

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 2645

By: Echols

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2011, Section 1272, as last amended by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1272), which relates to the unlawful carry of firearms; clarifying manner by which firearms may be transported on public roadways; amending 21 O.S. 2011, Sections 1272.1, as amended by Section 2, Chapter 259, O.S.L. 2012 and 1272.2, as amended by Section 3, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020, Sections 1272.1 and 1272.2), which relate to carrying firearms where liquor is consumed; updating statutory citations; modifying exception to include employees of business establishments and licensed armed security guards; authorizing the carrying of firearms into designated bar areas of restaurants under certain circumstances; defining term; modifying scope of certain prohibited act; reducing and deleting certain penalties; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1277), which relates to the unlawful carry of firearms in certain places; deleting reference to certain governmental authority; prohibiting the carry of firearms on government property with minimum-security provisions; describing minimum security features; clarifying exemption that authorizes the possession of firearms on certain property; authorizing concealed carry of firearms on government property during permitted events that lack minimum-security provisions; providing certain limitation; authorizing open carry of firearms on property of nonprofit entities and public trusts with permission; amending 21 O.S. 2011, Section 1280.1, as last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp. 2020, Section 1280.1), which relates to possessing

1 firearms on school property; modifying circumstances
2 that authorize the carry of firearms and weapons on
3 school property; clarifying liability clause;
4 amending 21 O.S. 2011, Sections 1289.2, 1289.7, as
5 last amended by Section 5, Chapter 1, O.S.L. 2019,
6 1289.13A, as last amended by Section 7, Chapter 1,
7 O.S.L. 2019 and 1289.24, as last amended by Section
8 8, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2020,
9 Sections 1289.7, 1289.13A and 1289.24), which relate
10 to the Oklahoma Firearms Act of 1971; modifying scope
11 of legislative findings related to the use of
12 firearms; stating manner in which loaded and unloaded
13 firearms may be transported in vehicles; deleting
14 transport requirements for rifles and shotguns and
15 exception to certain prohibited act; modifying scope
16 of certain prohibited act; providing for the return
17 of ammunition under certain circumstances; clarifying
18 certain preemption provision and certain mandate;
19 specifying circumstances which authorize the filing
20 of civil actions against certain persons and
21 entities; providing for the award of reasonable
22 expenses under specific conditions; defining term;
23 amending 21 O.S. 2011, Sections 1290.2, as last
24 amended by Section 4, Chapter 63, O.S.L. 2019,
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, 1290.7, as last amended by Section 10,
Chapter 1, O.S.L. 2019, 1290.8, as last amended by
Section 4, Chapter 406, O.S.L. 2019, 1290.22, as last
amended by Section 12, Chapter 1, O.S.L. 2019,
1290.24, as last amended by Section 13, Chapter 1,
O.S.L. 2019, 1290.25, as amended by Section 43,
Chapter 259, O.S.L. 2012 and 1290.26, as last amended
by Section 4, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
2020, Sections 1290.2, 1290.4, 1290.6, 1290.7,
1290.8, 1290.22, 1290.24, 1290.25 and 1290.26), which
relate to the Oklahoma Self-Defense Act; clarifying
definitions and updating statutory citations;
removing references to handguns; defining terms;
specifying persons authorized to lawfully carry or
transport firearms; modifying scope of certain
prohibited act; clarifying construing provisions
related to the carrying of firearms; providing
statutory references; specifying conditions that
allow for the carry of firearms in this state;
requiring possession of certain license or
identification when carrying or possessing a firearm

1 while scouting; requiring possession of certain
2 license or identification card when possessing a
3 firearm; allowing certain documents to be displayed
4 when demanded by law enforcement; allowing certain
5 licenses or identification cards to be offered as
6 proof; modifying elements of certain prohibited act;
7 expanding scope of business owner's rights to include
8 liquor stores; prohibiting the establishment of
9 certain policies or rules relating to the transport,
10 carry or storage of firearms in vehicles; clarifying
11 liability clause; modifying legislative intent
12 regarding the issuance of licenses; clarifying
13 reciprocity requirements of the state; requiring
14 persons to disclose possession of firearm upon
15 request of law enforcement; removing requirement that
16 the Department of Public Safety keep a list of
17 nonpermitting states for law enforcement reference;
18 repealing 21 O.S. 2011, Section 1289.13, as last
19 amended by Section 6, Chapter 1, O.S.L. 2019 (21 O.S.
20 Supp. 2020, Section 1289.13), which relates to the
21 improper transportation of firearms; and providing an
22 effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
last amended by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
2020, Section 1272), is amended to read as follows:

Section 1272.

UNLAWFUL CARRY

A. Notwithstanding any other provision of law, it shall be
unlawful for any person to carry upon or about his or her person, or
in a purse or other container belonging to the person, any pistol,
revolver, shotgun or rifle, whether loaded or unloaded, or any
blackjack, loaded cane, hand chain, metal knuckles, or any other

1 offensive weapon, whether such weapon be concealed or unconcealed,
2 except this section shall not prohibit:

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

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

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

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

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

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

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

- 16 a. assault and battery pursuant to the provisions of
17 Section 644 of this title which caused serious
18 physical injury to the victim,
- 19 b. aggravated assault and battery pursuant to the
20 provisions of Section 646 of this title,
- 21 c. assault and battery that qualifies as domestic abuse
22 as defined in Section 644 of this title,
- 23 d. stalking pursuant to the provisions of Section 1173 of
24 this title,

- 1 e. a violation of an order issued under the Protection
2 from Domestic Abuse Act or a domestic abuse protection
3 order issued by another state, or
4 f. a violation relating to illegal drug use or possession
5 under the provisions of the Uniform Controlled
6 Dangerous Substances Act,

7 shall be prohibited from carrying a firearm under the provisions of
8 this paragraph. Any person who carries a firearm in the manner
9 provided for in this paragraph shall be prohibited from carrying the
10 firearm into any of the places prohibited in subsection A of Section
11 1277 of this title or any other place currently prohibited by law.
12 Nothing in this section shall modify or otherwise change where a
13 person may legally carry a firearm.

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

17 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1272.1, as
18 amended by Section 2, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
19 Section 1272.1), is amended to read as follows:

20 Section 1272.1

21 CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

22 A. It shall be unlawful for any person to carry or possess any
23 weapon designated in Section 1272 of this title in any establishment
24 where ~~low-point~~ beer or alcoholic beverages, as defined by Section

1 ~~163.2~~ 1-103 of Title ~~37~~ 37A of the Oklahoma Statutes, ~~or alcoholic~~
2 ~~beverages, as defined by Section 506 of Title 37 of the Oklahoma~~
3 ~~Statutes,~~ are consumed. This provision shall not apply to a peace
4 officer, as defined in Section 99 of this title, to licensed armed
5 security guards, or to private investigators with a firearms
6 authorization when acting in the scope and course of employment,
7 ~~and.~~ Further, this provision shall not apply to an owner ~~or,~~
8 proprietor or employee of the establishment ~~having;~~ provided, the
9 employee has permission from the owner or proprietor of the
10 establishment to have a pistol, rifle, or shotgun on the premises.
11 Provided, however, a person ~~possessing a valid handgun license~~
12 ~~pursuant to the provisions of the Oklahoma Self-Defense Act~~ may
13 carry the ~~concealed or unconcealed handgun~~ weapon into any
14 restaurant or other establishment licensed to dispense ~~low-point~~
15 beer or alcoholic beverages where the sale of ~~low-point~~ beer or
16 alcoholic beverages does not constitute the primary purpose of the
17 business. Provided also, it shall be lawful for a person carrying a
18 weapon to be in a designated bar area of a restaurant as long as the
19 person carrying the weapon is not consuming beer or alcoholic
20 beverages.

21 ~~Provided further, nothing~~ B. Nothing in this section shall be
22 interpreted to authorize any peace officer in actual physical
23 possession of a weapon to consume ~~low-point~~ beer or alcoholic
24

1 beverages, except in the authorized line of duty as an undercover
2 officer.

3 C. Nothing in this section shall be interpreted to authorize
4 any patron, employee of the establishment, licensed armed security
5 guard or private investigator with a ~~firearms~~ or without
6 authorization to carry a firearm and in actual physical possession
7 of a weapon to consume ~~low-point~~ beer or alcoholic beverages in any
8 establishment where ~~low-point~~ beer or alcoholic beverages are
9 consumed.

10 ~~B.~~ D. Any person violating the provisions of this section shall
11 be punished as provided in Section 1272.2 of this title.

12 E. As used in this section, "consume" means the act of drinking
13 or ingesting beer or alcoholic beverages or eating a product
14 containing alcohol.

15 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1272.2, as
16 amended by Section 3, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
17 Section 1272.2), is amended to read as follows:

18 Section 1272.2

19 PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

20 Any ~~person~~ patron who ~~intentionally~~:

21 1. Intentionally or knowingly carries on his or her person any
22 weapon in violation of Section 1272.1 of this title;i

23 2. Consumes beer or alcoholic beverages; and

24 3. Refuses to leave said property,

1 shall, upon conviction, be guilty of a ~~felony~~ misdemeanor punishable
2 by a fine not to exceed ~~One Thousand Dollars (\$1,000.00), or~~
3 ~~imprisonment in the custody of the Department of Corrections for a~~
4 ~~period not to exceed two (2) years, or by both such fine and~~
5 ~~imprisonment~~ Two Hundred Fifty Dollars (\$250.00).

6 ~~Any person convicted of violating the provisions of this section~~
7 ~~after having been issued a handgun license pursuant to the~~
8 ~~provisions of the Oklahoma Self-Defense Act shall have the license~~
9 ~~revoked by the Oklahoma State Bureau of Investigation after a~~
10 ~~hearing and determination that the person is in violation of Section~~
11 ~~1272.1 of this title.~~

12 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1277, as
13 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.
14 2020, Section 1277), is amended to read as follows:

15 Section 1277.

16 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

11 5. Any place where gambling is authorized by law, unless
12 allowed by the property owner; ~~and~~

13 6. Any other place specifically prohibited by law; and

14 7. Any property set aside by a city, town, county or state
15 governmental authority for an event that is secured with minimum-
16 security provisions. For purposes of this paragraph, a minimum-
17 security provision consists of a location that is secured utilizing
18 the following:

19 a. a metallic-style security fence of at least ten (10)
20 feet high that encompasses the property and is secured
21 in such a way as to deter unauthorized entry,

22 b. controlled access points staffed by a uniformed,
23 commissioned peace officer, and
24

1 c. a metal detector whereby persons walk or otherwise
2 travel with their property through the metal detector.

3 B. ~~For purposes of subsection A of this section, the prohibited~~
4 ~~place does not include and specifically excludes~~ It shall be lawful
5 for a person to carry a concealed or unconcealed firearm on the
6 following ~~property~~ properties:

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

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

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

16 4. Any public property designated by statute, ordinance,
17 resolution, policy or use by a city, town, county or state
18 governmental authority as a street, plaza, sidewalk, alley, park,
19 recreational area, wildlife refuge, wildlife management area or
20 fairgrounds; provided, nothing in this paragraph shall be construed
21 to authorize any entry by a person in possession of a concealed or
22 unconcealed firearm into any structure, building ~~or~~, office space or
23 event which is specifically prohibited by the provisions of
24 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 firearm shall be
4 stored and hidden from view in a locked motor vehicle when the motor
5 vehicle is left unattended on school property; and

6 6. Any public property set aside temporarily by a city, town,
7 county, state or federal governmental authority for the holder of an
8 event permit that is without minimum-security provisions, as such
9 term is defined in paragraph 7 of subsection A of this section;
10 provided, the carry of firearms within said permitted event area
11 shall be limited to concealed carry of a handgun unless otherwise
12 authorized by the holder of the event permit.

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 subsection A
16 of this section to establish any policy or rule that has the effect
17 of prohibiting any person in lawful possession of a handgun license
18 or otherwise in lawful possession of a firearm from carrying or
19 possessing the firearm on the property described in this subsection.

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

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

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 5-149.2 of Title 70 of the Oklahoma Statutes to
14 authorize the carrying of a handgun onto school property by school
15 personnel specifically designated by the board of education,
16 provided such personnel 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. ~~Notwithstanding the provisions of subsection A of this~~
24 section, any property designated by a municipality by statute,

1 ordinance, resolution, policy or use as a municipal zoo or park of
2 any size that is owned, leased, operated or managed by:

3 1. A public trust created pursuant to the provisions of Section
4 176 of Title 60 of the Oklahoma Statutes; or

5 2. A nonprofit entity,
6 an individual shall be allowed to carry a concealed handgun but not
7 openly carry a handgun on the property; provided, however, an
8 individual may openly carry a handgun or other firearm on the
9 property with permission from the public trust or nonprofit entity.

10 F. Any person violating the provisions of paragraph 2 or 3 of
11 subsection A of this section shall, upon conviction, be guilty of a
12 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
13 Dollars (\$250.00). A person violating any other provision of
14 subsection A of this section may be denied entrance onto the
15 property or removed from the property. If the person refuses to
16 leave the property and a peace officer is summoned, the person may
17 be issued a citation for an amount not to exceed Two Hundred Fifty
18 Dollars (\$250.00).

19 G. No person in possession of a valid handgun license issued
20 pursuant to the provisions of the Oklahoma Self-Defense Act or who
21 is carrying or in possession of a firearm as otherwise permitted by
22 law or who is carrying or in possession of a machete, blackjack,
23 loaded cane, hand chain or metal knuckles shall be authorized to
24 carry the firearm, machete, blackjack, loaded cane, hand chain or

1 metal knuckles into or upon any college, university or technology
2 center school property, except as provided in this subsection. For
3 purposes of this subsection, the following property shall not be
4 construed to be college, university or technology center school
5 property:

6 1. Any property set aside for the use or parking of any motor
7 vehicle, whether attended or unattended, provided the firearm,
8 machete, blackjack, loaded cane, hand chain or metal knuckles are
9 carried or stored as required by law and the firearm, machete,
10 blackjack, loaded cane, hand chain or metal knuckles are not removed
11 from the motor vehicle without the prior consent of the college or
12 university president or technology center school administrator while
13 the vehicle is on any college, university or technology center
14 school property;

15 2. Any property authorized for possession or use of firearms,
16 machetes, blackjacks, loaded canes, hand chains or metal knuckles by
17 college, university or technology center school policy; and

18 3. Any property authorized by the written consent of the
19 college or university president or technology center school
20 administrator, provided the written consent is carried with the
21 firearm, machete, blackjack, loaded cane, hand chain or metal
22 knuckles 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 or any person in lawful possession of a firearm,
15 machete, blackjack, loaded cane, hand chain or metal knuckles from
16 possession of a firearm, machete, blackjack, loaded cane, hand chain
17 or metal knuckles in places described in paragraphs 1, 2 and 3 of
18 this subsection. Nothing contained in any provision of this
19 subsection shall be construed to limit the authority of any college,
20 university or technology center school in this state from taking
21 administrative action against any student for any violation of any
22 provision of this subsection.

23 H. The provisions of this section shall not apply to the
24 following:

- 1 1. Any peace officer or any person authorized by law to carry a
2 firearm in the course of employment;
- 3 2. District judges, associate district judges and special
4 district judges, who are in possession of a valid handgun license
5 issued pursuant to the provisions of the Oklahoma Self-Defense Act
6 and whose names appear on a list maintained by the Administrative
7 Director of the Courts, when acting in the course and scope of
8 employment within the courthouses of this state;
- 9 3. Private investigators with a firearms authorization when
10 acting in the course and scope of employment;
- 11 4. ~~Elected officials~~ Any elected official of a county, who ~~are~~
12 is in possession of a valid handgun license issued pursuant to the
13 provisions of the Oklahoma Self-Defense Act, may carry a concealed
14 handgun when acting in the performance of ~~their~~ his or her duties
15 within the ~~courthouses~~ courthouse of the county in which he or she
16 was elected. The provisions of this paragraph shall not allow the
17 elected county official to carry the handgun into a courtroom;
- 18 5. The sheriff of any county may authorize certain employees of
19 the county, who possess a valid handgun license issued pursuant to
20 the provisions of the Oklahoma Self-Defense Act, to carry a
21 concealed handgun when acting in the course and scope of employment
22 within the ~~courthouses~~ courthouse in the county in which the person
23 is employed. Nothing in the Oklahoma Self-Defense Act shall
24 prohibit the sheriff from requiring additional instruction or

1 training before ~~receiving~~ granting authorization to carry a
2 concealed handgun within the courthouse. The provisions of this
3 paragraph and of paragraph 6 of this subsection shall not allow the
4 county employee to carry the handgun into a courtroom, sheriff's
5 office, adult or juvenile jail or any other prisoner detention area;
6 and

7 6. The board of county commissioners of any county may
8 authorize certain employees of the county, who possess a valid
9 handgun license issued pursuant to the provisions of the Oklahoma
10 Self-Defense Act, to carry a concealed handgun when acting in the
11 course and scope of employment on county annex facilities or grounds
12 surrounding the county courthouse.

13 I. For the purposes of this section, "motor vehicle" means any
14 automobile, truck, minivan, sports utility vehicle, or motorcycle,
15 as defined in Section 1-135 of Title 47 of the Oklahoma Statutes,
16 equipped with a locked accessory container within or affixed to the
17 motorcycle.

18 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1280.1, as
19 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
20 2020, Section 1280.1), is amended to read as follows:

21 Section 1280.1

22 POSSESSION OF FIREARM ON SCHOOL PROPERTY

23 A. It shall be unlawful for any person to have in his or her
24 possession on any public or private school property or while in any

1 school bus or vehicle used by any school for transportation of
2 students or teachers any firearm or weapon designated in Section
3 1272 of this title, except as provided in subsection C of this
4 section or as otherwise authorized by law.

5 B. For purposes of this section:

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

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

15 3. "Motor vehicle" means any automobile, truck, minivan or
16 sports utility vehicle.

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

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

1 2. A ~~gun~~ firearm or knife used for the purposes of
2 participating in the Oklahoma Department of Wildlife Conservation
3 certified hunter training education course or any other hunting,
4 fishing, safety or firearms training courses, or a recognized
5 firearms sports event, team shooting program or competition, or
6 living history reenactment, provided the course or event is approved
7 by the principal or chief administrator of the school where the
8 course or event is offered, and provided the firearm or weapon is
9 properly displayed or stored as required by law pending
10 participation in the course, event, program or competition;

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

14 4. A concealed or unconcealed weapon carried onto private
15 school property or in any school bus or vehicle used by any private
16 school for transportation of students or teachers by a person who is
17 licensed pursuant to the Oklahoma Self-Defense Act, provided a
18 policy has been adopted by the governing entity of the private
19 school that authorizes the possession of a weapon on private school
20 property or in any school bus or vehicle used by a private school.
21 Except for acts of gross negligence or willful or wanton misconduct,
22 a governing entity of a private school that adopts a policy which
23 authorizes the possession of a weapon on private school property, a
24 school bus or vehicle used by the private school shall not be ~~immune~~

1 ~~from~~ subject to liability for any injuries arising from the adoption
2 of the policy. The provisions of this paragraph shall not apply to
3 claims pursuant to the Workers' Compensation Code;

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

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

20 7. A handgun carried onto public school property by school
21 personnel who have been designated by the board of education,
22 provided such personnel either:
23
24

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

4 b. hold a valid reserve peace officer certification as
5 provided for in Section 3311 of Title 70 of the
6 Oklahoma Statutes,

7 if a policy has been adopted by the board of education of the school
8 district that authorizes the carrying of a handgun onto public
9 school property by such personnel. Nothing in this subsection shall
10 be construed to restrict authority granted elsewhere in law to carry
11 firearms.

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

15 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.2, is
16 amended to read as follows:

17 Section 1289.2

18 LEGISLATIVE FINDINGS FOR FIREARMS ACT

19 The Legislature finds ~~as a matter of public policy and fact that~~
20 ~~it is necessary for~~ the safe and lawful use of firearms ~~to curb and~~
21 ~~prevent crime wherein weapons are used by enacting legislation~~
22 ~~having the purpose of controlling the use of firearms, and of~~
23 ~~prevention of their use, without unnecessarily denying their lawful~~
24 use in defense of an individual citizen's life, defense of a private

1 home ~~and~~ or personal, business or real property, and ~~their use~~ by
2 the United States or state military organizations, law enforcement
3 agencies and other agencies as may otherwise be provided by law,
4 including ~~their use and~~ the transportation ~~for~~ of firearms, is a
5 lawful ~~purposes~~ purpose.

6 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.7, as
7 last amended by Section 5, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
8 2020, Section 1289.7), is amended to read as follows:

9 Section 1289.7

10 FIREARMS IN VEHICLES

11 A. Any person who is not otherwise prohibited by law from
12 possessing or purchasing a firearm and is not carrying or
13 transporting a firearm in the furtherance of a crime may transport
14 in or on a ~~motor~~ vehicle a ~~pistol or handgun~~ firearm, loaded or
15 unloaded, at any time.

16 B. ~~Any person who is not otherwise prohibited by law from~~
17 ~~possessing a firearm may transport in a motor vehicle a rifle or~~
18 ~~shotgun open or concealed, provided the rifle or shotgun is~~
19 ~~transported pursuant to the requirements of Section 1289.13 of this~~
20 ~~title.~~

21 C. ~~Any person who is the operator of a motor vehicle or is a~~
22 ~~passenger in any motor vehicle wherein another person who is~~
23 ~~licensed pursuant to the Oklahoma Self-Defense Act or is otherwise~~
24 ~~permitted by law to carry a handgun, concealed or unconcealed, and~~

1 ~~is carrying a handgun or has the handgun in such vehicle, shall not~~
2 ~~be deemed in violation of the provisions of this section provided~~
3 ~~the licensee or person permitted by law is in or near the motor~~
4 ~~vehicle.~~

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

12 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
13 last amended by Section 7, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
14 2020, Section 1289.13A), is amended to read as follows:

15 Section 1289.13A

16 IMPROPER TRANSPORTATION OF FIREARMS

17 A. ~~Notwithstanding the provisions of Section 1272 or 1289.7 of~~
18 ~~this title, any~~ Any person stopped pursuant to a moving traffic
19 violation who is transporting a ~~loaded pistol~~ firearm in or on the
20 ~~motor vehicle without a valid handgun license~~ as authorized by the
21 Oklahoma Self-Defense Act or a valid license from another state, ~~or~~
22 and is in violation of any law related to the carrying or
23 transporting of firearms, ~~whether the loaded firearm is concealed or~~
24 ~~unconcealed~~ in or on the vehicle, may be issued a traffic citation

1 in the amount of Seventy Dollars (\$70.00), plus court costs for
2 transporting a firearm improperly. In addition to the traffic
3 citation provided in this section, the person may also be arrested
4 for any other violation of law.

5 B. Any firearm lawfully carried or transported as permitted
6 pursuant to state law shall not be confiscated, unless:

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

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

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

19 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1289.24, as
20 last amended by Section 8, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
21 2020, Section 1289.24), is amended to read as follows:

22 Section 1289.24

23 FIREARM REGULATION - STATE PREEMPTION

24

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, firearm and ammunition components, ammunition, and
4 supplies to the complete exclusion of any order, policy, ordinance,
5 or regulation by any municipality or other political subdivision of
6 this state. Any existing or future orders, policies, ordinances, or
7 regulations in this field, except as provided for in paragraph 2 of
8 this subsection and 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 carrying or possession of a firearm under the
21 provisions of Chapter 53 of this title shall not be punishable by
22 any municipality or other political subdivision of this state as
23 disorderly conduct, disturbing the peace or similar offense against
24 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, agency or other political subdivision of
5 this state shall adopt any order, policy, ordinance, resolution or
6 regulation concerning in any way the sale, purchase, purchase delay,
7 transfer, ownership, use, keeping, possession, carrying, bearing,
8 transportation, licensing, permit, registration, taxation other than
9 sales and compensating use taxes, or other controls on firearms,
10 knives, firearm and ammunition components, ammunition, and supplies.

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

19 D. When a person's rights pursuant to the protection of the
20 preemption provisions of this section have been violated by any
21 order, policy, ordinance, resolution or regulation promulgated or
22 enforced by any person, municipality, agency or other political
23 subdivision of this state, the person so violated shall have the
24 right to bring a civil action against the persons, municipality, ~~and~~

1 agency or political subdivision jointly and severally for injunctive
2 relief or monetary damages or both.

3 E. A court may require the offending person, municipality,
4 agency or political subdivision to pay reasonable expenses to a
5 person in an action filed pursuant to the provisions of subsection D
6 of this section if:

7 1. The aggrieved party first provides written notice of the
8 unlawful order, policy, ordinance, resolution or regulation by
9 certified first-class mail or service of process and allows the
10 person, municipality, agency or political subdivision ninety (90)
11 days to rescind, repeal or otherwise abrogate the order, policy,
12 ordinance, resolution or regulation; and

13 2. A court grants final determination in favor of the person
14 whose rights were violated.

15 If the municipality, agency or political subdivision fails to
16 rescind, repeal or otherwise abrogate the unlawful order, policy,
17 ordinance, resolution or regulation within ninety (90) days of
18 required notice as provided in paragraph 1 of this subsection and
19 the order, policy, ordinance, resolution or regulation is
20 subsequently rescinded, repealed or otherwise abrogated after the
21 aggrieved party files suit, the aggrieved party shall retain
22 standing in the suit and may recover damages or reasonable expenses.

23
24

1 F. As used in this section, "reasonable expenses" includes, but
2 is not limited to, attorney fees, expert witness fees and court
3 costs.

4 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.2, as
5 last amended by Section 4, Chapter 63, O.S.L. 2019 (21 O.S. Supp.
6 2020, Section 1290.2), is amended to read as follows:

7 Section 1290.2

8 DEFINITIONS

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

10 1. "Concealed ~~handgun~~ firearm" means a loaded or unloaded
11 ~~pistol or handgun~~ firearm, not openly visible to the ordinary
12 observation of a reasonable person;

13 2. "Unconcealed ~~handgun~~ firearm" or "open carry" means a loaded
14 or unloaded ~~pistol or handgun~~ firearm that is not held in the hand,
15 but rather is carried upon the person in a holster where the firearm
16 is visible, or carried upon the person using a scabbard, ~~or~~ or sling in
17 a general vertical position where the barrel of the firearm is
18 safely pointed in an up or down direction, or in a case designed for
19 carrying firearms. The provisions of this paragraph shall not apply
20 while lawfully at a gun range, while lawfully hunting, or during an
21 act of self-defense; and

22 3. "Pistol" or "handgun" shall have the same definition as
23 provided in ~~the Oklahoma Firearms Act of 1971, defined in Section~~
24 1289.3 of this title;

1 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1290.6, as
2 amended by Section 27, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
3 Section 1290.6), is amended to read as follows:

4 Section 1290.6

5 PROHIBITED AMMUNITION

6 Any concealed or unconcealed ~~handgun~~ firearm when carried in a
7 manner authorized by the provisions of the Oklahoma Self-Defense Act
8 and when loaded with any ammunition which is either a restricted
9 bullet as defined by Section 1289.19 of this title or ~~is larger than~~
10 ~~.45 caliber or~~ is otherwise prohibited by law shall be deemed a
11 prohibited weapon for purposes of the Oklahoma Self-Defense Act.

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

20 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1290.7, as
21 last amended by Section 10, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
22 2020, Section 1290.7), is amended to read as follows:

23 Section 1290.7

24 CONSTRUING AUTHORITY ~~OF LICENSE~~

1 A. The authority to carry a concealed or unconcealed ~~handgun~~
2 ~~pursuant to a valid handgun license~~ firearm as authorized by the
3 provisions of the Oklahoma Self-Defense Act shall not be construed
4 to authorize any person to:

5 1. Carry or possess any weapon other than an authorized ~~pistol~~
6 firearm, as defined by the provisions of Section ~~1290.2~~ 1289.3,
7 1289.4 or 1289.5 of this title, or carry or possess any weapon in
8 violation of federal law;

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

11 3. Carry or possess any prohibited ammunition or any illegal,
12 ~~imitation or homemade pistol~~ firearm in violation of state or
13 federal law;

14 4. Carry or possess any ~~pistol~~ firearm when the person is
15 prohibited by state or federal law from carrying or possessing any
16 firearm; or

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

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

1 SECTION 14. AMENDATORY 21 O.S. 2011, Section 1290.8, as
2 last amended by Section 4, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
3 2020, Section 1290.8), is amended to read as follows:

4 Section 1290.8

5 ~~POSSESSION OF LICENSE REQUIRED~~

6 NOTIFICATION TO POLICE OF GUN A FIREARM

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

10 1. The person ~~has been issued a handgun license from the~~
11 ~~Oklahoma State Bureau of Investigation pursuant to the provisions of~~
12 ~~the Oklahoma Self-Defense Act, provided the person is in compliance~~
13 ~~with the provisions of the Oklahoma Self-Defense Act, and the~~
14 ~~license has not expired or been subsequently suspended or revoked;~~

15 or

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

18 a. ~~active military, or~~

19 b. ~~a member of the Reserve or National Guard to include~~
20 ~~Drill Status Guard and Reserve, Active Guard Reserves~~
21 ~~or Military Technicians,~~

22 ~~and presents a valid military identification card that shall be~~
23 ~~considered a valid handgun license issued authorized pursuant to the~~
24 ~~Oklahoma Self-Defense Act provisions of Section 1272 of this title.~~

1 B. A person in possession of a valid state photo identification
2 card, driver license or valid handgun license or who ~~meets the~~
3 ~~criteria and~~ presents a valid military identification card ~~as~~
4 ~~provided for in this section~~ and is in compliance with the
5 provisions of the Oklahoma Self-Defense Act shall be authorized to
6 carry such concealed or unconcealed ~~handgun~~ firearm while scouting
7 as it relates to hunting or fishing or while hunting or fishing.

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

1 a criminal offense as authorized by Section 1272 of this title or
2 pursuant to any other applicable provision of law.

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

1 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~~ in possession of a firearm
7 when no ~~handgun~~ firearm is in the possession of the person or in any
8 vehicle in which the person is driving or is a passenger. Any
9 violator of the provisions of this subsection may be issued a
10 citation for an amount not exceeding One 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 15. AMENDATORY 21 O.S. 2011, Section 1290.22, as
22 last amended by Section 12, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
23 2020, Section 1290.22), is amended to read as follows:

24 Section 1290.22

BUSINESS OWNER'S RIGHTS

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

B. 1. No person, property owner, tenant, employer, holder of an event permit, liquor store, place of worship or business entity shall be permitted to establish any policy or rule that has the effect of prohibiting any person, except a convicted felon, from transporting and storing firearms in a locked vehicle on any property set aside for any vehicle.

2. No person, employer or business entity shall establish, maintain or enforce any policy or rule that has the effect of prohibiting any person or employee, except a convicted felon, from transporting, carrying or storing firearms or ammunition in a motor vehicle personally owned, leased or rented by the person or employee while conducting business for the employer or business entity.

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

1 employer, liquor store, place of worship or business entity shall
2 post signs on or about the property stating such prohibition.

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

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

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

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

23

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 on property that has signs prohibiting the
6 carrying of firearms shall subject the person to being denied
7 entrance onto the property or removed from the property. If the
8 person:

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

12 2. Refuses to leave the property and a peace officer is
13 summoned,
14 the person may be punished as provided in Section 1276 of this
15 title.

16 F. 1. A person, property owner, tenant, employer, holder of an
17 event permit, liquor store, place of worship or business entity that
18 ~~does~~ prohibits or does not prohibit any individual, except a
19 convicted felon, from carrying a loaded or unloaded, concealed or
20 unconcealed weapon on property that the person, property owner,
21 tenant, employer, holder of an event permit, liquor store, place of
22 worship or business entity owns, or has legal control of, ~~is immune~~
23 ~~from any~~ shall not be subject to liability arising from that
24 decision.

1 2. Except for acts of gross negligence or willful or wanton
2 misconduct, an employer who ~~does~~ prohibits or does not prohibit his
3 or her employees from carrying a concealed or unconcealed weapon ~~is~~
4 ~~immune from any~~ shall not be subject to liability arising from that
5 decision.

6 3. A person, property owner, tenant, employer, holder of an
7 event permit, liquor store, place of worship or business entity that
8 does not prohibit ~~persons~~ employees from carrying a concealed or
9 unconcealed weapon pursuant to subsection D of this section shall
10 not be immune from any subject to liability arising from the
11 carrying of a concealed or unconcealed weapon, while in the scope of
12 employment, on the property or in or about a business entity
13 vehicle.

14 The provisions of this subsection shall not apply to claims
15 pursuant to the Administrative Workers' Compensation Act.

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

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

1 SECTION 16. AMENDATORY 21 O.S. 2011, Section 1290.24, as
2 last amended by Section 13, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
3 2020, Section 1290.24), is amended to read as follows:

4 Section 1290.24

5 IMMUNITY

6 A. The state or any political subdivision of the state, as
7 defined in Section 152 of Title 51 of the Oklahoma Statutes, and its
8 officers, agents and employees shall not be ~~immune from~~ subject to
9 liability resulting or arising from:

10 1. Failure to prevent the licensing of an individual for whom
11 the receipt of the license is unlawful pursuant to the provisions of
12 the Oklahoma Self-Defense Act or any other provision of law of this
13 state;

14 2. Any action or misconduct with a firearm committed by a
15 person pursuant to the provisions of the Oklahoma Self-Defense Act
16 or by any person who obtains a firearm;

17 3. Any injury to any person during a ~~handgun~~ firearm training
18 course conducted by a firearms instructor certified by the Council
19 on Law Enforcement Education and Training to conduct training under
20 the Oklahoma Self-Defense Act, or injury from any misfire or
21 malfunction of any ~~handgun~~ firearm on a training course firing range
22 supervised by a certified firearms instructor under the provisions
23 of the Oklahoma Self-Defense Act, or any injury resulting from
24

1 carrying a concealed or unconcealed ~~handgun~~ firearm pursuant to a
2 ~~handgun license~~ any firearms training; and

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

6 B. Firearms instructors certified by the Council on Law
7 Enforcement Education and Training to conduct training for the
8 Oklahoma Self-Defense Act shall not be ~~immune from~~ subject to
9 liability to third persons resulting or arising from any claim based
10 on an act or omission of a trainee.

11 C. The provisions of this subsection shall not apply to claims
12 pursuant to the Administrative Workers' Compensation Act.

13 SECTION 17. AMENDATORY 21 O.S. 2011, Section 1290.25, as
14 amended by Section 43, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
15 Section 1290.25), is amended to read as follows:

16 Section 1290.25

17 LEGISLATIVE INTENT

18 The Legislature finds as a matter of public policy and fact that
19 it is necessary to provide statewide uniform standards for ~~issuing~~
20 ~~licenses to carry~~ carrying concealed or unconcealed ~~handguns~~
21 firearms for lawful self-defense and self-protection, and further
22 finds it necessary to occupy the field of regulation of the bearing
23 of concealed or unconcealed ~~handguns~~ firearms to ensure that no
24 honest, law-abiding citizen who qualifies pursuant to the provisions

1 of the Oklahoma Self-Defense Act is subjectively or arbitrarily
2 denied his or her rights. The Legislature does not delegate to the
3 Oklahoma State Bureau of Investigation any authority to regulate or
4 restrict the issuing of handgun licenses except as provided by the
5 provisions of this act. Subjective or arbitrary actions or rules
6 which encumber the issuing process by placing burdens on the
7 applicant beyond those requirements detailed in the provisions of
8 the Oklahoma Self-Defense Act or which create restrictions beyond
9 those specified in ~~this act~~ the Oklahoma Self-Defense Act are deemed
10 to be in conflict with the intent of ~~this act~~ the Oklahoma Self-
11 Defense Act and are hereby prohibited. The Oklahoma Self-Defense
12 Act shall be liberally construed to carry out the constitutional
13 right to bear arms for self-defense and self-protection. The
14 provisions of the Oklahoma Self-Defense Act are cumulative to
15 existing rights to bear arms and nothing in the Oklahoma Self-
16 Defense Act shall impair or diminish those rights.

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

1 Investigation to properly administer the Oklahoma Self-Defense Act.
2 The restricting conditions that establish a risk of injury or harm
3 to the public are tailored to reduce the risks to the benefit of the
4 citizens of this state.

5 SECTION 18. AMENDATORY 21 O.S. 2011, Section 1290.26, as
6 last amended by Section 4, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
7 2020, Section 1290.26), is amended to read as follows:

8 Section 1290.26

9 RECIPROCAL AGREEMENT AUTHORITY

10 A. The State of Oklahoma shall hereby ~~recognizes~~ recognize any
11 valid concealed or unconcealed carry weapons permit, valid military
12 identification card, as provided for qualified persons in Section
13 1290.8 of this title, or license issued by another state, or if the
14 state is or is not a nonpermitting carry state, this state shall
15 reciprocate under the permitting law of that state.

16 ~~A.~~ B. Any person entering this state in possession of a firearm
17 authorized for concealed or unconcealed carry upon the authority and
18 license of another state ~~or~~, a valid military identification card, a
19 valid driver license or a valid state photo identification card, as
20 provided for qualified persons in Section 1290.8 of this title, is
21 authorized to continue to carry a concealed or unconcealed firearm
22 and license in this state; provided, the license from the other
23 state ~~or~~, a valid military identification card, a valid driver
24 license or a valid state photo identification card, as provided for

1 qualified persons in Section 1290.8 of this title, remains valid.
2 The firearm must either be carried unconcealed or concealed, and
3 upon coming in contact with any peace officer of this state, the
4 person must disclose the fact that he or she is in possession of a
5 concealed or unconcealed firearm pursuant to a valid concealed or
6 unconcealed carry weapons permit, license or a valid military
7 identification card, as provided for qualified persons in Section
8 1290.8 of this title, issued in another state.

9 ~~B. C.~~ Any person entering who enters this state in possession
10 of a firearm authorized for ~~concealed~~ carry upon the authority of a
11 state that is a nonpermitted carry state and ~~the person is in~~
12 compliance with the Oklahoma Self-Defense Act, the person is shall
13 be authorized to carry a concealed or unconcealed firearm in this
14 state. The firearm must be carried fully concealed, ~~or unconcealed~~
15 ~~and upon.~~ When coming in contact with any peace a law enforcement
16 officer of this state and upon demand of the law enforcement
17 officer, the person must disclose the fact that he or she is in
18 possession of a ~~concealed or unconcealed~~ firearm ~~pursuant to the~~
19 ~~nonpermitting laws of the state in which he or she is a legal~~
20 ~~resident. The person shall present proper identification by a valid~~
21 ~~photo ID as proof that he or she is a legal resident in such a non-~~
22 ~~permitting state. The Department of Public Safety shall keep a~~
23 ~~current list of non-permitting states for law enforcement officers~~
24 ~~to confirm that a state is nonpermitting.~~

1 ~~C.~~ D. Any person who is twenty-one (21) years of age or older
2 having a valid firearm license from another state may apply for a
3 handgun license in this state immediately upon establishing a
4 ~~residence~~ residency in this state.

5 SECTION 19. REPEALER 21 O.S. 2011, Section 1289.13, as
6 last amended by Section 6, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
7 2020, Section 1289.13), is hereby repealed.

8 SECTION 20. This act shall become effective November 1, 2021.

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10 58-1-5029 GRS 01/10/21

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