

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 898

By: Jett

AS INTRODUCED

An Act relating to carrying firearms; amending 19 O.S. 2021, Section 215.29, which relates to district attorneys, assistant district attorneys, and former district attorneys carrying firearms; creating certain exemption; amending 21 O.S. 2021, Section 1272, which relates to unlawful carry; adding to certain exemption; requiring certain identification card return procedure; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2021, Section 215.29, is amended to read as follows:

Section 215.29. A. A district attorney or former district attorney may carry a firearm on his or her person anywhere in the state to use only for personal protection if the person has successfully completed a handgun qualification course for court officials developed by the Council on Law Enforcement Education and Training. The Council on Law Enforcement Education and Training may provide for an identification card to be issued to the district attorney or former district attorney and may provide application

1 forms. If the person issued an identification card is no longer
2 eligible, that person shall immediately return the identification
3 card to the Council on Law Enforcement Education and Training.

4 B. At the discretion of the district attorney, the district
5 attorney may allow an assistant district attorney to carry a firearm
6 on his or her person anywhere in the state to use only for personal
7 protection if the person has successfully completed a handgun
8 qualification course for court officials developed by the Council on
9 Law Enforcement Education and Training. The Council on Law
10 Enforcement Education and Training may provide for an identification
11 card to be issued to the assistant district attorney and may provide
12 application forms.

13 If an assistant district attorney ends his or her employment,
14 the assistant district attorney shall immediately return the
15 identification card to the Council on Law Enforcement Education and
16 Training. The district attorney may allow the former assistant
17 district attorney to continue to use the identification card and to
18 carry a firearm on his or her person anywhere in the state for
19 personal protection provided the former assistant district attorney
20 maintains certification of the qualification course for court
21 officials developed by the Council on Law Enforcement Education and
22 Training. If the person issued an identification card is no longer
23 eligible, that person shall immediately return the identification
24 card to the Council on Law Enforcement Education and Training.

1 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1272, is

2 amended to read as follows:

3 Section 1272.

4 UNLAWFUL CARRY

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

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

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

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

20 4. The carrying or use of weapons ~~in a courthouse~~ within this
21 state by a district judge, associate district judge, ~~or~~ special
22 district judge, or municipal judge or by a former district judge,
23 former associate district judge, former special district judge, or
24 former municipal judge within this state to use only for personal

1 protection, who is in possession of a valid handgun license issued
2 pursuant to the provisions of the Oklahoma Self-Defense Act and
3 whose name appears on a list maintained by the Administrative
4 Director of the Courts, and who has successfully completed a handgun
5 qualification course for court officials developed by the Council on
6 Law Enforcement Education and Training and maintains an
7 identification card issued by the Council on Law Enforcement
8 Education and Training for successful completion of the course. Any
9 district judge, associate district judge, special district judge, or
10 municipal judge or former district judge, former associate district
11 judge, former special district judge, or former municipal judge who
12 is no longer eligible to maintain the identification card shall
13 immediately return the identification card to the Council on Law
14 Enforcement Education and Training;

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

23 6. The transporting by vehicle on a public roadway or the
24 carrying of a firearm, concealed or unconcealed, loaded or unloaded,

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

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

- 14 a. assault and battery pursuant to the provisions of
15 Section 644 of this title which caused serious
16 physical injury to the victim,
- 17 b. aggravated assault and battery pursuant to the
18 provisions of Section 646 of this title,
- 19 c. assault and battery that qualifies as domestic abuse
20 as defined in Section 644 of this title,
- 21 d. stalking pursuant to the provisions of Section 1173 of
22 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 3. This act shall become effective November 1, 2023.

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