the Oklahoma Self-Defense Act or as may otherwise  
21 be provided by law.

22 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.6, as  
23 amended by Section 27, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,  
24 Section 1290.6), is amended to read as follows:

1 Section 1290.6.

2 PROHIBITED AMMUNITION

3 Any concealed or unconcealed ~~handgun~~ firearm when carried in a  
4 manner authorized by the provisions of the Oklahoma Self-Defense Act  
5 and when loaded with any ammunition which is either a restricted  
6 bullet as defined by Section 1289.19 of this title ~~or is larger than~~  
7 ~~.45 caliber~~ or is otherwise prohibited by law shall be deemed a  
8 prohibited weapon for purposes of the Oklahoma Self-Defense Act.

9 Any person violating the provisions of this section shall be  
10 punished for a criminal offense as provided by Section 1272 of this  
11 title or any other applicable provision of law. ~~In addition to any~~  
12 ~~criminal prosecution for a violation of the provisions of this~~  
13 ~~section, the licensee shall be subject to an administrative fine of~~  
14 ~~Five Hundred Dollars (\$500.00), upon a hearing and determination by~~  
15 ~~the Oklahoma State Bureau of Investigation that the person is in~~  
16 ~~violation of the provisions of this section.~~

17 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.7, as  
18 last amended by Section 10, Chapter 1, O.S.L. 2019 (21 O.S. Supp.  
19 2019, Section 1290.7), is amended to read as follows:

20 Section 1290.7.

21 CONSTRUING AUTHORITY OF LICENSE

22 A. The authority to carry a concealed or unconcealed ~~handgun~~  
23 ~~pursuant to a valid handgun license~~ firearm as authorized by the  
24

1 provisions of the Oklahoma Self-Defense Act shall not be construed  
2 to authorize any person to:

3 1. Carry or possess any weapon other than an authorized ~~pistol~~  
4 firearm as defined by the provisions of Section ~~1290.2~~ 1289.3,  
5 1289.4 or 1289.5 of this title or in violation of federal law;

6 2. Carry or possess any ~~pistol~~ firearm in any manner or in any  
7 place otherwise prohibited by law;

8 3. Carry or possess any prohibited ammunition or any illegal,  
9 ~~imitation or homemade pistol~~ firearm as prohibited by definition of  
10 state or federal law;

11 4. Carry or possess any ~~pistol~~ firearm when the person is  
12 prohibited by state or federal law from carrying or possessing any  
13 firearm; or

14 5. Point, discharge or use the ~~pistol~~ firearm in any manner not  
15 otherwise authorized by law.

16 B. The ~~availability of a license~~ authorization to carry  
17 pursuant to the provisions of the Oklahoma Self-Defense Act shall  
18 not be construed to prohibit the lawful transport or carrying of a  
19 ~~handgun or pistol~~ firearm in a vehicle or on or about the person  
20 whether concealed or unconcealed, loaded or unloaded, ~~and without a~~  
21 ~~valid handgun license~~ as permitted by law.

22 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1290.8, as  
23 last amended by Section 4, Chapter 406, O.S.L. 2019 (21 O.S. Supp.  
24 2019, Section 1290.8), is amended to read as follows:

1 Section 1290.8.

2 POSSESSION OF LICENSE REQUIRED

3 NOTIFICATION TO POLICE OF GUN

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

7 1. ~~The person has been issued a handgun license from the~~  
8 ~~Oklahoma State Bureau of Investigation pursuant to the provisions of~~  
9 ~~the Oklahoma Self-Defense Act, provided the person is in compliance~~  
10 ~~with the provisions of the Oklahoma Self-Defense Act, and the~~  
11 ~~license has not expired or been subsequently suspended or revoked as~~  
12 authorized pursuant to Section 1272 of this title; or and

13 2. The person is twenty-one (21) years of age or older, ~~and is~~  
14 ~~either:~~

15 a. ~~active military, or~~

16 ~~b.; or~~

17 3. The person is eighteen (18) years of age but not yet twenty-  
18 one (21) years of age and the person is a member or veteran of the  
19 United States Armed Forces, Reserve or National Guard to include  
20 Drill Status Guard and Reserve, Active Guard Reserves or Military  
21 Technicians, and presents a valid military identification card that  
22 shall be considered a valid handgun license issued pursuant to the  
23 Oklahoma Self-Defense Act or was discharged under honorable

1 conditions from the United States Armed Forces, Reserves or National  
2 Guard; and

3 4. The person is not otherwise disqualified from the possession  
4 or purchase of a firearm under state or federal law and is not  
5 carrying the firearm in furtherance of a crime.

6 B. A person in possession of a valid state identification or  
7 driver license or handgun license or who meets the criteria and  
8 presents a valid military identification card as provided for in  
9 this section and in compliance with the provisions of the Oklahoma  
10 Self-Defense Act shall be authorized to carry such concealed or  
11 unconcealed ~~handgun~~ firearm while scouting as it relates to hunting  
12 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~~ or a valid driver  
16 license or state photo identification at all times when in  
17 possession of ~~an authorized pistol~~ a firearm. The person shall  
18 display the ~~handgun~~ valid state identification or driver license or  
19 a valid military identification card as provided for qualified  
20 persons in this section on demand of a law enforcement officer;  
21 provided, however, that in the absence of reasonable and articulable  
22 suspicion of other criminal activity, an individual carrying an  
23 unconcealed or concealed ~~handgun~~ firearm shall not be disarmed or  
24 physically restrained unless the individual fails to display a valid

1 ~~handgun~~ license or a valid military identification card as provided  
2 for qualified persons in this section in response to that demand.  
3 Any violation of the provisions of this subsection may be punishable  
4 as a criminal offense as authorized by Section 1272 of this title or  
5 pursuant to any other applicable provision of law.

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

20       D. It shall be unlawful for any person to fail or refuse to  
21 identify the fact that the person is in actual possession of a  
22 concealed or unconcealed firearm pursuant to the authority of the  
23 Oklahoma Self-Defense Act during the course of any arrest,  
24 detainment, or routine traffic stop. ~~Said~~ The identification to the

1 law enforcement officer shall be required upon the demand of the law  
2 enforcement officer. No person shall be required to identify  
3 himself or herself as a handgun licensee or as lawfully in  
4 possession of any other firearm if the law enforcement officer does  
5 not demand the information. ~~No person shall be required to identify~~  
6 ~~himself or herself as a handgun licensee when no handgun is in the~~  
7 ~~possession of the person or in any vehicle in which the person is~~  
8 ~~driving or is a passenger.~~ Any violator of the provisions of this  
9 subsection may be issued a citation for an amount not exceeding One  
10 Hundred Dollars (\$100.00).

11 E. Any law enforcement officer coming in contact with a person  
12 whose handgun license is suspended, revoked, ~~or expired,~~ or who is  
13 in possession of a handgun license which has not been lawfully  
14 issued to that person, shall confiscate the license and return it to  
15 the Oklahoma State Bureau of Investigation for appropriate  
16 administrative proceedings against the licensee when the license is  
17 no longer needed as evidence in any criminal proceeding.

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

21 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1290.26, as  
22 last amended by Section 4, Chapter 298, O.S.L. 2017 (21 O.S. Supp.  
23 2019, Section 1290.26), is amended to read as follows:

24 Section 1290.26.



1 a nonpermitted carry state and the person is in compliance with the  
2 Oklahoma Self-Defense Act, the person is authorized to carry a  
3 concealed or unconcealed firearm in this state. The firearm must be  
4 carried fully concealed, or unconcealed and upon coming in contact  
5 with any peace officer of this state, the person must disclose the  
6 fact that he or she is in possession of a concealed or unconcealed  
7 firearm only upon the request of a law enforcement officer pursuant  
8 to the nonpermitting laws of the state in which he or she is a legal  
9 resident. The person shall present proper identification by a valid  
10 photo ID as proof that he or she is a legal resident in such a non-  
11 permitting state. ~~The Department of Public Safety shall keep a~~  
12 ~~current list of non-permitting states for law enforcement officers~~  
13 ~~to confirm that a state is nonpermitting.~~

14 C. Any person who is twenty-one (21) years of age or older  
15 having a valid firearm license from another state may apply for a  
16 handgun license in this state immediately upon establishing a  
17 residence in this state.

18 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.2, is  
19 amended to read as follows:

20 Section 1289.2.

21 LEGISLATIVE FINDINGS FOR FIREARMS ACT

22 The Legislature finds as a matter of public policy ~~and fact that~~  
23 ~~it is necessary~~ for the safe and lawful use of firearms ~~to curb and~~  
24 ~~prevent crime wherein weapons are used by enacting legislation~~

1 ~~having the purpose of controlling the use of firearms, and of~~  
2 ~~prevention of their use, without unnecessarily denying their lawful~~  
3 ~~use when used in defense~~ lawful self-defense of an individual  
4 citizens' life, defense of a private home and, or personal, business  
5 or real property, and ~~their~~ the use of firearms by the United States  
6 ~~or,~~ state military organizations, law enforcement agencies and other  
7 agencies as may otherwise be provided by law, including ~~their~~ the  
8 use and transportation of firearms for lawful purposes is hereby the  
9 official policy of the State of Oklahoma.

10 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1290.25, as  
11 amended by Section 43, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,  
12 Section 1290.25), is amended to read as follows:

13 Section 1290.25.

14 LEGISLATIVE INTENT

15 The Legislature finds as a matter of public policy and fact that  
16 it is necessary to provide statewide uniform standards ~~for issuing~~  
17 ~~licenses~~ to carry concealed or unconcealed ~~handguns~~ firearms for  
18 lawful self-defense and self-protection, and further finds it  
19 necessary to occupy the field of regulation of the bearing of  
20 concealed or unconcealed ~~handguns~~ firearms to ensure that no honest,  
21 law-abiding citizen who qualifies pursuant to the provisions of the  
22 Oklahoma Self-Defense Act is subjectively or arbitrarily denied his  
23 or her rights. The Legislature does not delegate to the Oklahoma  
24 State Bureau of Investigation any authority to regulate or restrict

1 the issuing of handgun licenses except as provided by the provisions  
2 of ~~this act~~ the Oklahoma Self-Defense Act. Subjective or arbitrary  
3 actions or rules which encumber the issuing process by placing  
4 burdens on the applicant beyond those requirements detailed in the  
5 provisions of the Oklahoma Self-Defense Act or which create  
6 restrictions beyond those specified in ~~this act~~ the Oklahoma Self-  
7 Defense Act are deemed to be in conflict with the intent of ~~this act~~  
8 the Oklahoma Self-Defense Act and are hereby prohibited. The  
9 Oklahoma Self-Defense Act shall be liberally construed to carry out  
10 the constitutional right to bear arms for self-defense and self-  
11 protection. The provisions of the Oklahoma Self-Defense Act are  
12 cumulative to existing rights to bear arms and nothing in the  
13 Oklahoma Self-Defense Act shall impair or diminish those rights.

14 However, the conditions that mandate the administrative actions  
15 of license denial, suspension, revocation or an administrative fine  
16 are intended to protect the health, safety and public welfare of the  
17 citizens of this state. The restricting conditions specified in the  
18 Oklahoma Self-Defense Act generally involve the criminal history,  
19 mental state, alcohol or substance abuse of the applicant or  
20 licensee, a hazard of domestic violence, a danger to police  
21 officers, or the ability of the Oklahoma State Bureau of  
22 Investigation to properly administer the Oklahoma Self-Defense Act.  
23 The restricting conditions that establish a risk of injury or harm  
24

1 to the public are tailored to reduce the risks to the benefit of the  
2 citizens of this state.

3 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1272, as  
4 last amended by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp.  
5 2019, Section 1272), is amended to read as follows:

6 Section 1272.

7 UNLAWFUL CARRY

8 A. Notwithstanding any other provision of law, it shall be  
9 unlawful for any person to carry upon or about his or her person, or  
10 in a purse or other container belonging to the person, any pistol,  
11 revolver, shotgun or rifle whether loaded or unloaded or any  
12 blackjack, loaded cane, hand chain, metal knuckles, or any other  
13 ~~offensive~~ weapon used for an offensive threat or attack, whether  
14 such weapon be concealed or unconcealed, except this section shall  
15 not prohibit:

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

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

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

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

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

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

1 Except as provided in subsection B of Section 1283 of this  
2 title, a person who has been convicted of any one of the following  
3 offenses in this state or a violation of the equivalent law of  
4 another state:

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

20 shall be prohibited from carrying a firearm under the provisions of  
21 this paragraph. Any person who carries a firearm in the manner  
22 provided for in this paragraph shall be prohibited from carrying the  
23 firearm into any of the places prohibited in subsection A of Section  
24 1277 of this title or any other place currently prohibited by law.

1 Nothing in this section shall modify or otherwise change where a  
2 person may legally carry a firearm.

3 B. Any person convicted of violating the foregoing provision  
4 shall be guilty of a misdemeanor punishable as provided in Section  
5 1276 of this title.

6 SECTION 10. This act shall become effective November 1, 2020.

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