

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 954

By: Jett

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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. 2020, Section 1272),
10 which relates to unlawful carry; modifying allowable
11 weapons; amending 21 O.S. 2011, Section 1277, as last
12 amended by Section 1, Chapter 235, O.S.L. 2019 (21
13 O.S. Supp. 2020, Section 1277), which relates to
14 unlawful carry in certain places; removing certain
15 restricted weapon; amending 21 O.S. 2011, Section
16 1287, as amended by Section 10, Chapter 259, O.S.L.
17 2012 (21 O.S. Supp. 2020, Section 1287), which
18 relates to use of a firearm while committing a
19 felony; modifying felony offense; modifying
20 inclusion; amending 21 O.S. 2011, Section 1290.2, as
21 last amended by Section 4, Chapter 63, O.S.L. 2019
22 (21 O.S. Supp. 2020, Section 1290.2), which relates
23 to definitions; defining terms; and providing an
24 effective date.

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

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

22 Section 1272.

23 UNLAWFUL CARRY

1 A. Notwithstanding any other provision of law, it shall be
2 unlawful for any person to carry upon or about his or her person, or
3 in a purse or other container belonging to the person, any pistol,
4 revolver, shotgun or rifle whether loaded or unloaded or any
5 blackjack, loaded cane, hand chain, metal knuckles, or any other
6 offensive weapon, whether such weapon be concealed or unconcealed,
7 except this section shall not prohibit:

8 1. The proper use of guns ~~and~~, knives, hatchets, axes,
9 tomahawks, machetes or billhooks for self-defense, hunting, fishing,
10 indoor or outdoor activities, educational or recreational purposes;

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

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

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

23 5. The carrying and use of firearms and other weapons provided
24 in this subsection when used for the purpose of living history

1 reenactment. For purposes of this paragraph, "living history
2 reenactment" means depiction of historical characters, scenes,
3 historical life or events for entertainment, education, or
4 historical documentation through the wearing or use of period,
5 historical, antique or vintage clothing, accessories, firearms,
6 weapons, and other implements of the historical period; or

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

17 Except as provided in subsection B of Section 1283 of this
18 title, a person who has been convicted of any one of the following
19 offenses in this state or a violation of the equivalent law of
20 another state:

- 21 a. assault and battery pursuant to the provisions of
22 Section 644 of this title which caused serious
23 physical injury to the victim,
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- b. aggravated assault and battery pursuant to the provisions of Section 646 of this title,
- c. assault and battery that qualifies as domestic abuse as defined in Section 644 of this title,
- d. stalking pursuant to the provisions of Section 1173 of this title,
- e. a violation of an order issued under the Protection from Domestic Abuse Act or a domestic abuse protection order issued by another state, or
- f. a violation relating to illegal drug use or possession under the provisions of the Uniform Controlled Dangerous Substances Act,

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

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

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
2 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.
3 2020, Section 1277), is amended to read as follows:

4 Section 1277.

5 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

18 3. Any public or private elementary or public or private
19 secondary school, except as provided in subsections C and D of this
20 section;

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

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

1 6. Any other place specifically prohibited by law.

2 B. For purposes of subsection A of this section, the prohibited
3 place does not include and specifically excludes the following
4 property:

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

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

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

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

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

3 Nothing contained in any provision of this subsection or
4 subsection C of this section shall be construed to authorize or
5 allow any person in control of any place described in subsection A
6 of this section to establish any policy or rule that has the effect
7 of prohibiting any person in lawful possession of a handgun license
8 or otherwise in lawful possession of a firearm from carrying or
9 possessing the firearm on the property described in this subsection.

10 C. A concealed or unconcealed weapon may be carried onto
11 private school property or in any school bus or vehicle used by any
12 private school for transportation of students or teachers by a
13 person who is licensed pursuant to the Oklahoma Self-Defense Act,
14 provided a policy has been adopted by the governing entity of the
15 private school that authorizes the carrying and possession of a
16 weapon on private school property or in any school bus or vehicle
17 used by a private school. Except for acts of gross negligence or
18 willful or wanton misconduct, a governing entity of a private school
19 that adopts a policy which authorizes the possession of a weapon on
20 private school property, a school bus or vehicle used by the private
21 school shall be immune from liability for any injuries arising from
22 the adoption of the policy. The provisions of this subsection shall
23 not apply to claims pursuant to the Administrative Workers'
24 Compensation Act.

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

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

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

13 E. In any municipal zoo or park of any size that is owned,
14 leased, operated or managed by:

- 15 1. A public trust created pursuant to the provisions of Section
16 176 of Title 60 of the Oklahoma Statutes; or
- 17 2. A nonprofit entity,
18 an individual shall be allowed to carry a concealed handgun but not
19 openly carry a handgun on the property.

20 F. Any person violating the provisions of paragraph 2 or 3 of
21 subsection A of this section shall, upon conviction, be guilty of a
22 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
23 Dollars (\$250.00). A person violating any other provision of
24 subsection A of this section may be denied entrance onto the

1 property or removed from the property. If the person refuses to
2 leave the property and a peace officer is summoned, the person may
3 be issued a citation for an amount not to exceed Two Hundred Fifty
4 Dollars (\$250.00).

5 G. No person in possession of a valid handgun license issued
6 pursuant to the provisions of the Oklahoma Self-Defense Act or who
7 is carrying or in possession of a firearm as otherwise permitted by
8 law or who is carrying or in possession of a ~~machete~~, blackjack,
9 loaded cane, hand chain or metal knuckles shall be authorized to
10 carry the firearm, ~~machete~~, blackjack, loaded cane, hand chain or
11 metal knuckles into or upon any college, university or technology
12 center school property, except as provided in this subsection. For
13 purposes of this subsection, the following property shall not be
14 construed to be college, university or technology center school
15 property:

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

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

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

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

19 Nothing contained in any provision of this subsection shall be
20 construed to authorize or allow any college, university or
21 technology center school to establish any policy or rule that has
22 the effect of prohibiting any person in lawful possession of a
23 handgun license or any person in lawful possession of a firearm,
24 ~~machete~~, blackjack, loaded cane, hand chain or metal knuckles from

1 possession of a firearm, ~~machete~~, blackjack, loaded cane, hand chain
2 or metal knuckles in places described in paragraphs 1, 2 and 3 of
3 this subsection. Nothing contained in any provision of this
4 subsection shall be construed to limit the authority of any college,
5 university or technology center school in this state from taking
6 administrative action against any student for any violation of any
7 provision of this subsection.

8 H. The provisions of this section shall not apply to the
9 following:

10 1. Any peace officer or any person authorized by law to carry a
11 firearm in the course of employment;

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

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

20 4. Elected officials of a county, who are in possession of a
21 valid handgun license issued pursuant to the provisions of the
22 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
23 in the performance of their duties within the courthouses of the
24 county in which he or she was elected. The provisions of this

1 paragraph shall not allow the elected county official to carry the
2 handgun into a courtroom;

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

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

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

3 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1287, as
4 amended by Section 10, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
5 Section 1287), is amended to read as follows:

6 Section 1287.

7 USE OF FIREARM WHILE COMMITTING A FELONY

8 A. Any person who, while committing or attempting to commit a
9 violent felony, ~~possesses~~ uses a pistol, shotgun or rifle or any
10 other offensive weapon in such commission or attempt, whether the
11 pistol, shotgun or rifle is loaded or not, or who possesses a blank
12 or imitation pistol, altered air or toy pistol, shotgun or rifle
13 capable of raising in the mind of one threatened with such device a
14 fear that it is a real pistol, shotgun or rifle, or who possesses an
15 air gun or carbon dioxide or other gas-filled weapon, electronic
16 dart gun, conductive energy weapon, knife, dagger, dirk, tomahawk,
17 machete, billhook, switchblade knife, blackjack, ax, loaded cane,
18 billy, hand chain or metal knuckles, in addition to the penalty
19 provided by statute for the felony committed or attempted, upon
20 conviction shall be guilty of a felony for possessing such weapon or
21 device, which shall be a separate offense from the felony committed
22 or attempted and shall be punishable by imprisonment in the custody
23 of the Department of Corrections for a period of not less than two
24 (2) years nor for more than ten (10) years for the first offense,

1 and for a period of not less than ten (10) years nor more than
2 thirty (30) years for any second or subsequent offense.

3 B. Any person convicted of violating the provisions of this
4 section after having been issued a handgun license pursuant to the
5 provisions of the Oklahoma Self-Defense Act shall have the license
6 permanently revoked and shall be liable for an administrative fine
7 of One Thousand Dollars (\$1,000.00) upon a hearing and determination
8 by the Oklahoma State Bureau of Investigation that the person is in
9 violation of the provisions of this section.

10 C. As used in this section, "altered toy pistol" shall mean any
11 toy weapon which has been altered from its original manufactured
12 state to resemble a real weapon.

13 D. As used in this section, "altered air pistol" shall mean any
14 air pistol manufactured to propel projectiles by air pressure which
15 has been altered from its original manufactured state.

16 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.2, as
17 last amended by Section 4, Chapter 63, O.S.L. 2019 (21 O.S. Supp.
18 2020, Section 1290.2), is amended to read as follows:

19 Section 1290.2.

20 DEFINITIONS

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

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

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

5 3. "Pistol" or "handgun" shall have the same definition as
6 provided in the Oklahoma Firearms Act of 1971, defined in Section
7 1289.3 of this title; and

8 4. "Hatchet", "Ax", "Tomahawk", "Machete" or "Billhook" means
9 any edged implement carried upon the person designed for indoor or
10 outdoor activities.

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

14 SECTION 5. This act shall become effective November 1, 2021.

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