

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 HOUSE BILL NO. 2645

By: Echols, Davis, Roberts
(Sean), West (Kevin),
Hardin (David), McDugle,
Steagall, Crosswhite Hader,
Bashore and Newton of the
House

7 and

8 Bergstrom, Murdock,
9 Bullard, Hamilton and
Stephens of the Senate

10
11
12 COMMITTEE SUBSTITUTE

13 An Act relating to firearms; amending 21 O.S. 2011,
14 Section 1277, as last amended by Section 1, Chapter
235, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1277),
15 which relates to the unlawful carry of firearms in
certain places; deleting reference to certain
16 governmental authority; prohibiting the carry of
firearms on government property with minimum-security
17 provisions; describing minimum-security features;
clarifying exemption that authorizes the possession
18 of firearms on certain property; authorizing
concealed carry of firearms on government property
19 during permitted events that lack minimum-security
provisions; providing certain limitation; authorizing
20 open carry of firearms on property of nonprofit
entities and public trusts with permission; amending
21 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
22 firearms on school property; modifying circumstances
that authorize the carry of firearms and weapons on
23 school property; clarifying liability clause;
amending 21 O.S. 2011, Sections 1290.2, as last
24 amended by Section 4, Chapter 63, O.S.L. 2019,

1 1290.4, as amended by Section 25, Chapter 259, O.S.L.
2 2012, 1290.6, as amended by Section 27, Chapter 259,
3 O.S.L. 2012, 1290.7, as last amended by Section 10,
4 Chapter 1, O.S.L. 2019, 1290.8, as last amended by
5 Section 4, Chapter 406, O.S.L. 2019, 1290.24, as last
6 amended by Section 13, Chapter 1, O.S.L. 2019,
7 1290.25, as amended by Section 43, Chapter 259,
8 O.S.L. 2012 and 1290.26, as last amended by Section
9 4, Chapter 298, O.S.L. 2017 (21 O.S. Supp. 2020,
10 Sections 1290.2, 1290.4, 1290.6, 1290.7, 1290.8,
11 1290.24, 1290.25 and 1290.26), which relate to the
12 Oklahoma Self-Defense Act; clarifying definitions and
13 updating statutory citations; removing references to
14 handguns; defining terms; specifying persons
15 authorized to lawfully carry or transport firearms;
16 modifying scope of certain prohibited act; clarifying
17 construing provisions related to the carrying of
18 firearms; providing statutory references; specifying
19 conditions that allow for the carry of firearms in
20 this state; requiring possession of certain license
21 or identification when carrying or possessing a
22 firearm while scouting; requiring possession of
23 certain license or identification card when
24 possessing a firearm; allowing certain documents to
be displayed when demanded by law enforcement;
allowing certain licenses or identification cards to
be offered as proof; modifying elements of certain
prohibited act; modifying legislative intent
regarding the issuance of licenses; clarifying
reciprocity requirements of the state; requiring
persons to disclose possession of firearm upon
request of law enforcement; removing requirement that
the Department of Public Safety keep a list of
nonpermitting states for law enforcement reference;
and declaring an emergency.

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

22 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
23 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.
24 2020, Section 1277), is amended to read as follows:

1 Section 1277.

2 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

15 3. Any public or private elementary or public or private
16 secondary school, except as provided in subsections C and D of this
17 section;

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

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

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

23 7. Any property set aside by a county, city, town, public trust
24 with a county, city or town as a beneficiary, or state governmental

1 authority for an event that is secured with minimum-security
2 provisions. For purposes of this paragraph, a minimum-security
3 provision consists of a location that is secured utilizing the
4 following:

5 a. a metallic-style security fence that is at least eight
6 (8) feet in height that encompasses the property and
7 is secured in such a way as to deter unauthorized
8 entry,

9 b. controlled access points staffed by a uniformed,
10 commissioned peace officer, and

11 c. a metal detector whereby persons walk or otherwise
12 travel with their property through or by the metal
13 detector.

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

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

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

24

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

4 4. Any public property designated by statute, ordinance,
5 resolution, policy or use by a city, town, county or state
6 governmental authority as a street, plaza, sidewalk, alley, park,
7 recreational area, wildlife refuge, wildlife management area or
8 fairgrounds; provided, nothing in this paragraph shall be construed
9 to authorize any entry by a person in possession of a concealed or
10 unconcealed firearm into any structure, building ~~or~~, office space or
11 event which is specifically prohibited by the provisions of
12 subsection A of this section; ~~and~~

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

18 6. Any public property set aside temporarily by a county, city,
19 town, public trust with a county, city or town as a beneficiary, or
20 state governmental authority for the holder of an event permit that
21 is without minimum-security provisions, as such term is defined in
22 paragraph 7 of subsection A of this section; provided, the carry of
23 firearms within said permitted event area shall be limited to
24

1 concealed carry of a handgun unless otherwise authorized by the
2 holder of the event permit.

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 not be ~~immune from~~ subject to liability for any
22 injuries arising from the adoption of the policy. The provisions of
23 this subsection shall not apply to claims pursuant to the
24 Administrative Workers' 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~~ Notwithstanding the provisions of subsection A of this
14 section, on any property designated by a municipality by statute,
15 ordinance, resolution, policy or use as a municipal zoo or park of
16 any size that is owned, leased, operated or managed by:

17 1. A public trust created pursuant to the provisions of Section
18 176 of Title 60 of the Oklahoma Statutes; or

19 2. A nonprofit entity,
20 an individual shall be allowed to carry a concealed handgun but not
21 openly carry a handgun on the property; provided, however, an
22 individual may openly carry a firearm on the property with
23 permission from the public trust or nonprofit entity.
24

1 F. Any person violating the provisions of paragraph 2 or 3 of
2 subsection A of this section shall, upon conviction, be guilty of a
3 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
4 Dollars (\$250.00). A person violating any other provision of
5 subsection A of this section may be denied entrance onto the
6 property or removed from the property. If the person refuses to
7 leave the property and a peace officer is summoned, the person may
8 be issued a citation for an amount not to exceed Two Hundred Fifty
9 Dollars (\$250.00).

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

21 1. Any property set aside for the use or parking of any motor
22 vehicle, whether attended or unattended, provided the firearm,
23 machete, blackjack, loaded cane, hand chain or metal knuckles are
24 carried or stored as required by law and the firearm, machete,

1 blackjack, loaded cane, hand chain or metal knuckles are not removed
2 from the motor vehicle without the prior consent of the college or
3 university president or technology center school administrator while
4 the vehicle is on any college, university or technology center
5 school property;

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

9 3. Any property authorized by the written consent of the
10 college or university president or technology center school
11 administrator, provided the written consent is carried with the
12 firearm, machete, blackjack, loaded cane, hand chain or metal
13 knuckles and the valid handgun license while on college, university
14 or technology center school property.

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

24

1 Nothing contained in any provision of this subsection shall be
2 construed to authorize or allow any college, university or
3 technology center school to establish any policy or rule that has
4 the effect of prohibiting any person in lawful possession of a
5 handgun license or any person in lawful possession of a firearm,
6 machete, blackjack, loaded cane, hand chain or metal knuckles from
7 possession of a firearm, machete, blackjack, loaded cane, hand chain
8 or metal knuckles in places described in paragraphs 1, 2 and 3 of
9 this subsection. Nothing contained in any provision of this
10 subsection shall be construed to limit the authority of any college,
11 university or technology center school in this state from taking
12 administrative action against any student for any violation of any
13 provision of this subsection.

14 H. The provisions of this section shall not apply to the
15 following:

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

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

24

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

3 4. ~~Elected officials~~ Any elected official of a county, who ~~are~~
4 is in possession of a valid handgun license issued pursuant to the
5 provisions of the Oklahoma Self-Defense Act, may carry a concealed
6 handgun when acting in the performance of ~~their~~ his or her duties
7 within the ~~courthouses~~ courthouse of the county in which he or she
8 was elected. The provisions of this paragraph shall not allow the
9 elected county official to carry the handgun into a courtroom;

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

23 6. The board of county commissioners of any county may
24 authorize certain employees of the county, who possess a valid

1 handgun license issued pursuant to the provisions of the Oklahoma
2 Self-Defense Act, to carry a concealed handgun when acting in the
3 course and scope of employment on county annex facilities or grounds
4 surrounding the county courthouse.

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

10 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, as
11 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
12 2020, Section 1280.1), is amended to read as follows:

13 Section 1280.1

14 POSSESSION OF FIREARM ON SCHOOL PROPERTY

15 A. It shall be unlawful for any person to have in his or her
16 possession on any public or private school property or while in any
17 school bus or vehicle used by any school for transportation of
18 students or teachers any firearm or weapon designated in Section
19 1272 of this title, except as provided in subsection C of this
20 section or as otherwise authorized by law.

21 B. For purposes of this section:

22 1. "School property" means any publicly owned property held for
23 purposes of elementary, secondary or vocational-technical education,
24 and shall not include property owned by public school districts or

1 where such property is leased or rented to an individual or
2 corporation and used for purposes other than educational;

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

7 3. "Motor vehicle" means any automobile, truck, minivan or
8 sports utility vehicle.

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

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

17 2. A ~~gun~~ firearm or knife used for the purposes of
18 participating in the Oklahoma Department of Wildlife Conservation
19 certified hunter training education course or any other hunting,
20 fishing, safety or firearms training courses, or a recognized
21 firearms sports event, team shooting program or competition, or
22 living history reenactment, provided the course or event is approved
23 by the principal or chief administrator of the school where the
24 course or event is offered, and provided the firearm or weapon is

1 properly displayed or stored as required by law pending
2 participation in the course, event, program or competition;

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

6 4. A concealed or unconcealed weapon carried onto private
7 school property or in any school bus or vehicle used by any private
8 school for transportation of students or teachers by a person who is
9 licensed pursuant to the Oklahoma Self-Defense Act, provided a
10 policy has been adopted by the governing entity of the private
11 school that authorizes the possession of a weapon on private school
12 property or in any school bus or vehicle used by a private school.
13 Except for acts of gross negligence or willful or wanton misconduct,
14 a governing entity of a private school that adopts a policy which
15 authorizes the possession of a weapon on private school property, a
16 school bus or vehicle used by the private school shall not be ~~immune~~
17 ~~from~~ subject to liability for any injuries arising from the adoption
18 of the policy. The provisions of this paragraph shall not apply to
19 claims pursuant to the Workers' Compensation Code;

20 5. A ~~gun~~ firearm, knife, bayonet or other weapon in the
21 possession of a member of a veterans group, the ~~national guard~~
22 National Guard, active military, the Reserve Officers' Training
23 Corps (ROTC) or Junior ROTC, in order to participate in a ceremony,
24 assembly or educational program approved by the principal or chief

1 administrator of a school or school district where the ceremony,
2 assembly or educational program is being held; provided, however,
3 the ~~gun~~ firearm or other weapon that uses projectiles is not loaded
4 and is inoperable at all times while on school property;

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

12 7. A handgun carried onto public school property by school
13 personnel who have been designated by the board of education,
14 provided such personnel either:

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

18 b. hold a valid reserve peace officer certification as
19 provided for in Section 3311 of Title 70 of the
20 Oklahoma Statutes,

21 if a policy has been adopted by the board of education of the school
22 district that authorizes the carrying of a handgun onto public
23 school property by such personnel. Nothing in this subsection shall
24

1 be construed to restrict authority granted elsewhere in law to carry
2 firearms.

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

6 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.2, as
7 last amended by Section 4, Chapter 63, O.S.L. 2019 (21 O.S. Supp.
8 2020, Section 1290.2), is amended to read as follows:

9 Section 1290.2.

10 DEFINITIONS

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

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

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

24

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;

4 4. "Rifle" shall have the same definition as provided in
5 Section 1289.4 of this title; and

6 5. "Shotgun" shall have the same definition as provided in
7 Section 1289.5 of this title.

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

11 C. Pistols, handguns, rifles, shotguns and all other lawful
12 firearms mentioned in the Oklahoma Self-Defense Act may collectively
13 be referred to as "firearms".

14 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.4, as
15 amended by Section 25, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
16 Section 1290.4), is amended to read as follows:

17 Section 1290.4.

18 ~~UNLAWFUL~~ LAWFUL CARRY OF A FIREARM

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

1 SECTION 5. 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 6. 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;

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

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

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

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

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

1 SECTION 7. 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, valid driver license or 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 8. AMENDATORY 21 O.S. 2011, Section 1290.24, as
22 last amended by Section 13, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
23 2020, Section 1290.24), is amended to read as follows:

24 Section 1290.24.

1 IMMUNITY

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

6 1. Failure to prevent the licensing of an individual for whom
7 the receipt of the license is unlawful pursuant to the provisions of
8 the Oklahoma Self-Defense Act or any other provision of law of this
9 state;

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

13 3. Any injury to any person during a ~~handgun~~ firearm training
14 course conducted by a firearms instructor certified by the Council
15 on Law Enforcement Education and Training to conduct training under
16 the Oklahoma Self-Defense Act, or injury from any misfire or
17 malfunction of any ~~handgun~~ firearm on a training course firing range
18 supervised by a certified firearms instructor under the provisions
19 of the Oklahoma Self-Defense Act, or any injury resulting from
20 carrying a concealed or unconcealed ~~handgun~~ firearm pursuant to a
21 ~~handgun license~~ any firearms training; and

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

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

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

8 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1290.25, as
9 amended by Section 43, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
10 Section 1290.25), is amended to read as follows:

11 Section 1290.25.

12 LEGISLATIVE INTENT

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

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

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

24

1 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.26, as
2 last amended by Section 4, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
3 2020, Section 1290.26), is amended to read as follows:

4 Section 1290.26.

5 RECIPROCAL AGREEMENT AUTHORITY

6 A. The State of Oklahoma shall hereby ~~recognizes~~ recognize any
7 valid concealed or unconcealed carry weapons permit, valid military
8 identification card, as provided for qualified persons in Section
9 1290.8 of this title, or license issued by another state, or if the
10 state is or is not a nonpermitting carry state, this state shall
11 reciprocate under the permitting law of that state.

12 ~~A.~~ B. Any person entering this state in possession of a firearm
13 authorized for concealed or unconcealed carry upon the authority and
14 license of another state ~~or,~~ a valid military identification card, a
15 valid driver license or a valid state photo identification card, as
16 provided for qualified persons in Section 1290.8 of this title, is
17 authorized to continue to carry a concealed or unconcealed firearm
18 and license in this state; provided, the license from the other
19 state ~~or,~~ a valid military identification card, a valid driver
20 license or a valid state photo identification card, as provided for
21 qualified persons in Section 1290.8 of this title, remains valid.
22 The firearm must either be carried unconcealed or concealed, and
23 upon coming in contact with any peace officer of this state, the
24 person must disclose the fact that he or she is in possession of a

1 concealed or unconcealed firearm pursuant to a valid concealed or
2 unconcealed carry weapons permit, license or a valid military
3 identification card, as provided for qualified persons in Section
4 1290.8 of this title, issued in another state.

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

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

1 SECTION 11. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5

6 58-1-2052 BG 4/1/2021 11:23:44 AM

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24