

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 3098

By: Coody (Jeff)

4
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
197, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1272),
9 which relates to the unlawful carry of firearms;
10 deleting reference to the Oklahoma Self-Defense Act;
11 modifying exceptions; amending 21 O.S. 2011, Sections
1272.1, as amended by Section 2, Chapter 259, O.S.L.
12 2012 and 1272.2, as amended by Section 3, Chapter
259, O.S.L. 2012 (21 O.S. Supp. 2015, Sections
1272.1 and 1272.2), which relate to carrying firearms
13 were liquor is consumed; deleting handgun license
14 exception; deleting penalty for handgun licensees;
15 amending 21 O.S. 2011, Section 1273, as last amended
16 by Section 1, Chapter 193, O.S.L. 2014 (21 O.S. Supp.
2015, Section 1273), which relates to allowing minors
17 to possess firearms; deleting penalty for handgun
18 licensees; amending 21 O.S. 2011, Section 1276, as
19 amended by Section 5, Chapter 259, O.S.L. 2012 (21
20 O.S. Supp. 2015, Section 1276), which relates to
21 penalties for certain prohibited acts; deleting
22 penalty for handgun licensees; amending 21 O.S. 2011,
23 Section 1277, as last amended by Section 1, Chapter
310, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1277),
24 which relates to the unlawful carry of firearms in
certain places; modifying scope of prohibited acts;
deleting references to the Oklahoma Self-Defense Act;
deleting certain notification requirement, hearing
procedures and administrative penalty; amending 21
O.S. 2011, Section 1278, as amended by Section 7
Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015, Section
1278), which relates to unlawful intent to carry
weapons; deleting penalty for handgun licensees;
amending 21 O.S. 2011, Section 1279, as amended by
Section 1, Chapter 171, O.S.L. 2013 (21 O.S. Supp.
2015, Section 1279), which relates to pointing a

1 firearm; deleting penalty for handgun licensees;
2 amending 21 O.S. 2011, Section 1280, which relates to
3 penalties for pointing a firearm; deleting penalty
4 for handgun licensees; amending 21 O.S. 2011, Section
5 1280.1, as last amended by Section 2, Chapter 310,
6 O.S.L. 2015 (21 O.S. Supp. 2015, Section 1280.1),
7 which relates to possession of firearm on school
8 property; deleting references to the Oklahoma Self-
9 Defense Act; amending 21 O.S. 2011, Section 1283, as
10 last amended by Section 1, Chapter 179, O.S.L. 2014
11 (21 O.S. Supp. 2015, Section 1283), which relates to
12 unlawful possession by convicted felons and
13 delinquents; deleting references to the Oklahoma
14 Self-Defense Act; deleting certain prohibited act;
15 deleting penalty for handgun licensees; amending 21
16 O.S. 2011, Section 1287, as amended by Section 10,
17 Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015, Section
18 1287), which relates to use of firearm while
19 committing felony; deleting penalty for handgun
20 licensees; amending 21 O.S. 2011, Sections 1289.6, as
21 amended by Section 11, Chapter 259, O.S.L. 2012,
22 1289.7, as amended by Section 12, Chapter 259, O.S.L.
23 2012, 1289.8, as amended by Section 2, Chapter 144,
24 O.S.L. 2015, 1289.9, as amended by Section 14,
Chapter 259, O.S.L. 2012, 1289.10, as amended by
Section 15, Chapter 259, O.S.L. 2012, 1289.11, as
amended by Section 16, Chapter 259, O.S.L. 2012,
1289.12, as amended by Section 17, Chapter 259,
O.S.L. 2012, 1289.13, as amended by Section 18,
Chapter 259, O.S.L. 2012, 1289.13A, as amended by
Section 19, Chapter 259, O.S.L. 2012, 1289.16, as
amended by Section 20, Chapter 259, O.S.L. 2012,
1289.23, as last amended by Section 1, Chapter 216,
O.S.L. 2015, 1289.24, as last amended by Section 1,
Chapter 241, O.S.L. 2015 and 1289.25 (21 O.S. Supp.
2015, Sections 1289.6, 1289.7, 1289.8, 1289.9,
1289.10, 1289.11, 1289.12, 1289.13, 1289.13A,
1289.16, 1289.23 and 1289.24), which relate to the
Firearms Act of 1971; deleting references to the
Oklahoma Self-Defense Act; authorizing certain
persons to carry firearms; prohibiting the carrying
of firearms into certain places; deleting penalties
for handgun licensees; deleting statutory references;
deleting exception to certain prohibited act;
deleting construing provisions; deleting certain
authorization for commissioned peace officers;
deleting handgun license application procedures for

1 peace officers; amending 21 O.S. 2011, Sections
2 1290.1, 1290.3, as amended by Section 24, Chapter
3 259, O.S.L. 2012, 1290.5, as last amended by Section
4 1, Chapter 122, O.S.L. 2014, 1290.7, as last amended
5 by Section 3, Chapter 366, O.S.L. 2013, 1290.12, as
6 last amended by Section 1, Chapter 207, O.S.L. 2015,
7 1290.14, as last amended by Section 2, Chapter 207,
8 O.S.L. 2015, 1290.15, as last amended by Section 2,
9 Chapter 86, O.S.L. 2013, 1290.17, as amended by
10 Section 36, Chapter 259, O.S.L. 2012, 1290.18, as
11 last amended by Section 1, Chapter 200, O.S.L. 2015,
12 1290.21, as last amended by Section 6, Chapter 366,
13 O.S.L. 2013, 1290.22, as amended by Section 7,
14 Chapter 366, O.S.L. 2013, 1290.24, as amended by
15 Section 42, Chapter 259, O.S.L. 2012 and 1290.25, as
16 amended by Section 43, Chapter 259, O.S.L. 2012 (21
17 O.S. Supp. 2015, Sections 1290.3, 1290.5, 1290.7,
18 1290.12, 1290.14, 1290.15, 1290.17, 1290.18, 1290.21,
19 1290.22, 1290.24 and 1290.25), which relate to the
20 Oklahoma Self-Defense Act; updating statutory
21 reference; clarifying authorization of the Oklahoma
22 Statute Bureau of Investigation to issue handgun
23 licenses; deleting manner in which handgun must be
24 carried; clarifying scope of authority of handgun
license; modifying construing provision; deleting
certain prohibited act; modifying certain application
requirement; clarifying license replacement
provision; modifying scope of legislative intent;
amending 21 O.S. 2011, Section 1364, as amended by
Section 45, Chapter 259, O.S.L. 2012 (21 O.S. Supp.
2015, Section 1364), which relates to the discharge
of firearms; deleting administrative penalty for
certain prohibited act; amending 57 O.S. 2011,
Section 21, as last amended by Section 2, Chapter
226, O.S.L. 2015 (57 O.S. Supp. 2015, Section 21),
modifying handgun license exception to certain
prohibited act; amending Section 3, Chapter 407,
O.S.L. 2013, as amended by Section 2, Chapter 373,
O.S.L. 2014 (59 O.S. Supp. 2015, Section 1350.2),
which relates to the Bail Enforcement and Licensing
Act; modifying scope of certain prohibited act;
amending 63 O.S. 2011, Section 2-110, as amended by
Section 46, Chapter 259, O.S.L. 2012 (63 O.S. Supp.
2015, Section 2-110), which relates to the Uniform
Controlled Dangerous Substances Act; deleting
authority for attorneys to carry under the Oklahoma
Self-Defense Act; amending 63 O.S. 2011, Section

1 4210.3, as amended by Section 47, Chapter 259, O.S.L.
2 2012 (63 O.S. Supp. 2015, Section 4210.3), which
3 relates to the Oklahoma Boating Safety Regulation
4 Act; deleting administrative penalty for certain
5 prohibited act; repealing 21 O.S. 2011, Sections
6 1290.4, as amended by Section 25, Chapter 259, O.S.L.
7 2012, 1290.6, as amended by Section 27, Chapter 259,
8 O.S.L. 2012 and 1290.8, as last amended by Section 4,
9 Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015,
10 Sections 1290.4, 1290.6 and 1290.8), which relate to
11 the Oklahoma Self-Defense Act; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
15 last amended by Section 1, Chapter 197, O.S.L. 2015 (21 O.S. Supp.
16 2015, Section 1272), is amended to read as follows:

17 Section 1272.

18 UNLAWFUL CARRY

19 A. It shall be unlawful for any person to carry upon or about
20 his or her person, or in a purse or other container belonging to the
21 person, any pistol, revolver, shotgun or rifle whether loaded or
22 unloaded or any dagger, bowie knife, dirk knife, sword cane,
23 blackjack, loaded cane, billy, hand chain, metal knuckles, or any
24 other offensive weapon, whether such weapon be concealed or
unconcealed, except this section shall not prohibit:

1. The proper use of guns and knives for hunting, fishing,
educational or recreational purposes;

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

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

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

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

21 B. Any person convicted of violating the foregoing provision
22 shall be guilty of a misdemeanor punishable as provided in Section
23 1276 of this title.

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1272.1, as
2 amended by Section 2, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
3 Section 1272.1), is amended to read as follows:

4 Section 1272.1

5 CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

6 A. It shall be unlawful for any person to carry or possess any
7 weapon designated in Section 1272 of this title in any establishment
8 where low-point beer, as defined by Section 163.2 of Title 37 of the
9 Oklahoma Statutes, or alcoholic beverages, as defined by Section 506
10 of Title 37 of the Oklahoma Statutes, are consumed. This provision
11 shall not apply to a peace officer, as defined in Section 99 of this
12 title, or to private investigators with a firearms authorization
13 when acting in the scope and course of employment, and shall not
14 apply to an owner or proprietor of the establishment having a
15 pistol, rifle, or shotgun on the premises. ~~Provided however, a~~ A
16 ~~person possessing a valid handgun license pursuant to the provisions~~
17 ~~of the Oklahoma Self Defense Act may carry the concealed or~~
18 ~~unconcealed~~ handgun into any restaurant or other establishment
19 licensed to dispense low-point beer or alcoholic beverages where the
20 sale of low-point beer or alcoholic beverages does not constitute
21 the primary purpose of the business.

22 Provided further, nothing in this section shall be interpreted
23 to authorize any peace officer in actual physical possession of a
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1 | weapon to consume low-point beer or alcoholic beverages, except in
2 | the authorized line of duty as an undercover officer.

3 | Nothing in this section shall be interpreted to authorize any
4 | private investigator with a firearms authorization in actual
5 | physical possession of a weapon to consume low-point beer or
6 | alcoholic beverages in any establishment where low-point beer or
7 | alcoholic beverages are consumed.

8 | B. Any person violating the provisions of this section shall be
9 | punished as provided in Section 1272.2 of this title.

10 | SECTION 3. AMENDATORY 21 O.S. 2011, Section 1272.2, as
11 | amended by Section 3, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
12 | Section 1272.2), is amended to read as follows:

13 | Section 1272.2

14 | PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

15 | Any person who intentionally or knowingly carries on his or her
16 | person any weapon in violation of Section 1272.1 of this title,
17 | shall, upon conviction, be guilty of a felony punishable by a fine
18 | not to exceed One Thousand Dollars (\$1,000.00), or imprisonment in
19 | the custody of the Department of Corrections for a period not to
20 | exceed two (2) years, or by both such fine and imprisonment.

21 | ~~Any person convicted of violating the provisions of this section~~
22 | ~~after having been issued a handgun license pursuant to the~~
23 | ~~provisions of the Oklahoma Self-Defense Act shall have the license~~
24 | ~~revoked by the Oklahoma State Bureau of Investigation after a~~

1 ~~hearing and determination that the person is in violation of Section~~
2 ~~1272.1 of this title.~~

3 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1273, as
4 last amended by Section 1, Chapter 193, O.S.L. 2014 (21 O.S. Supp.
5 2015, Section 1273), is amended to read as follows:

6 Section 1273.

7 ALLOWING MINORS TO POSSESS FIREARMS

8 A. It shall be unlawful for any person within this state to
9 sell or give to any child any of the arms or weapons designated in
10 Section 1272 of this title; provided, the provisions of this section
11 shall not prohibit a parent of a child or legal guardian of a child,
12 or a person acting with the permission of the parent of the child or
13 legal guardian of the child, from giving the child a firearm for
14 participation in hunting animals or fowl, hunter safety classes,
15 education and training in the safe use and handling of firearms,
16 target shooting, skeet, trap or other sporting events or
17 competitions, except as provided in subsection B of this section.

18 B. It shall be unlawful for any parent or guardian to
19 intentionally, knowingly, or recklessly permit his or her child to
20 possess any of the arms or weapons designated in Section 1272 of
21 this title, including any firearm, if such parent is aware of a
22 substantial risk that the child will use the weapon to commit a
23 criminal offense or if the child has either been adjudicated a
24 delinquent or has been convicted as an adult for any criminal

1 offense that contains as an element the threat or use of physical
2 force against the person of another.

3 C. It shall be unlawful for any child to possess any of the
4 arms or weapons designated in Section 1272 of this title, except
5 firearms used for participation in hunting animals or fowl, hunter
6 safety classes, education and training in the safe use and handling
7 of firearms, target shooting, skeet, trap or other sporting events
8 or competitions. Provided, this section shall not authorize the
9 possession of such weapons by any person who is subject to the
10 provisions of Section 1283 of this title.

11 D. Any person violating the provisions of this section shall,
12 upon conviction, be punished as provided in Section 1276 of this
13 title, and, any child violating the provisions of this section shall
14 be subject to adjudication as a delinquent. In addition, any person
15 violating the provisions of subsection A or B of this section shall
16 be liable for civil damages for any injury or death to any person
17 and for any damage to property, as provided in Section 10 of Title
18 23 of the Oklahoma Statutes, resulting from any discharge of a
19 firearm by the child or use of any other weapon that the person had
20 given to the child or permitted the child to possess. ~~Any person
21 convicted of violating the provisions of this section after having
22 been issued a handgun license pursuant to the provisions of the
23 Oklahoma Self-Defense Act may be liable for an administrative
24 violation as provided in Section 1276 of this title.~~

1 E. As used in this section, "child" means a person under
2 eighteen (18) years of age.

3 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1276, as
4 amended by Section 5, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
5 Section 1276), is amended to read as follows:

6 Section 1276.

7 PENALTY FOR 1272 AND 1273

8 Any person violating the provisions of Section 1272 or 1273 of
9 this title shall, upon a first conviction, be adjudged guilty of a
10 misdemeanor and the party offending shall be punished by a fine of
11 not less than One Hundred Dollars (\$100.00) nor more than Two
12 Hundred Fifty Dollars (\$250.00), or by imprisonment in the county
13 jail for a period not to exceed thirty (30) days or both such fine
14 and imprisonment. On the second and every subsequent violation, the
15 party offending shall, upon conviction, be punished by a fine of not
16 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
17 Hundred Dollars (\$500.00), or by imprisonment in the county jail for
18 a period not less than thirty (30) days nor more than three (3)
19 months, or by both such fine and imprisonment.

20 ~~Any person convicted of violating the provisions of Section 1272~~
21 ~~or 1273 of this title after having been issued a handgun license~~
22 ~~pursuant to the provisions of the Oklahoma Self-Defense Act shall~~
23 ~~have the license suspended for a period of six (6) months and shall~~
24 ~~be liable for an administrative fine of Fifty Dollars (\$50.00) upon~~

1 ~~a hearing and determination by the Oklahoma State Bureau of~~
2 ~~Investigation that the person is in violation of the provisions of~~
3 ~~this section.~~

4 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1277, as
5 last amended by Section 1, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
6 2015, Section 1277), is amended to read as follows:

7 Section 1277.

8 UNLAWFUL CARRY IN CERTAIN PLACES

9 A. It shall be unlawful for any person ~~in possession of a valid~~
10 ~~handgun license issued pursuant to the provisions of the Oklahoma~~
11 ~~Self Defense Act~~ to carry any ~~concealed or unconcealed~~ a handgun
12 into any of the following places:

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

16 2. Any prison, jail, detention facility or any facility used to
17 process, hold, or house arrested persons, prisoners or persons
18 alleged delinquent or adjudicated delinquent;

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

22 4. Any sports arena during a professional sporting event;

23 5. Any place where pari-mutuel wagering is authorized by law;

24 and

1 6. Any other place specifically prohibited by law.

2 B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A
3 of this section, the prohibited place does not include and
4 specifically excludes the following 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, by any entity offering any
10 professional sporting event which is open to the public for
11 admission, or by any entity engaged in pari-mutuel wagering
12 authorized by law;

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

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

23 5. Any property set aside by a public or private elementary or
24 secondary school for the use or parking of any vehicle, whether

1 attended or unattended; provided, however, said handgun shall be
2 stored and hidden from view in a locked motor vehicle when the motor
3 vehicle is left unattended on school property.

4 Nothing contained in any provision of this subsection or
5 subsection C of this section shall be construed to authorize or
6 allow any person in control of any place described in paragraph 1,
7 2, 3, 4 or 5 of subsection A of this section to establish any policy
8 or rule that has the effect of prohibiting any person in lawful
9 possession of a handgun license from possession of a handgun
10 allowable under such license in places described in paragraph 1, 2,
11 3, 4 or 5 of this subsection.

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

3 D. Notwithstanding paragraph 3 of subsection A of this section,
4 a board of education of a school district may adopt a policy
5 pursuant to Section 3 of this act to authorize the carrying of a
6 handgun onto school property by school personnel specifically
7 designated by the board of education, provided such personnel
8 either:

9 1. Possess a valid armed security guard license as provided for
10 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

11 2. Hold a valid reserve peace officer certification as provided
12 for in Section 3311 of Title 70 of the Oklahoma Statutes.

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

15 E. Any person violating the provisions of subsection A of this
16 section shall, upon conviction, be guilty of a misdemeanor
17 punishable by a fine not to exceed Two Hundred Fifty Dollars
18 (\$250.00).

19 F. No person ~~in possession of a valid handgun license issued~~
20 ~~pursuant to the provisions of the Oklahoma Self-Defense Act~~ shall be
21 authorized to carry ~~the~~ a handgun into or upon any college,
22 university, or technology center school property, except as provided
23 in this subsection. For purposes of this subsection, the following
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1 property shall not be construed as prohibited ~~for persons having a~~
2 ~~valid handgun license:~~

3 1. Any property set aside for the use or parking of any
4 vehicle, whether attended or unattended, provided the handgun is
5 carried or stored as required by law and the handgun is not removed
6 from the vehicle without the prior consent of the college or
7 university president or technology center school administrator while
8 the vehicle is on any college, university, or technology center
9 school property;

10 2. Any property authorized for possession or use of handguns by
11 college, university, or technology center school policy; and

12 3. Any property authorized by the written consent of the
13 college or university president or technology center school
14 administrator, provided the written consent is carried with the
15 handgun ~~and the valid handgun license~~ while on college, university,
16 or technology center school property.

17 ~~The college, university, or technology center school may notify~~
18 ~~the Oklahoma State Bureau of Investigation within ten (10) days of a~~
19 ~~violation of any provision of this subsection by a licensee. Upon~~
20 ~~receipt of a written notification of violation, the Bureau shall~~
21 ~~give a reasonable notice to the licensee and hold a hearing. At the~~
22 ~~hearing, upon a determination that the licensee has violated any~~
23 ~~provision of this subsection, the licensee may be subject to an~~

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1 ~~administrative fine of Two Hundred Fifty Dollars (\$250.00) and may~~
2 ~~have the handgun license suspended for three (3) months.~~

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

14 G. The provisions of this section shall not apply to any peace
15 officer or to any person authorized by law to carry a pistol in the
16 course of employment. District judges, associate district judges
17 and special district judges, ~~who are in possession of a valid~~
18 ~~handgun license issued pursuant to the provisions of the Oklahoma~~
19 ~~Self-Defense Act~~ and whose names appear on a list maintained by the
20 Administrative Director of the Courts, shall be exempt from this
21 section when acting in the course and scope of employment within the
22 courthouses of this state. Private investigators with a firearms
23 authorization shall be exempt from this section when acting in the
24 course and scope of employment.

1 H. For the purposes of this section, "motor vehicle" means any
2 automobile, truck, minivan or ~~sports~~ sport utility vehicle.

3 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1278, as
4 amended by Section 7, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
5 Section 1278), is amended to read as follows:

6 Section 1278.

7 UNLAWFUL INTENT TO CARRY

8 Any person in this state who carries or wears any deadly weapons
9 or dangerous instrument whatsoever with the intent or for the avowed
10 purpose of unlawfully injuring another person, upon conviction,
11 shall be guilty of a felony punishable by a fine not exceeding Five
12 Thousand Dollars (\$5,000.00), by imprisonment in the custody of the
13 Department of Corrections for a period not exceeding two (2) years,
14 or by both such fine and imprisonment. The mere possession of such
15 a weapon or dangerous instrument, without more, however, shall not
16 be sufficient to establish intent as required by this section.

17 ~~Any person convicted of violating the provisions of this section~~
18 ~~after having been issued a handgun license pursuant to the~~
19 ~~provisions of the Oklahoma Self-Defense Act shall have the license~~
20 ~~permanently revoked and shall be liable for an administrative fine~~
21 ~~of One Thousand Dollars (\$1,000.00) upon a hearing and determination~~
22 ~~by the Oklahoma State Bureau of Investigation that the person is in~~
23 ~~violation of the provisions of this section.~~

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1 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1279, as
2 amended by Section 1, Chapter 171, O.S.L. 2013 (21 O.S. Supp. 2015,
3 Section 1279), is amended to read as follows:

4 Section 1279.

5 MISDEMEANOR POINTING A FIREARM

6 Except for an act of self-defense, it shall be unlawful for any
7 person to point any pistol or any other deadly weapon whether loaded
8 or not, at any other person or persons. Any person violating the
9 provisions of this section shall, upon conviction, be guilty of a
10 misdemeanor punishable as provided in Section 1280 of this title.

11 ~~Any person convicted of violating the provisions of this section~~
12 ~~after having been issued a handgun license pursuant to the~~
13 ~~provisions of the Oklahoma Self Defense Act may be subject to an~~
14 ~~administrative violation as provided in Section 1280 of this title.~~

15 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1280, is
16 amended to read as follows:

17 Section 1280.

18 PENALTY FOR 1279

19 Any person violating the provisions of Section 1279 of this
20 title, upon conviction, shall be guilty of a misdemeanor. The
21 person offending shall be punished by a fine of not less than One
22 Hundred Dollars (\$100.00) nor more than One Thousand Dollars
23 (\$1,000.00) and shall be imprisoned in the county jail for a period
24 not less than three (3) nor more than twelve (12) months. ~~Any~~

1 ~~person convicted of violating the provisions of Section 1279 of this~~
2 ~~title after having been issued a handgun license pursuant to the~~
3 ~~provisions of the Oklahoma Self-Defense Act, Sections 1 through 25~~
4 ~~of this act, shall have the handgun license permanently revoked and~~
5 ~~shall be liable for an administrative fine of Fifty Dollars (\$50.00)~~
6 ~~upon a hearing and determination by the Oklahoma State Bureau of~~
7 ~~Investigation that the person is in violation of the provisions of~~
8 ~~this section.~~

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

12 Section 1280.1

13 POSSESSION OF FIREARM ON SCHOOL PROPERTY

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

20 B. For purposes of this section:

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

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

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

1 by law pending participation in the course, event, program or
2 competition;

3 3. Weapons in the possession of any peace officer or other
4 person authorized by law to possess a weapon in the performance of
5 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 be immune
17 from liability for any injuries arising from the adoption of the
18 policy. The provisions of this paragraph shall not apply to claims
19 pursuant to the Workers' Compensation Code;

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

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

5 6. A handgun carried in a motor vehicle ~~pursuant to a valid~~
6 ~~handgun license authorized by the Oklahoma Self-Defense Act~~ onto
7 property set aside by a public or private elementary or secondary
8 school for the use or parking of any vehicle; provided, however,
9 said handgun shall be stored and hidden from view in a locked motor
10 vehicle when the motor vehicle is left unattended on school
11 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 11. AMENDATORY 21 O.S. 2011, Section 1283, as
7 last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.
8 2015, Section 1283), is amended to read as follows:

9 Section 1283.

10 CONVICTED FELONS AND DELINQUENTS

11 A. Except as provided in subsection B of this section, it shall
12 be unlawful for any person convicted of any felony in any court of
13 this state or of another state or of the United States to have in
14 his or her possession or under his or her immediate control, or in
15 any vehicle which the person is operating, or in which the person is
16 riding as a passenger, or at the residence where the convicted
17 person resides, any pistol, imitation or homemade pistol, altered
18 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
19 other dangerous or deadly firearm.

20 B. Any person who has previously been convicted of a nonviolent
21 felony in any court of this state or of another state or of the
22 United States, and who has received a full and complete pardon from
23 the proper authority and has not been convicted of any other felony
24 offense which has not been pardoned, shall have restored the right

1 to possess any firearm or other weapon prohibited by subsection A of
2 this section, ~~the right to apply for and carry a concealed handgun,~~
3 ~~concealed or unconcealed, pursuant to the Oklahoma Self-Defense Act~~
4 and the right to perform the duties of a peace officer, gunsmith, or
5 for firearms repair.

6 C. It shall be unlawful for any person serving a term of
7 probation for any felony in any court of this state or of another
8 state or of the United States or under the jurisdiction of any
9 alternative court program to have in his or her possession or under
10 his or her immediate control, or at his or her residence, or in any
11 passenger vehicle which the person is operating or is riding as a
12 passenger, any pistol, shotgun or rifle, including any imitation or
13 homemade pistol, altered air or toy pistol, shotgun or rifle, while
14 such person is subject to supervision, probation, parole or inmate
15 status.

16 D. It shall be unlawful for any person previously adjudicated
17 as a delinquent child or a youthful offender for the commission of
18 an offense, which would have constituted a felony offense if
19 committed by an adult, to have in the possession of the person or
20 under the immediate control of the person, or have in any vehicle
21 which he or she is driving or in which the person is riding as a
22 passenger, or at the residence of the person, any pistol, imitation
23 or homemade pistol, altered air or toy pistol, machine gun, sawed-
24 off shotgun or rifle, or any other dangerous or deadly firearm

1 within ten (10) years after such adjudication; provided, that
2 nothing in this subsection shall be construed to prohibit the
3 placement of the person in a home with a full-time duly appointed
4 peace officer who is certified by the Council on Law Enforcement
5 Education and Training (CLEET) pursuant to the provisions of Section
6 3311 of Title 70 of the Oklahoma Statutes.

7 ~~E. Any person having been issued a handgun license pursuant to~~
8 ~~the provisions of the Oklahoma Self-Defense Act and who thereafter~~
9 ~~knowingly or intentionally allows a convicted felon or adjudicated~~
10 ~~delinquent or a youthful offender as prohibited by the provisions of~~
11 ~~subsection A, C, or D of this section to possess or have control of~~
12 ~~any pistol authorized by the Oklahoma Self-Defense Act shall, upon~~
13 ~~conviction, be guilty of a felony punishable by a fine not to exceed~~
14 ~~Five Thousand Dollars (\$5,000.00). In addition, the person shall~~
15 ~~have the handgun license revoked by the Oklahoma State Bureau of~~
16 ~~Investigation after a hearing and determination that the person has~~
17 ~~violated the provisions of this section.~~

18 ~~F.~~ Any convicted or adjudicated person violating the provisions
19 of this section shall, upon conviction, be guilty of a felony
20 punishable as provided in Section 1284 of this title.

21 ~~G.~~ F. For purposes of this section, "sawed-off shotgun or
22 rifle" shall mean any shotgun or rifle which has been shortened to
23 any length.

24

1 ~~H.~~ G. For purposes of this section, "altered toy pistol" shall
2 mean any toy weapon which has been altered from its original
3 manufactured state to resemble a real weapon.

4 ~~I.~~ H. For purposes of this section, "altered air pistol" shall
5 mean any air pistol manufactured to propel projectiles by air
6 pressure which has been altered from its original manufactured
7 state.

8 ~~J.~~ I. For purposes of this section, "alternative court program"
9 shall mean any drug court, Anna McBride or mental health court, DUI
10 court or veterans court.

11 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1287, as
12 amended by Section 10, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
13 Section 1287), is amended to read as follows:

14 Section 1287.

15 USE OF FIREARM WHILE COMMITTING A FELONY

16 A. Any person who, while committing or attempting to commit a
17 felony, possesses a pistol, shotgun or rifle or any other offensive
18 weapon in such commission or attempt, whether the pistol, shotgun or
19 rifle is loaded or not, or who possesses a blank or imitation
20 pistol, altered air or toy pistol, shotgun or rifle capable of
21 raising in the mind of one threatened with such device a fear that
22 it is a real pistol, shotgun or rifle, or who possesses an air gun
23 or carbon dioxide or other gas-filled weapon, electronic dart gun,
24 conductive energy weapon, knife, dagger, dirk, switchblade knife,

1 blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in
2 addition to the penalty provided by statute for the felony committed
3 or attempted, upon conviction shall be guilty of a felony for
4 possessing such weapon or device, which shall be a separate offense
5 from the felony committed or attempted and shall be punishable by
6 imprisonment in the custody of the Department of Corrections for a
7 period of not less than two (2) years nor for more than ten (10)
8 years for the first offense, and for a period of not less than ten
9 (10) years nor more than thirty (30) years for any second or
10 subsequent offense.

11 ~~B. Any person convicted of violating the provisions of this~~
12 ~~section after having been issued a handgun license pursuant to the~~
13 ~~provisions of the Oklahoma Self Defense Act shall have the license~~
14 ~~permanently revoked and shall be liable for an administrative fine~~
15 ~~of One Thousand Dollars (\$1,000.00) upon a hearing and determination~~
16 ~~by the Oklahoma State Bureau of Investigation that the person is in~~
17 ~~violation of the provisions of this section.~~

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

21 ~~D.~~ C. As used in this section, "altered air pistol" shall mean
22 any air pistol manufactured to propel projectiles by air pressure
23 which has been altered from its original manufactured state.

24

1 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1289.6, as
2 amended by Section 11, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
3 Section 1289.6), is amended to read as follows:

4 Section 1289.6

5 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

6 A. A person shall be permitted to carry loaded and unloaded
7 shotguns, rifles and pistols, open and not concealed ~~and without a~~
8 ~~handgun license as authorized by the Oklahoma Self-Defense Act~~
9 pursuant to the following conditions:

10 1. When hunting animals or fowl;

11 2. During competition in or practicing in a safety or hunter
12 safety class, target shooting, skeet, trap or other recognized
13 sporting events;

14 3. During participation in or in preparation for a military
15 function of the state military forces to be defined as the Oklahoma
16 Army or Air National Guard, Federal Military Reserve and active
17 military forces;

18 4. During participation in or in preparation for a recognized
19 police function of either a municipal, county or state government as
20 functioning police officials;

21 5. During a practice for or a performance for entertainment
22 purposes;

23

24

1 6. For lawful self-defense and self-protection or any other
2 legitimate purpose in or on property that is owned, leased, rented,
3 or otherwise legally controlled by the person; ~~or~~

4 7. When carried in a holster that is wholly or partially
5 visible or in a scabbard, case or with a sling designed for carrying
6 firearms that is wholly or partially visible and the person is
7 twenty-one (21) years of age or older. Any person who carries a
8 firearm in the manner provided for in this paragraph shall be
9 prohibited from carrying the firearm into any of the places as
10 prescribed in subsection A of Section 1277 of this title; or

11 8. For any legitimate purpose not in violation of the Oklahoma
12 Firearms Act of 1971 or any legislative enactment regarding the use,
13 ownership and control of firearms.

14 B. A person shall be permitted to carry unloaded shotguns,
15 rifles and pistols, open and not concealed ~~and without a handgun~~
16 ~~license as authorized by the Oklahoma Self Defense Act~~ pursuant to
17 the following conditions:

18 1. When going to or from the person's private residence or
19 vehicle or a vehicle in which the person is riding as a passenger to
20 a place designated or authorized for firearms repairs or
21 reconditioning, or for firearms trade, sale, or barter, or gunsmith,
22 or hunting animals or fowl, or hunter safety course, or target
23 shooting, or skeet or trap shooting or any recognized firearms
24 activity or event and while in such places; or

1 2. For any legitimate purpose not in violation of the Oklahoma
2 Firearms Act of 1971.

3 C. The provisions of this section shall not be construed to
4 prohibit educational or recreational activities, exhibitions,
5 displays or shows involving the use or display of rifles, shotguns
6 or pistols or other weapons if the activity is approved by the
7 property owner and sponsor of the activity.

8 SECTION 14. AMENDATORY 21 O.S. 2011, Section 1289.7, as
9 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
10 Section 1289.7), is amended to read as follows:

11 Section 1289.7

12 FIREARMS IN VEHICLES

13 Any person, except a convicted felon, may transport in a motor
14 vehicle a rifle, shotgun or pistol, open and unloaded, at any time.
15 For purposes of this section "open" means the firearm is transported
16 in plain view, in a case designed for carrying firearms, which case
17 is wholly or partially visible, in a gun rack mounted in the
18 vehicle, in an exterior locked compartment or a trunk of a vehicle.

19 Any person, except a convicted felon, may transport in a motor
20 vehicle a rifle or shotgun concealed behind a seat of the vehicle or
21 within the interior of the vehicle provided the rifle or shotgun is
22 not clip, magazine or chamber loaded. The authority to transport a
23 clip or magazine loaded rifle or shotgun shall be pursuant to
24 Section 1289.13 of this title.

1 ~~Any person who is the operator of a vehicle or is a passenger in~~
2 ~~any vehicle wherein another person who is licensed pursuant to the~~
3 ~~Oklahoma Self-Defense Act to carry a handgun, concealed or~~
4 ~~unconcealed, and is carrying a handgun or has the handgun in such~~
5 ~~vehicle, shall not be deemed in violation of the provisions of this~~
6 ~~section provided the licensee is in or near the vehicle.~~

7 SECTION 15. AMENDATORY 21 O.S. 2011, Section 1289.8, as
8 amended by Section 2, Chapter 144, O.S.L. 2015 (21 O.S. Supp. 2015,
9 Section 1289.8), is amended to read as follows:

10 Section 1289.8

11 CARRYING CONCEALED WEAPON

12 A. Any fire marshal inspector who is retired, state, county or
13 municipal peace officer of this state who is retired, or any state,
14 county or municipal peace officer classified as a reserve who is
15 retired, or any federal law enforcement officer who is retired may
16 retain their status as a peace officer, retired, in the State of
17 Oklahoma, and as such may carry a concealed pistol pursuant to the
18 provisions of subsection B of this section. A retired state, county
19 or municipal peace officer may in times of great emergency or danger
20 serve to enforce the law, keep the peace or to protect the public in
21 keeping with their availability and ability at the request of the
22 Governor, the sheriff or the mayor of their retirement jurisdiction.
23 If a retired fire marshal is activated for duty, the peace officer

24

1 powers of the retired fire marshal are limited to the duties granted
2 prior to retirement.

3 B. The Council on Law Enforcement Education and Training
4 (CLEET) shall issue an identification card to eligible retired
5 federal, state, county, and municipal peace officers which
6 authorizes the retired peace officer to carry a concealed pistol
7 anywhere in the State of Oklahoma. The identification card shall
8 bear the full name of the retired officer, the signature of the
9 retired officer, the date of issuance, and such other information as
10 may be deemed appropriate by CLEET. The card shall not expire, but
11 may be denied, suspended or revoked as provided by the rules
12 promulgated by CLEET ~~or upon the discovery of any preclusion~~
13 ~~prescribed in Section 1290.10 or 1290.11 of this title.~~ The Council
14 on Law Enforcement Education and Training shall request the Oklahoma
15 State Bureau of Investigation to conduct a state and national
16 criminal history records search on each retired peace officer
17 authorized to carry a concealed firearm pursuant to the provisions
18 of this section every four (4) years, and unless a ~~preclusion~~
19 ~~prescribed in Section 1290.10 or 1290.11 of this title~~ violation of
20 a rule promulgated by CLEET is found to exist, no action shall be
21 necessary. When a ~~preclusion~~ rule violation is discovered, the
22 Council shall notify the retired peace officer and shall hold a
23 hearing before taking any action to suspend or revoke the authority
24 to carry a concealed pistol.

1 C. The retired peace officer shall be required to submit the
2 following information to the Council on Law Enforcement Education
3 and Training (CLEET) and any other information requested by CLEET:

4 1. A statement from the appropriate retirement system verifying
5 the status of the person as a retired peace officer of the
6 jurisdiction or, if the retired peace officer does not participate
7 in a retirement system, a statement from the appropriate law
8 enforcement agency verifying the status of the person as a retired
9 peace officer of that jurisdiction, and the reason why the retired
10 peace officer does not participate in a retirement system; and

11 2. A notarized statement, signed by the retired peace officer,
12 stating that the officer:

13 a. has not been convicted of and is currently not subject
14 to any pending criminal prosecution for any felony
15 offense, any drug-related offense, aggravated assault
16 and battery or any offense involving impairment by
17 drugs or alcohol,

18 b. has not been forced into retirement due to any mental
19 disorder, and

20 c. has not suffered any injury or any physical or mental
21 impairment which would render the person unsafe to
22 carry a concealed pistol.

23 D. A retired peace officer, who has made application for the
24 CLEET identification card authorized in subsection B of this

1 section, shall be authorized to carry a concealed firearm as an off-
2 duty peace officer, pursuant to Section 1289.23 of this title, until
3 the authority to carry a concealed firearm as a retired officer is
4 finally approved or denied by CLEET.

5 E. The Council on Law Enforcement Education and Training shall
6 promulgate rules and procedures necessary to implement the
7 provisions of this section.

8 F. Any peace officer, retired, who carries any pistol in
9 violation of the provisions of this section shall be deemed to be in
10 violation of Section 1272 of this title and may be prosecuted as
11 provided by law for a violation of that section.

12 SECTION 16. AMENDATORY 21 O.S. 2011, Section 1289.9, as
13 amended by Section 14, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
14 Section 1289.9), is amended to read as follows:

15 Section 1289.9

16 CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

17 It shall be unlawful for any person to carry or use shotguns,
18 rifles or pistols in any circumstances while under the influence of
19 beer, intoxicating liquors or any hallucinogenic, or any unlawful or
20 unprescribed drug, and it shall be unlawful for any person to carry
21 or use shotguns, rifles or pistols when under the influence of any
22 drug prescribed by a licensed physician if the aftereffects of such
23 consumption affect mental, emotional or physical processes to a
24 degree that would result in abnormal behavior. Any person convicted

1 of a violation of the provisions of this section shall be punished
2 as provided in Section 1289.15 of this title.

3 ~~Any person convicted of a violation of 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 ~~suspended for a term of six (6) months and shall be subject to an~~
7 ~~administrative fine of Fifty Dollars (\$50.00), upon a hearing and~~
8 ~~determination by the Oklahoma State Bureau of Investigation that the~~
9 ~~person is in violation of the provisions of this section.~~

10 SECTION 17. AMENDATORY 21 O.S. 2011, Section 1289.10, as
11 amended by Section 15, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
12 Section 1289.10), is amended to read as follows:

13 Section 1289.10

14 FURNISHING FIREARMS TO INCOMPETENT PERSONS

15 It shall be unlawful for any person to knowingly transmit,
16 transfer, sell, lend or furnish any shotgun, rifle or pistol to any
17 person who is under an adjudication of mental incompetency, or to
18 any person who is mentally deficient or of unsound mind. Any person
19 convicted of a violation of the provisions of this section shall be
20 punished as provided in Section 1289.15 of this title.

21 ~~Any person convicted of a violation of the provisions of this~~
22 ~~section after having been issued a handgun license pursuant to the~~
23 ~~provisions of the Oklahoma Self-Defense Act shall have the license~~
24 ~~suspended for a term of six (6) months and shall be subject to an~~

1 ~~administrative fine of Fifty Dollars (\$50.00), upon a hearing and~~
2 ~~determination by the Oklahoma State Bureau of Investigation that the~~
3 ~~person is in violation of the provisions of this section.~~

4 SECTION 18. AMENDATORY 21 O.S. 2011, Section 1289.11, as
5 amended by Section 16, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
6 Section 1289.11), is amended to read as follows:

7 Section 1289.11

8 RECKLESS CONDUCT

9 It shall be unlawful for any person to engage in reckless
10 conduct while having in his or her possession any shotgun, rifle or
11 pistol, such actions consisting of creating a situation of
12 unreasonable risk and probability of death or great bodily harm to
13 another, and demonstrating a conscious disregard for the safety of
14 another person. Any person convicted of violating the provisions of
15 this section shall be punished as provided in Section 1289.15 of
16 this title.

17 ~~Any person convicted of a violation of the provisions of this~~
18 ~~section after having been issued a handgun license pursuant to the~~
19 ~~Oklahoma Self-Defense Act shall have the license revoked and shall~~
20 ~~be subject to an administrative fine of One Thousand Dollars~~
21 ~~(\$1,000.00), upon a hearing and determination by the Oklahoma State~~
22 ~~Bureau of Investigation that the person is in violation of the~~
23 ~~provisions of this section.~~

1 SECTION 19. AMENDATORY 21 O.S. 2011, Section 1289.12, as
2 amended by Section 17, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
3 Section 1289.12), is amended to read as follows:

4 Section 1289.12

5 GIVING FIREARMS TO CONVICTED PERSONS

6 It shall be unlawful for any person within this state to
7 knowingly sell, trade, give, transmit or otherwise cause the
8 transfer of rifles, shotguns or pistols to any convicted felon or an
9 adjudicated delinquent, and it shall be unlawful for any person
10 within this state to knowingly sell, trade, give, transmit or
11 otherwise cause the transfer of any shotgun, rifle or pistol to any
12 individual who is under the influence of alcohol or drugs or is
13 mentally or emotionally unbalanced or disturbed. All persons who
14 engage in selling, trading or otherwise transferring firearms will
15 display this section prominently in full view at or near the point
16 of normal firearms sale, trade or transfer. Any person convicted of
17 violating the provisions of this section shall be punished as
18 provided in Section 1289.15 of this title.

19 ~~Any person convicted of a violation of this section after having~~
20 ~~been issued a handgun license pursuant to the Oklahoma Self-Defense~~
21 ~~Act shall have the license suspended for six (6) months and shall be~~
22 ~~liable for an administrative fine of Fifty Dollars (\$50.00), upon a~~
23 ~~hearing and determination by the Oklahoma State Bureau of~~

24

1 ~~Investigation that the person is in violation of the provisions of~~
2 ~~this section.~~

3 SECTION 20. AMENDATORY 21 O.S. 2011, Section 1289.13, as
4 amended by Section 18, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
5 Section 1289.13), is amended to read as follows:

6 Section 1289.13

7 TRANSPORTING A LOADED FIREARM

8 Except as otherwise provided by the provisions of the Oklahoma
9 Self-Defense Act or another provision of law, it shall be unlawful
10 to transport a loaded pistol, rifle or shotgun in a landborne motor
11 vehicle over a public highway or roadway. ~~However, a rifle or~~
12 ~~shotgun may be transported clip or magazine loaded and not chamber~~
13 ~~loaded when transported in an exterior locked compartment of the~~
14 ~~vehicle or trunk of the vehicle or in the interior compartment of~~
15 ~~the vehicle notwithstanding the provisions of Section 1289.7 of this~~
16 ~~title when the person is in possession of a valid handgun license~~
17 ~~pursuant to the Oklahoma Self Defense Act.~~

18 Any person convicted of a violation of this section shall be
19 punished as provided in Section 1289.15 of this title.

20 ~~Any person who is the operator of a vehicle or is a passenger in~~
21 ~~any vehicle wherein another person who is licensed pursuant to the~~
22 ~~Oklahoma Self-Defense Act to carry a handgun, concealed or~~
23 ~~unconcealed, and is carrying a handgun or has a handgun or rifle or~~
24 ~~shotgun in such vehicle shall not be deemed in violation of the~~

1 ~~provisions of this section provided the licensee is in or near the~~
2 ~~vehicle.~~

3 SECTION 21. AMENDATORY 21 O.S. 2011, Section 1289.13A,
4 as amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp.
5 2015, Section 1289.13A), is amended to read as follows:

6 Section 1289.13A

7 IMPROPER TRANSPORTATION OF FIREARMS

8 A. Notwithstanding the provisions of Section 1272 or 1289.13 of
9 this title, any person stopped pursuant to a moving traffic
10 violation who is transporting a loaded pistol in the motor vehicle
11 without a ~~valid handgun license authorized by the Oklahoma Self-~~
12 ~~Defense Act~~ or valid license from another state, whether the loaded
13 firearm is concealed or unconcealed in the vehicle, shall be issued
14 a traffic citation in the amount of Seventy Dollars (\$70.00), plus
15 court costs for transporting a firearm improperly. In addition to
16 the traffic citation provided in this section, the person may also
17 be arrested for any other violation of law.

18 B. When the arresting officer determines that a valid handgun
19 license exists, pursuant to ~~the Oklahoma Self-Defense Act~~ or any
20 provision of law from another state, for any person in the stopped
21 vehicle, any firearms permitted to be carried pursuant to that
22 license shall not be confiscated, unless:

23 1. The person is arrested for violating another provision of
24 law other than a violation of subsection A of this section;

1 provided, however, if the person is never charged with an offense
2 pursuant to this paragraph or if the charges are dismissed or the
3 person is acquitted, the weapon shall be returned to the person; or

4 2. The officer has probable cause to believe the weapon is:

5 a. contraband, or

6 b. a firearm used in the commission of a crime other than
7 a violation of subsection A of this section.

8 C. Nothing in this section shall be construed to require
9 confiscation of any firearm.

10 SECTION 22. AMENDATORY 21 O.S. 2011, Section 1289.16, as
11 amended by Section 20, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
12 Section 1289.16), is amended to read as follows:

13 Section 1289.16

14 FELONY POINTING FIREARMS

15 It shall be unlawful for any person to willfully or without
16 lawful cause point a shotgun, rifle or pistol, or any deadly weapon,
17 whether loaded or not, at any person or persons for the purpose of
18 threatening or with the intention of discharging the firearm or with
19 any malice or for any purpose of injuring, either through physical
20 injury or mental or emotional intimidation or for purposes of
21 whimsy, humor or prank, or in anger or otherwise, but not to include
22 the pointing of shotguns, rifles or pistols by law enforcement
23 authorities in the performance of their duties, members of the state
24 military forces in the performance of their duties, members of the

1 federal military reserve and active military components in the
2 performance of their duties, or any federal government law
3 enforcement officer in the performance of any duty, or in the
4 performance of a play on stage, rodeo, television or on film, or in
5 defense of any person, one's home or property. Any person convicted
6 of a violation of the provisions of this section shall be punished
7 as provided in Section 1289.17 of this title.

8 ~~Any person convicted of a violation of the provisions of this~~
9 ~~section after having been issued a handgun license pursuant to the~~
10 ~~Oklahoma Self Defense Act shall have the license revoked and shall~~
11 ~~be subject to an administrative fine of One Thousand Dollars~~
12 ~~(\$1,000.00), upon a hearing and determination by the Oklahoma State~~
13 ~~Bureau of Investigation that the person is in violation of the~~
14 ~~provisions of this section.~~

15 SECTION 23. AMENDATORY 21 O.S. 2011, Section 1289.23, as
16 last amended by Section 1, Chapter 216, O.S.L. 2015 (21 O.S. Supp.
17 2015, Section 1289.23), is amended to read as follows:

18 Section 1289.23

19 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

20 A. A full-time duly appointed peace officer who is certified by
21 the Council on Law Enforcement Education and Training (CLEET),
22 pursuant to the provisions of Section 3311 of Title 70 of the
23 Oklahoma Statutes, is hereby authorized to carry a weapon certified
24 and approved by the employing agency during periods when the officer

1 is not on active duty as provided by the provisions of subsection B
2 of this section.

3 B. When an off-duty officer carries a certified weapon, the
4 officer shall be wearing the law enforcement uniform prescribed by
5 the employing agency or when not wearing the prescribed law
6 enforcement uniform, the officer shall be required:

7 1. To have the official peace officers badge, Commission Card
8 and CLEET Certification Card on his or her person at all times when
9 carrying a weapon certified and approved by the employing agency;
10 and

11 2. To keep the authorized weapon concealed or unconcealed at
12 all times, except when the weapon is used within the guidelines
13 established by the employing agency.

14 C. Nothing in this section shall be construed to alter or amend
15 the provisions of Section 1272.1 of this title or expand the duties,
16 authority or jurisdiction of any peace officer.

17 D. A reserve peace officer who has satisfactorily completed a
18 basic police course of not less than one hundred twenty (120) hours
19 of accredited instruction for reserve police officers and reserve
20 deputies from the Council on Law Enforcement Education and Training
21 or a course of study approved by CLEET may carry a certified weapon
22 when such officer is off duty as provided by subsection E of this
23 section, provided:

24

1 1. The officer has been granted written authorization signed by
2 the director of the employing agency; and

3 2. The employing agency shall maintain a current list of any
4 officers authorized to carry a certified weapon while said officers
5 are off duty, and shall provide a copy of such list to the Council
6 on Law Enforcement Education and Training. Any change to the list
7 shall be made in writing and mailed to the Council on Law
8 Enforcement Education and Training within five (5) days.

9 E. When an off-duty reserve peace officer carries a certified
10 weapon, the officer shall be wearing the law enforcement uniform
11 prescribed by the employing agency or when not wearing the
12 prescribed law enforcement uniform, the officer shall be required:

13 1. To have his or her official peace officer's badge,
14 Commission Card, CLEET Certification Card; and

15 2. To keep the authorized weapon concealed or unconcealed at
16 all times, except when the weapon is used within the guidelines
17 established by the employing agency.

18 F. Nothing in subsection D of this section shall be construed
19 to alter or amend the provisions of Section 1750.2 of Title 59 of
20 the Oklahoma Statutes or expand the duties, jurisdiction or
21 authority of any reserve peace officer.

22 ~~G. Nothing in this section shall be construed to limit or~~
23 ~~restrict any peace officer or reserve peace officer from carrying a~~
24 ~~handgun, concealed or unconcealed, as allowed by the Oklahoma Self-~~

1 ~~Defense Act after issuance of a valid license. When an off-duty~~
2 ~~officer elects to carry a handgun under the authority of the~~
3 ~~Oklahoma Self-Defense Act, the person shall comply with all~~
4 ~~provisions of such act and shall not be representing the employing~~
5 ~~agency.~~

6 H. Any off-duty peace officer who carries any weapon in
7 violation of the provisions of this section shall be deemed to be in
8 violation of Section 1272 of this title and may be prosecuted as
9 provided by law for a violation of that section.

10 I. ~~On or after November 1, 2004, a reserve or full-time~~
11 ~~commissioned peace officer may apply to carry a weapon pursuant to~~
12 ~~the Oklahoma Self-Defense Act as follows:~~

13 1. ~~The officer shall apply in writing to the Council on Law~~
14 ~~Enforcement Education and Training (CLEET) stating that the officer~~
15 ~~desires to have a handgun license pursuant to the Oklahoma Self-~~
16 ~~Defense Act and certifying that he or she has no preclusions to~~
17 ~~having such handgun license. The officer shall submit with the~~
18 ~~application:~~

19 a. ~~an official letter from his or her employing agency~~
20 ~~confirming the officer's employment and status as a~~
21 ~~full-time commissioned peace officer or an active~~
22 ~~reserve peace officer,~~

23 b. ~~a fee of Twenty-five Dollars (\$25.00) for the handgun~~
24 ~~license, and~~

1 ~~e. two passport size photographs of the peace officer~~
2 ~~applicant.~~

3 ~~2. Upon receiving the required information, CLEET shall~~
4 ~~determine whether the peace officer is in good standing, has CLEET~~
5 ~~certification and training, and is otherwise eligible for a handgun~~
6 ~~license. Upon verification of the officer's eligibility, CLEET~~
7 ~~shall send the information to the Oklahoma State Bureau of~~
8 ~~Investigation (OSBI) and OSBI shall issue a handgun license in the~~
9 ~~same or similar form as other handgun licenses. All other~~
10 ~~requirements in Section 1290.12 of this title concerning application~~
11 ~~for a handgun license shall be waived for active duty peace officers~~
12 ~~except as provided in this subsection, including but not limited to~~
13 ~~training, fingerprints and criminal history records checks unless~~
14 ~~the officer does not have fingerprints on file or a criminal history~~
15 ~~records background check conducted prior to employment as a peace~~
16 ~~officer. The OSBI shall not be required to conduct any further~~
17 ~~investigation into the eligibility of the peace officer applicant~~
18 ~~and shall not deny a handgun license except when preclusions are~~
19 ~~found to exist.~~

20 ~~3. The term of the handgun license for an active duty reserve~~
21 ~~or full-time commissioned peace officer pursuant to this section~~
22 ~~shall be as provided in Section 1290.5 of this title, renewable in~~
23 ~~the same manner provided in this subsection for an original~~
24 ~~application by a peace officer. The handgun license shall be valid~~

1 ~~when the peace officer is in possession of a valid driver license~~
2 ~~and law enforcement commission card.~~

3 ~~4. If the commission card of a law enforcement officer is~~
4 ~~terminated, revoked or suspended, the handgun license shall be~~
5 ~~immediately returned to CLEET. When a peace officer in possession~~
6 ~~of a handgun license pursuant to this subsection changes employment,~~
7 ~~the person must notify CLEET within ninety (90) days and send a new~~
8 ~~letter verifying employment and status as a full-time commissioned~~
9 ~~or reserve peace officer.~~

10 ~~5. There shall be no refund of any fee for any unexpired term~~
11 ~~of any handgun license that is suspended, revoked, or voluntarily~~
12 ~~returned to CLEET, or that is denied, suspended or revoked by the~~
13 ~~OSBI.~~

14 ~~6. CLEET may promulgate any rules, forms or procedures~~
15 ~~necessary to implement the provisions of this section.~~

16 ~~7. Nothing in this subsection shall be construed to change or~~
17 ~~amend the application process, eligibility, effective date or fees~~
18 ~~of any handgun license pending issuance on November 1, 2004, or~~
19 ~~previously issued to any peace officer prior to November 1, 2004.~~

20 SECTION 24. AMENDATORY 21 O.S. 2011, Section 1289.24, as
21 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.
22 2015, Section 1289.24), is amended to read as follows:

23 Section 1289.24

24 FIREARM REGULATION - STATE PREEMPTION

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, components, ammunition, and supplies to the
4 complete exclusion of any order, ordinance, or regulation by any
5 municipality or other political subdivision of this state. Any
6 existing or future orders, ordinances, or regulations in this field,
7 except as provided for in paragraph 2 of this subsection and
8 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 ~~open~~ carrying of a handgun ~~under the provisions~~
21 ~~of the Oklahoma Self-Defense Act~~ shall not be punishable by any
22 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 or other political subdivision of this state
5 shall adopt any order, ordinance, or regulation concerning in any
6 way the sale, purchase, purchase delay, transfer, ownership, use,
7 keeping, possession, carrying, bearing, transportation, licensing,
8 permit, registration, taxation other than sales and compensating use
9 taxes, or other controls on firearms, knives, components,
10 ammunition, and supplies.

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

18 D. When a person's rights pursuant to the protection of the
19 preemption provisions of this section have been violated, the person
20 shall have the right to bring a civil action against the persons,
21 municipality, and political subdivision jointly and severally for
22 injunctive relief or monetary damages or both.

23 SECTION 25. AMENDATORY 21 O.S. 2011, Section 1289.25, is
24 amended to read as follows:

1 Section 1289.25

2 PHYSICAL OR DEADLY FORCE AGAINST INTRUDER

3 A. The Legislature hereby recognizes that the citizens of the
4 State of Oklahoma have a right to expect absolute safety within
5 their own homes or places of business.

6 B. A person or an owner, manager or employee of a business is
7 presumed to have held a reasonable fear of imminent peril of death
8 or great bodily harm to himself or herself or another when using
9 defensive force that is intended or likely to cause death or great
10 bodily harm to another if:

11 1. The person against whom the defensive force was used was in
12 the process of unlawfully and forcefully entering, or had unlawfully
13 and forcibly entered, a dwelling, residence, occupied vehicle, or a
14 place of business, or if that person had removed or was attempting
15 to remove another against the will of that person from the dwelling,
16 residence, occupied vehicle, or place of business; and

17 2. The person who uses defensive force knew or had reason to
18 believe that an unlawful and forcible entry or unlawful and forcible
19 act was occurring or had occurred.

20 C. The presumption set forth in subsection B of this section
21 does not apply if:

22 1. The person against whom the defensive force is used has the
23 right to be in or is a lawful resident of the dwelling, residence,
24 or vehicle, such as an owner, lessee, or titleholder, and there is

1 not a protective order from domestic violence in effect or a written
2 pretrial supervision order of no contact against that person;

3 2. The person or persons sought to be removed are children or
4 grandchildren, or are otherwise in the lawful custody or under the
5 lawful guardianship of, the person against whom the defensive force
6 is used; or

7 3. The person who uses defensive force is engaged in an
8 unlawful activity or is using the dwelling, residence, occupied
9 vehicle, or place of business to further an unlawful activity.

10 D. A person who is not engaged in an unlawful activity and who
11 is attacked in any other place where he or she has a right to be has
12 no duty to retreat and has the right to stand his or her ground and
13 meet force with force, including deadly force, if he or she
14 reasonably believes it is necessary to do so to prevent death or
15 great bodily harm to himself or herself or another or to prevent the
16 commission of a forcible felony.

17 E. A person who unlawfully and by force enters or attempts to
18 enter the dwelling, residence, occupied vehicle of another person,
19 or a place of business is presumed to be doing so with the intent to
20 commit an unlawful act involving force or violence.

21 F. A person who uses force, as permitted pursuant to the
22 provisions of subsections B and D of this section, is justified in
23 using such force and is immune from criminal prosecution and civil
24 action for the use of such force. As used in this subsection, the

1 term "criminal prosecution" includes charging or prosecuting the
2 defendant.

3 G. A law enforcement agency may use standard procedures for
4 investigating the use of force, but the law enforcement agency may
5 not arrest the person for using force unless it determines that
6 there is probable cause that the force that was used was unlawful.

7 H. The court shall award reasonable attorney fees, court costs,
8 compensation for loss of income, and all expenses incurred by the
9 defendant in defense of any civil action brought by a plaintiff if
10 the court finds that the defendant is immune from prosecution as
11 provided in subsection F of this section.

12 I. The provisions of this section ~~and the provisions of the~~
13 ~~Oklahoma Self Defense Act~~ shall not be construed to require any
14 person using a pistol pursuant to the provisions of this section to
15 be licensed in any manner.

16 J. As used in this section:

17 1. "Dwelling" means a building or conveyance of any kind,
18 including any attached porch, whether the building or conveyance is
19 temporary or permanent, mobile or immobile, which has a roof over
20 it, including a tent, and is designed to be occupied by people;

21 2. "Residence" means a dwelling in which a person resides
22 either temporarily or permanently or is visiting as an invited
23 guest; and

24

1 3. "Vehicle" means a conveyance of any kind, whether or not
2 motorized, which is designed to transport people or property.

3 SECTION 26. AMENDATORY 21 O.S. 2011, Section 1290.1, is
4 amended to read as follows:

5 Section 1290.1

6 SHORT TITLE

7 Sections ~~±~~ 1290.1 through ~~25~~ 1290.27 of this ~~act~~ title shall be
8 known and may be cited as the "Oklahoma Self-Defense Act".

9 SECTION 27. AMENDATORY 21 O.S. 2011, Section 1290.3, as
10 amended by Section 24, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
11 Section 1290.3), is amended to read as follows:

12 Section 1290.3

13 AUTHORITY TO ISSUE LICENSE

14 ~~The~~ For purposes of reciprocity, the Oklahoma State Bureau of
15 Investigation is hereby authorized to issue a license ~~an~~ to any
16 eligible person to carry a ~~concealed or unconcealed~~ handgun ~~as~~
17 ~~provided by the provisions of the Oklahoma Self Defense Act~~ when
18 traveling outside the borders of this state. The authority of the
19 Bureau shall be limited to the provisions specifically provided in
20 the Oklahoma Self-Defense Act. The Bureau shall promulgate rules,
21 forms and procedures necessary to implement the provisions of the
22 Oklahoma Self-Defense Act.

23

24

1 SECTION 28. AMENDATORY 21 O.S. 2011, Section 1290.5, as
2 last amended by Section 1, Chapter 122, O.S.L. 2014 (21 O.S. Supp.
3 2015, Section 1290.5), is amended to read as follows:

4 Section 1290.5

5 TERM OF LICENSE AND RENEWAL

6 A. A handgun license when issued shall authorize the person to
7 whom the license is issued to carry a loaded or unloaded handgun,
8 ~~concealed or unconcealed,~~ when travelling outside the borders of
9 this state, as authorized by the provisions of the Oklahoma Self-
10 Defense Act, and any future modifications thereto. The license
11 shall be valid ~~in this state~~ for a period of five (5) or ten (10)
12 years, unless subsequently surrendered, suspended or revoked as
13 provided by law. The person shall have no authority to continue to
14 carry a ~~concealed or unconcealed~~ handgun ~~in this state~~ pursuant to
15 the Oklahoma Self-Defense Act when a license is expired or when a
16 license has been voluntarily surrendered or suspended or revoked for
17 any reason.

18 B. A license may be renewed any time within ninety (90) days
19 prior to the expiration date as provided in this subsection. The
20 Bureau shall send a renewal application to each eligible licensee
21 with a return address requested. There shall be a ninety-day grace
22 period on license renewals beginning on the date of expiration,
23 thereafter the license is considered expired. However, any
24

1 applicant shall have three (3) years from the expiration of the
2 license to comply with the renewal requirements of this section.

3 1. To renew a handgun license, the licensee must first obtain a
4 renewal form from the Oklahoma State Bureau of Investigation.

5 2. The applicant must complete the renewal form, attach two
6 current passport size photographs of the applicant, and submit a
7 renewal fee in the amount of Eighty-five Dollars (\$85.00) to the
8 Bureau. The renewal fee may be paid with a nationally recognized
9 credit card as provided in subparagraph b of paragraph 4 of
10 subsection A of Section 1290.12 of this title, by electronic funds
11 transfer, or by a cashier's check or money order made payable to the
12 Oklahoma State Bureau of Investigation.

13 3. Upon receipt of the renewal application, photographs and
14 fee, the Bureau will conduct a criminal history records name search,
15 an investigation of medical records or other records or information
16 deemed by the Bureau to be relevant to the renewal application. If
17 the applicant appears not to have any prohibition to renewing the
18 handgun license, the Bureau shall issue the renewed license for a
19 period of five (5) or ten (10) years.

20 C. Beginning November 1, 2007, any person making application
21 for a handgun license or any licensee seeking to renew a handgun
22 license shall have the option to request that said license be valid
23 for a period of ten (10) years. The fee for any handgun license
24 issued for a period of ten (10) years shall be double the amount of

1 the fee provided for in paragraph 4 of subsection A of Section
2 1290.12 of this title. The renewal fee for a handgun license issued
3 for a period of ten (10) years shall be double the amount of the fee
4 provided for in paragraph 2 of subsection B of this section.

5 SECTION 29. AMENDATORY 21 O.S. 2011, Section 1290.7, as
6 last amended by Section 3, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
7 2015, Section 1290.7), is amended to read as follows:

8 Section 1290.7

9 CONSTRUING AUTHORITY OF LICENSE

10 The authority to carry a ~~concealed or unconcealed~~ handgun when
11 travelling outside the borders of this state pursuant to a valid
12 handgun license as authorized by the provisions of the Oklahoma
13 Self-Defense Act shall not be construed to authorize any person to:

14 1. Carry or possess any weapon other than an authorized pistol
15 as defined by the provisions of Section 1290.2 of this title;

16 2. Carry or possess any pistol in any manner or in any place
17 otherwise prohibited by law;

18 3. Carry or possess any prohibited ammunition or any illegal,
19 imitation or homemade pistol;

20 4. Carry or possess any pistol when the person is prohibited by
21 state or federal law from carrying or possessing any firearm; or

22 5. Point, discharge or use the pistol in any manner not
23 otherwise authorized by law.

24

1 SECTION 30. AMENDATORY 21 O.S. 2011, Section 1290.12, as
2 last amended by Section 1, Chapter 207, O.S.L. 2015 (21 O.S. Supp.
3 2015, Section 1290.12), is amended to read as follows:

4 Section 1290.2

5 PROCEDURE FOR APPLICATION

6 A. Except as provided in paragraph 11 of this subsection, the
7 procedure for applying for a handgun license and processing the
8 application shall be as follows:

9 1. An eligible person may request an application packet for a
10 handgun license from the Oklahoma State Bureau of Investigation or
11 the county sheriff's office either in person or by mail. The Bureau
12 may provide application packets to each sheriff not exceeding two
13 hundred packets per request. The Bureau shall provide the following
14 information in the application packet:

- 15 a. an application form,
- 16 b. procedures to follow to process the application form,
- 17 and
- 18 c. a copy of the Oklahoma Self-Defense Act with any
19 modifications thereto;

20 2. The person shall be required to successfully complete a
21 firearms safety and training course from a firearms instructor who
22 is approved and registered in this state as provided in Section
23 1290.14 of this title or from an interactive online firearms safety
24 and training course available electronically via the Internet

1 approved and certified by the Council on Law Enforcement Education
2 and Training, and the person shall be required to demonstrate
3 competency and qualification with a pistol authorized for ~~concealed~~
4 ~~or unconcealed~~ carry by the Oklahoma Self-Defense Act. The original
5 certificate of successful completion of a firearms safety and
6 training course and an original certificate of successful
7 demonstration of competency and qualification to carry and handle a
8 pistol shall be submitted with the application for a handgun
9 license. No duplicate, copy, facsimile or other reproduction of the
10 certificate of training, certificate of competency and qualification
11 or exemption from training shall be acceptable as proof of training
12 as required by the provisions of the Oklahoma Self-Defense Act. A
13 person exempt from the training requirements as provided in Section
14 1290.15 of this title must show the required proof of such exemption
15 to the firearms instructor to receive an exemption certificate. The
16 original exemption certificate must be submitted with the
17 application for a handgun license when the person claims an
18 exemption from training and qualification;

19 3. The application form shall be completed and delivered by the
20 applicant, in person, to the sheriff of the county wherein the
21 applicant resides;

22 4. The person shall deliver to the sheriff at the time of
23 delivery of the completed application form a fee of One Hundred
24 Dollars (\$100.00) for processing the application through the

1 Oklahoma State Bureau of Investigation and processing the required
2 fingerprints through the Federal Bureau of Investigation. The
3 processing fee shall be in the form of:

- 4 a. a money order or a cashier's check made payable to the
5 Oklahoma State Bureau of Investigation,
- 6 b. by a nationally recognized credit card issued to the
7 applicant. For purposes of this paragraph,
8 "nationally recognized credit card" means any
9 instrument or device, whether known as a credit card,
10 credit plate, charge plate, or by any other name,
11 issued with or without fee by the issuer for the use
12 of the cardholder in obtaining goods, services, or
13 anything else of value on credit which is accepted by
14 over one thousand merchants in the state. The
15 Oklahoma State Bureau of Investigation shall determine
16 which nationally recognized credit cards will be
17 accepted by the Bureau, or
- 18 c. by electronic funds transfer.

19 The processing fee shall not be refundable in the event of a
20 denial of a handgun license or any suspension or revocation
21 subsequent to the issuance of a license. Persons making application
22 for a firearms instructor shall not be required to pay the
23 application fee as provided in this section, but shall be required
24 to pay the costs provided in paragraphs 6 and 8 of this subsection;

1 5. The completed application form shall be signed by the
2 applicant in person before the sheriff. The signature shall be
3 given voluntarily upon a sworn oath that the person knows the
4 contents of the application and that the information contained in
5 the application is true and correct. Any person making any false or
6 misleading statement on an application for a handgun license shall,
7 upon conviction, be guilty of perjury as defined by Section 491 of
8 this title. Any conviction shall be punished as provided in Section
9 500 of this title. In addition to a criminal conviction, the person
10 shall be denied the right to have a handgun license pursuant to the
11 provisions of Section 1290.10 of this title and the Oklahoma State
12 Bureau of Investigation shall revoke the handgun license, if issued;

13 6. Two passport-size photographs of the applicant shall be
14 submitted with the completed application. The cost of the
15 photographs shall be the responsibility of the applicant. The
16 sheriff is authorized to take the photograph of the applicant for
17 purposes of the Oklahoma Self-Defense Act and, if such photographs
18 are taken by the sheriff, the cost of the photographs shall not
19 exceed Ten Dollars (\$10.00) for the two photos. All money received
20 by the sheriff from photographing applicants pursuant to the
21 provisions of this paragraph shall be retained by the sheriff and
22 deposited into the Sheriff's Service Fee Account;

23 7. The sheriff shall witness the signature of the applicant and
24 review or take the photographs of the applicant and shall verify

1 that the person making application for a handgun license is the same
2 person in the photographs submitted and the same person who signed
3 the application form. Proof of a valid Oklahoma driver license with
4 a photograph of the applicant or an Oklahoma state photo
5 identification for the applicant shall be required to be presented
6 by the applicant to the sheriff for verification of the person's
7 identity;

8 8. Upon verification of the identity of the applicant, the
9 sheriff shall take two complete sets of fingerprints of the
10 applicant. Both sets of fingerprints shall be submitted by the
11 sheriff with the completed application, certificate of training or
12 an exemption certificate, photographs and processing fee to the
13 Oklahoma State Bureau of Investigation within fourteen (14) days of
14 taking the fingerprints. The cost of the fingerprints shall be paid
15 by the applicant and shall not exceed Twenty-five Dollars (\$25.00)
16 for the two sets. All fees collected by the sheriff from taking
17 fingerprints pursuant to the provisions of this paragraph shall be
18 retained by the sheriff and deposited into the Sheriff's Service Fee
19 Account;

20 9. The sheriff shall submit to the Oklahoma State Bureau of
21 Investigation within the fourteen-day period, together with the
22 completed application, including the certificate of training,
23 certificate of competency and qualification or exemption
24 certificate, photographs, processing fee and legible fingerprints

1 meeting the Oklahoma State Bureau of Investigation's Automated
2 Fingerprint Identification System (AFIS) submission standards, and a
3 report of information deemed pertinent to an investigation of the
4 applicant for a handgun license. The sheriff shall make a
5 preliminary investigation of pertinent information about the
6 applicant and the court clerk shall assist the sheriff in locating
7 pertinent information in court records for this purpose. If no
8 pertinent information is found to exist either for or against the
9 applicant, the sheriff shall so indicate in the report;

10 10. The Oklahoma State Bureau of Investigation, upon receipt of
11 the application and required information from the sheriff, shall
12 forward one full set of fingerprints of the applicant to the Federal
13 Bureau of Investigation for a national criminal history records
14 search. The cost of processing the fingerprints nationally shall be
15 paid from the processing fee collected by the Oklahoma State Bureau
16 of Investigation;

17 11. Notwithstanding the provisions of the Oklahoma Self-Defense
18 Act, or any other provisions of law, any person who has been granted
19 a permanent victim's protective order by the court, as provided for
20 in the Protection from Domestic Abuse Act, may be issued a temporary
21 handgun license for a period not to exceed six (6) months. A
22 temporary handgun license may be issued if the person has
23 successfully passed the required weapons course, completed the
24 application process for the handgun license, passed the preliminary

1 investigation of the person by the sheriff and court clerk, and
2 provided the sheriff proof of a certified permanent victim
3 protection order and a valid Oklahoma state photo identification
4 card or driver license. The sheriff shall issue a temporary handgun
5 license on a form approved by the Oklahoma State Bureau of
6 Investigation, at no cost. Any person who has been issued a
7 temporary license shall carry the temporary handgun license and a
8 valid Oklahoma state photo identification on his or her person at
9 all times, and shall be subject to all the requirements of the
10 Oklahoma Self-Defense Act when carrying a handgun. The person may
11 proceed with the handgun licensing process. In the event the
12 victim's protection order is no longer enforceable, the temporary
13 handgun license shall cease to be valid;

14 12. The Oklahoma State Bureau of Investigation shall make a
15 reasonable effort to investigate the information submitted by the
16 applicant and the sheriff, to ascertain whether or not the issuance
17 of a handgun license would be in violation of the provisions of the
18 Oklahoma Self-Defense Act. The investigation by the Bureau of an
19 applicant shall include, but shall not be limited to: a statewide
20 criminal history records search, a national criminal history records
21 search, a Federal Bureau of Investigation fingerprint search, and if
22 applicable, an investigation of medical records or other records or
23 information deemed by the Bureau to be relevant to the application.

24

1 a. In the course of the investigation by the Bureau, it
2 shall present the name of the applicant along with any
3 known aliases, the address of the applicant and the
4 social security number of the applicant to the
5 Department of Mental Health and Substance Abuse
6 Services. The Department of Mental Health and
7 Substance Abuse Services shall respond within ten (10)
8 days of receiving such information to the Bureau as
9 follows:

10 (1) with a "Yes" answer, if the records of the
11 Department indicate that the person was
12 involuntarily committed to a mental institution
13 in Oklahoma,

14 (2) with a "No" answer, if there are no records
15 indicating the name of the person as a person
16 involuntarily committed to a mental institution
17 in Oklahoma, or

18 (3) with an "Inconclusive" answer if the records of
19 the Department suggest the applicant may be a
20 formerly committed person. In the case of an
21 inconclusive answer, the Bureau shall ask the
22 applicant whether he or she was involuntarily
23 committed. If the applicant states under penalty
24 of perjury that he or she has not been

1 involuntarily committed, the Bureau shall
2 continue processing the application for a
3 license.

4 b. In the course of the investigation by the Bureau, it
5 shall check the name of any applicant who is twenty-
6 eight (28) years of age or younger along with any
7 known aliases, the address of the applicant and the
8 social security number of the applicant against the
9 records in the Juvenile Online Tracking System (JOLTS)
10 of the Office of Juvenile Affairs. The Office of
11 Juvenile Affairs shall provide the Bureau direct
12 access to check the applicant against the records
13 available on JOLTS.

14 (1) If the Bureau finds a record on the JOLTS that
15 indicates the person was adjudicated a delinquent
16 for an offense that would constitute a felony
17 offense if committed by an adult within the last
18 ten (10) years the Bureau shall deny the license,

19 (2) If the Bureau finds no record on the JOLTS
20 indicating the named person was adjudicated
21 delinquent for an offense that would constitute a
22 felony offense if committed by an adult within
23 the last ten (10) years, or
24

1 (3) If the records suggest the applicant may have
2 been adjudicated delinquent for an offense that
3 would constitute a felony offense if committed by
4 an adult but such record is inconclusive, the
5 Bureau shall ask the applicant whether he or she
6 was adjudicated a delinquent for an offense that
7 would constitute a felony offense if committed by
8 an adult within the last ten (10) years. If the
9 applicant states under penalty of perjury that he
10 or she was not adjudicated a delinquent within
11 ten (10) years, the Bureau shall continue
12 processing the application for a license; and

13 13. If the background check set forth in paragraph 12 of this
14 subsection reveals no records pertaining to the applicant, the
15 Oklahoma State Bureau of Investigation shall either issue a handgun
16 license or deny the application within sixty (60) days of the date
17 of receipt of the applicant's completed application and the required
18 information from the sheriff. In all other cases, the Oklahoma
19 State Bureau of Investigation shall either issue a handgun license
20 or deny the application within ninety (90) days of the date of the
21 receipt of the applicant's completed application and the required
22 information from the sheriff. The Bureau shall approve an applicant
23 who appears to be in full compliance with the provisions of the
24 Oklahoma Self-Defense Act, if completion of the federal fingerprint

1 search is the only reason for delay of the issuance of the handgun
2 license to that applicant. Upon receipt of the federal fingerprint
3 search information, if the Bureau receives information which
4 precludes the person from having a handgun license, the Bureau shall
5 revoke the handgun license previously issued to the applicant. The
6 Bureau shall deny a license when the applicant fails to properly
7 complete the application form or application process or is
8 determined not to be eligible as specified by the provisions of
9 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall
10 approve an application in all other cases. If an application is
11 denied, the Bureau shall notify the applicant in writing of its
12 decision. The notification shall state the grounds for the denial
13 and inform the applicant of the right to an appeal as may be
14 provided by the provisions of the Administrative Procedures Act.
15 All notices of denial shall be mailed by first-class mail to the
16 address of the applicant listed in the application. Within sixty
17 (60) calendar days from the date of mailing a denial of application
18 to an applicant, the applicant shall notify the Bureau in writing of
19 the intent to appeal the decision of denial or the right of the
20 applicant to appeal shall be deemed waived. Any administrative
21 hearing on a denial which may be provided shall be conducted by a
22 hearing examiner appointed by the Bureau. The decision of the
23 hearing examiner shall be a final decision appealable to a district
24 court in accordance with the Administrative Procedures Act. When an

1 application is approved, the Bureau shall issue the license and
2 shall mail the license by first-class mail to the address of the
3 applicant listed in the application.

4 B. Nothing contained in any provision of the Oklahoma Self-
5 Defense Act shall be construed to require or authorize the
6 registration, documentation or providing of serial numbers with
7 regard to any firearm. For purposes of the Oklahoma Self-Defense
8 Act, the sheriff may designate a person to receive, fingerprint,
9 photograph or otherwise process applications for handgun licenses.

10 SECTION 31. AMENDATORY 21 O.S. 2011, Section 1290.14, as
11 last amended by Section 2, Chapter 207, O.S.L. 2015 (21 O.S. Supp.
12 2015, Section 1290.14), is amended to read as follows:

13 Section 1290.14

14 SAFETY AND TRAINING COURSE

15 A. Each applicant for a license to carry a ~~concealed or~~
16 ~~unconcealed~~ handgun pursuant to the Oklahoma Self-Defense Act must
17 successfully complete a firearms safety and training course in this
18 state conducted by a registered and approved firearms instructor as
19 provided by the provisions of this section or from an interactive
20 online firearms safety and training course available electronically
21 via the Internet approved and certified by the Council on Law
22 Enforcement Education and Training. The applicant must further
23 demonstrate competence and qualification with an authorized pistol
24 of the type or types that the applicant desires to carry ~~as a~~

1 ~~concealed or unconcealed handgun~~ pursuant to the provisions of the
2 Oklahoma Self-Defense Act, except certain persons may be exempt from
3 such training requirement as provided by the provisions of Section
4 1290.15 of this title.

5 B. The Council on Law Enforcement Education and Training
6 (CLEET) shall establish criteria for approving firearms instructors
7 and interactive online firearms safety and training courses
8 available electronically via the Internet for purposes of training
9 and qualifying individuals for a handgun license pursuant to the
10 provisions of the Oklahoma Self-Defense Act. Prior to submitting an
11 application for CLEET approval as a firearms instructor, applicants
12 shall attend a firearms instructor school, meeting the following
13 minimum requirements:

14 1. Firearms instructor training conducted by one of the
15 following entities:

- 16 a. Council on Law Enforcement Education and Training,
- 17 b. National Rifle Association,
- 18 c. Oklahoma Rifle Association,
- 19 d. federal law enforcement agencies, or
- 20 e. other professionally recognized organizations;

21 2. The course shall be at least sixteen (16) hours in length;

22 3. Upon completion of the course, the applicant shall be
23 qualified to provide instruction on revolvers, semiautomatic
24 pistols, or both; and

1 4. Receive a course completion certificate.

2 All firearms instructors shall be required to meet the
3 eligibility requirements for a handgun license as provided in
4 Sections 1290.9, 1290.10, and 1290.11 of this title and the
5 application shall be processed as provided for applicants in Section
6 1290.12 of this title, including the state and national criminal
7 history records search and fingerprint search. A firearms
8 instructor shall be required to pay a fee of One Hundred Dollars
9 (\$100.00) to the Council on Law Enforcement Education and Training
10 (CLEET) each time the person makes application for CLEET approval as
11 a firearms instructor pursuant to the provisions of the Oklahoma
12 Self-Defense Act. The fee shall be retained by CLEET and shall be
13 deposited into the Firearms Instructors Revolving Fund. CLEET shall
14 promulgate the rules, forms and procedures necessary to implement
15 the approval of firearms instructors as authorized by the provisions
16 of this subsection. CLEET shall periodically review each approved
17 instructor during a training and qualification course to assure
18 compliance with the rules and course contents. Any violation of the
19 rules may result in the revocation or suspension of CLEET and
20 Oklahoma State Bureau of Investigation approval. Unless the
21 approval has been revoked or suspended, a firearms instructor's
22 CLEET approval shall be for a term of five (5) years. Beginning on
23 July 1, 2003, any firearms instructor who has been issued a four-
24 year CLEET approval shall not be eligible for the five-year approval

1 until the expiration of the approval previously issued. CLEET shall
2 be responsible for notifying all approved firearms instructors of
3 statutory and policy changes related to the Oklahoma Self-Defense
4 Act. A firearms instructor shall not be required to submit his or
5 her fingerprints for a fingerprint search when renewing a firearms
6 instructor's CLEET approval.

7 C. 1. All firearms instructors approved by CLEET to train and
8 qualify individuals for a handgun license shall be required to apply
9 for registration with the Oklahoma State Bureau of Investigation
10 after receiving CLEET approval. All firearms instructors teaching
11 the approved course for a handgun license must display their
12 registration certificate during each training and qualification
13 course. Each approved firearms instructor shall complete a
14 registration form provided by the Bureau and shall have the option
15 to pay a registration fee of either One Hundred Dollars (\$100.00)
16 for a five-year registration certificate or Two Hundred Dollars
17 (\$200.00) for a ten-year registration certificate to the Bureau at
18 the time of each application for registration, except as provided in
19 paragraph 2 of this subsection. Registration certificates issued by
20 the Bureau shall be valid for a period of five (5) years or ten (10)
21 years from the date of issuance. The Bureau shall issue a five-year
22 or ten-year handgun license to an approved firearms instructor at
23 the time of issuance of a registration certificate and no additional
24 fee shall be required or charged. The Bureau shall maintain a

1 current listing of all registered firearms instructors in this
2 state. Nothing in this paragraph shall be construed to eliminate
3 the requirement for registration and training with CLEET as provided
4 in subsection B of this section. Failure to register or be trained
5 as required shall result in a revocation or suspension of the
6 instructor certificate by the Bureau.

7 2. On or after July 1, 2003, the registered instructors listed
8 in subparagraphs a and b of this paragraph shall not be required to
9 renew the firearms instructor registration certificate with the
10 Oklahoma State Bureau of Investigation at the expiration of the
11 registration term, provided the instructor is not subject to any
12 suspension or revocation of the firearms instructor certificate.
13 The firearms instructor registration with the Oklahoma State Bureau
14 of Investigation shall automatically renew together with the handgun
15 license authorized in paragraph 1 of this subsection for an
16 additional five-year term and no additional cost or fee may be
17 charged for the following individuals:

- 18 a. an active duty law enforcement officer of this state
19 or any of its political subdivisions or of the federal
20 government who has a valid CLEET approval as a
21 firearms instructor pursuant to the Oklahoma Self-
22 Defense Act, and
- 23 b. a retired law enforcement officer authorized to carry
24 a firearm pursuant to Section 1289.8 of this title who

1 has a valid CLEET approval as a firearms instructor
2 pursuant to the Oklahoma Self-Defense Act.

3 D. The Oklahoma State Bureau of Investigation shall approve
4 registration for a firearms instructor applicant who is in full
5 compliance with CLEET rules regarding firearms instructors and the
6 provisions of subsection B of this section, if completion of the
7 federal fingerprint search is the only reason for delay of
8 registration of that firearms instructor applicant. Upon receipt of
9 the federal fingerprint search information, if the Bureau receives
10 information which precludes the person from having a handgun
11 license, the Bureau shall revoke both the registration and the
12 handgun license previously issued to the firearms instructor.

13 E. The required firearms safety and training course and the
14 actual demonstration of competency and qualification required of the
15 applicant shall be designed and conducted in such a manner that the
16 course can be reasonably completed by the applicant within an eight-
17 hour period. CLEET shall establish the course content and
18 promulgate rules, procedures and forms necessary to implement the
19 provisions of this subsection. For the training and qualification
20 course, an applicant may be charged a fee which shall be determined
21 by the instructor or entity that is conducting the course. The
22 maximum class size shall be determined by the instructor conducting
23 the course; provided, however, practice shooting sessions shall not
24 have more than ten participating students at one time. CLEET may

1 establish criteria for assistant instructors and any other
2 requirements deemed necessary to conduct a safe and effective
3 training and qualification course. The course content shall include
4 a safety inspection of the firearm to be used by the applicant in
5 the training course; instruction on pistol handling, safety and
6 storage; dynamics of ammunition and firing; methods or positions for
7 firing a pistol; information about the criminal provisions of the
8 Oklahoma law relating to firearms; the requirements of the Oklahoma
9 Self-Defense Act as it relates to the applicant; self-defense and
10 the use of appropriate force; a practice shooting session; and a
11 familiarization course. The firearms instructor shall refuse to
12 train or qualify any person when the pistol to be used or carried by
13 the person is either deemed unsafe or unfit for firing or is a
14 weapon not authorized by the Oklahoma Self-Defense Act. The course
15 shall provide an opportunity for the applicant to qualify himself or
16 herself on either a derringer, a revolver, a semiautomatic pistol or
17 any combination of a derringer, a revolver and a semiautomatic
18 pistol, provided no pistol shall be capable of firing larger than
19 .45 caliber ammunition. Any applicant who successfully trains and
20 qualifies himself or herself with a semiautomatic pistol may be
21 approved by the firearms instructor on the training certificate for
22 a semiautomatic pistol, a revolver and a derringer upon request of
23 the applicant. Any person who qualifies on a derringer or revolver
24 shall not be eligible for a semiautomatic rating until the person

1 has demonstrated competence and qualifications on a semiautomatic
2 pistol. Upon successful completion of the training and
3 qualification course, a certificate of training and a certificate of
4 competency and qualification shall be issued to each applicant who
5 successfully completes the course. The certificate of training and
6 certificate of competency and qualification shall comply with the
7 forms established by CLEET and shall be submitted with an
8 application for a handgun license pursuant to the provisions of
9 paragraph 2 of subsection A of Section 1290.12 of this title. The
10 certificate of training and certificate of competency and
11 qualification issued to an applicant shall be valid for a period of
12 three (3) years.

13 F. There is hereby created a revolving fund for the Council on
14 Law Enforcement Education and Training (CLEET), to be designated the
15 "Firearms Instructors Revolving Fund". The fund shall be a
16 continuing fund, not subject to fiscal year limitations, and shall
17 consist of all funds received for approval of firearms instructors
18 for purposes of the Oklahoma Self-Defense Act. All funds received
19 shall be deposited to the fund. All monies accruing to the credit
20 of said fund are hereby appropriated and may be budgeted and
21 expended by the Council on Law Enforcement Education and Training,
22 for implementation of the training and qualification course
23 contents, approval of firearms instructors and any other CLEET
24 requirement pursuant to the provisions of the Oklahoma Self-Defense

1 Act or as may otherwise be deemed appropriate by CLEET.
2 Expenditures from said fund shall be made upon warrants issued by
3 the State Treasurer against claims filed as prescribed by law with
4 the Director of the Office of Management and Enterprise Services for
5 approval and payment.

6 G. Firearms instructors shall keep on file for a period of not
7 less than three (3) years a roster of each training class, the
8 safety test score of each individual, the caliber and type of weapon
9 each individual used when qualifying and whether or not each
10 individual successfully completed the training course. Firearms
11 instructors shall be authorized to destroy all training documents
12 and records upon expiration of the three-year time period.

13 SECTION 32. AMENDATORY 21 O.S. 2011, Section 1290.15, as
14 last amended by Section 2, Chapter 86, O.S.L. 2013 (21 O.S. Supp.
15 2015, Section 1290.15), is amended to read as follows:

16 Section 1290.15

17 PERSONS EXEMPT FROM TRAINING COURSE

18 A. The following individuals may be exempt from all or part of
19 the required training and qualification course established pursuant
20 to the provisions of Section 1290.14 of this title:

21 1. A firearms instructor registered with the Oklahoma State
22 Bureau of Investigation for purposes of the Oklahoma Self-Defense
23 Act;

24

1 2. An active duty law enforcement officer of this state or any
2 of its political subdivisions or of the federal government;

3 3. A retired law enforcement officer authorized by this state
4 pursuant to Section 1289.8 of this title to carry a firearm;

5 4. A CLEET-certified armed security officer, armed guard,
6 correctional officer, or any other person having a CLEET
7 certification to carry a firearm in the course of their employment;

8 5. A person on active military duty, National Guard duty or
9 regular military reserve duty who is a legal resident of this state
10 and who is trained and qualified in the use of handguns;

11 6. A person honorably discharged from active military duty,
12 National Guard duty or military reserves within twenty (20) years
13 preceding the date of the application for a handgun license pursuant
14 to the provisions of the Oklahoma Self-Defense Act, who is a legal
15 resident of this state, and who has been trained and qualified in
16 the use of handguns;

17 7. A person retired as a peace officer in good standing from a
18 law enforcement agency located in another state, who is a legal
19 resident of this state, and who has received training equivalent to
20 the training required for CLEET certification in this state; and

21 8. Any person who is otherwise deemed qualified for a training
22 exemption by CLEET.

23 Provided, however, persons applying for an exemption pursuant to
24 paragraph 3, 4, 5, 6 or 7 of this subsection may be required to

1 successfully complete the classroom portion of the training course.
2 The fee for the classroom portion of the training course shall be
3 determined by the instructor or entity that is conducting the
4 course.

5 B. The Council on Law Enforcement Education and Training
6 (CLEET) shall establish criteria for providing proof of an
7 exemption. Before any person shall be considered exempt from all or
8 part of the required training and qualification pursuant to the
9 provisions of the Oklahoma Self-Defense Act, the person shall
10 present the required proof of exemption to a registered firearms
11 instructor. Each person determined to be exempt from training or
12 qualification as provided in this subsection shall receive an
13 exemption certificate from the registered firearms instructor. The
14 rules promulgated by CLEET to implement the provisions of this
15 section and Section 1290.14 of this title may require that a fee not
16 to exceed Five Dollars (\$5.00) be charged for processing an
17 exemption certificate. The original exemption certificate must be
18 submitted with an application for a handgun license as provided in
19 paragraph 2 of Section 1290.12 of this title. No person who is
20 determined to be exempt from training or qualification may carry a
21 ~~concealed or unconcealed~~ firearm pursuant to the authority of the
22 Oklahoma Self-Defense Act until issued a valid handgun license.

23 C. Nothing contained in any provision of the Oklahoma Self-
24 Defense Act shall be construed to alter, amend, or modify the

1 authority of any active duty law enforcement officer, or any person
2 certified by the Council on Law Enforcement Education and Training
3 to carry a pistol during the course of their employment, to carry
4 any pistol in any manner authorized by law or authorized by the
5 employing agency.

6 SECTION 33. AMENDATORY 21 O.S. 2011, Section 1290.17, as
7 amended by Section 36, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
8 Section 1290.17), is amended to read as follows:

9 Section 1290.17

10 SUSPENSION AND REVOCATION OF LICENSE

11 A. The Oklahoma State Bureau of Investigation shall have
12 authority pursuant to the provisions of the Oklahoma Self-Defense
13 Act and any other provision of law to suspend or revoke any handgun
14 license issued pursuant to the provisions of the Oklahoma Self-
15 Defense Act. A person whose license has been suspended or revoked
16 or against whom a fine has been assessed shall be entitled to an
17 appeal through a hearing in accordance with the Administrative
18 Procedures Act. Any administrative hearing on suspensions,
19 revocations or fines shall be conducted by a hearing examiner
20 appointed by the Bureau. The hearing examiner's decision shall be a
21 final decision appealable to a district court in accordance with the
22 Administrative Procedures Act. After a handgun license has been
23 issued, the discovery of or the occurrence of any condition which
24 directly affects a person's eligibility for a handgun license as

1 provided by the provisions of Section 1290.9 or 1290.10 of this
2 title shall require a revocation of the license by the Bureau. The
3 discovery of or the occurrence of any condition pursuant to Section
4 1290.11 of this title, after a license has been issued, shall cause
5 a suspension of the handgun license for a period of time as
6 prescribed for the condition. Any provision of law that requires a
7 revocation of a handgun license upon a conviction shall cause the
8 Bureau to suspend the handgun license upon the discovery of the
9 arrest of the person for such offense until a determination of the
10 criminal case at which time the Bureau shall proceed with the
11 appropriate administrative action. A licensee may voluntarily
12 surrender a license to the Oklahoma State Bureau of Investigation at
13 any time. Such surrender of a handgun license will render the
14 license invalid. Nothing in this section may be interpreted to
15 prevent a subsequent new application for a license. The licensee
16 shall be informed and acknowledge in writing as follows:

17 1. The licensee understands that the voluntary surrender of the
18 license will not be deemed a suspension or revocation by the Bureau;

19 2. A voluntary surrender of a license will not be reviewable by
20 a hearing examiner or subject to judicial review under the
21 Administrative Procedures Act; and

22 3. By surrendering the license, the licensee shall forfeit all
23 fees paid to date.

24

1 B. Any handgun license which is subsequently suspended or
2 revoked shall be immediately returned to the Oklahoma State Bureau
3 of Investigation upon notification. Any person refusing or failing
4 to return a license after notification of its suspension or
5 revocation shall, upon conviction, be guilty of a misdemeanor
6 punishable by a fine of not exceeding Five Hundred Dollars
7 (\$500.00), by imprisonment in the county jail for not exceeding six
8 (6) months, or by both such fine and imprisonment. In addition, the
9 person shall be subject to an administrative fine of Five Hundred
10 Dollars (\$500.00), upon a hearing and determination by the Bureau
11 that the person is in violation of the provisions of this
12 subsection.

13 C. Any law enforcement officer of this state shall confiscate a
14 handgun license in the possession of any person and return it to the
15 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, as follows:

- 18 1. Upon the arrest of the person for any felony offense;
- 19 2. Upon the arrest of the person for any misdemeanor offense
20 enumerated as a preclusion to a handgun license;
- 21 3. For any violation of the provisions of the Oklahoma Self-
22 Defense Act; or

23
24

1 4. When the officer has been called to assist or is
2 investigating any situation which would be a preclusion to having a
3 handgun license; ~~or~~

4 ~~5. As provided in subsection D of Section 1290.8 of this title.~~

5 D. Any administrative fine assessed in accordance with the
6 provisions of the Oklahoma Self-Defense Act shall be paid in full
7 within thirty (30) days of assessment. The Oklahoma State Bureau of
8 Investigation shall, without a hearing, suspend the handgun license
9 of any person who fails to pay in full any administrative fine
10 assessed against the person in accordance with the provisions of
11 this subsection. The suspension of any handgun license shall be
12 automatic and shall begin thirty (30) days from the date of the
13 assessment of the administrative fine. The suspension shall be
14 removed and the handgun license returned to its prior standing upon
15 payment of the administrative fine being paid in full to the Bureau.

16 E. Whenever a handgun license has been suspended in accordance
17 with the provisions of this act or the administrative rules of the
18 Bureau promulgated for purposes of this act, the license shall
19 remain under suspension and shall not be reinstated until:

20 1. The person whose license has been suspended applies for
21 reinstatement in accordance with the administrative rules of the
22 Bureau. The Bureau shall not charge any fee in conjunction with an
23 application for a license reinstatement. The person whose license
24 has been suspended must demonstrate that the condition or preclusion

1 which was the basis for the suspension has lapsed and is no longer
2 in effect; and

3 2. Any and all administrative fines assessed against the person
4 have been paid in full.

5 In the event a handgun license expires during the term of the
6 suspension, the person shall be required to apply for renewal of the
7 license in accordance with Section 1290.5 of this title.

8 SECTION 34. AMENDATORY 21 O.S. 2011, Section 1290.18, as
9 last amended by Section 1, Chapter 200, O.S.L. 2015 (21 O.S. Supp.
10 2015, Section 1290.18), is amended to read as follows:

11 Section 1290.18

12 APPLICATION FORM CONTENTS

13 The application shall be completed upon the sworn oath of the
14 applicant as provided in paragraph 5 of Section 1290.12 of this
15 title. The application form shall be provided by the Oklahoma State
16 Bureau of Investigation and shall contain the following information
17 in addition to any other information deemed relevant by the Bureau:

- 18 1. Applicant's full legal name;
- 19 2. Applicant's birth name, alias names or nicknames;
- 20 3. Maiden name, if applicable;
- 21 4. County of residence;
- 22 5. Length of residency at the current address;
- 23 6. Previous addresses for the preceding three (3) years;
- 24 7. Place of birth;

- 1 8. Date of birth;
- 2 9. Declaration of citizenship and date United States
- 3 citizenship was acquired, if applicable;
- 4 10. Race;
- 5 11. Weight;
- 6 12. Height;
- 7 13. Sex;
- 8 14. Color of eyes;
- 9 15. Current driver license number;
- 10 16. Military service number, if applicable;
- 11 17. Law enforcement identification numbers, if applicable;
- 12 18. Current occupation;
- 13 19. Authorized type or types of pistol for which the applicant
- 14 qualified as stated on the certificate of training or exemption of
- 15 training which shall be stated as either derringer, revolver,
- 16 semiautomatic pistol, or some combination of derringer, revolver and
- 17 semiautomatic pistol and the maximum ammunition capacity of the
- 18 firearm shall be .45 caliber;
- 19 20. An acknowledgment that the applicant desires a handgun
- 20 license as a means of lawful self-defense and self-protection when
- 21 travelling outside the borders of this state and for no other intent
- 22 or purpose;

1 21. A statement that the applicant has never been convicted of
2 any felony offense in this state, another state or pursuant to any
3 federal offense;

4 22. A statement that the applicant has none of the conditions
5 which would preclude the issuing of a handgun license pursuant to
6 any of the provisions of Sections 1290.10 and 1290.11 of this title
7 and that the applicant further meets all of the eligibility criteria
8 required by Section 1290.9 of this title;

9 23. An authorization for the Oklahoma State Bureau of
10 Investigation to investigate the applicant and any or all records
11 relating to the applicant for purposes of approving or denying a
12 handgun license pursuant to the provisions of the Oklahoma Self-
13 Defense Act;

14 24. An acknowledgment that the applicant has been furnished a
15 copy of the Oklahoma Self-Defense Act and is knowledgeable about its
16 provisions;

17 25. A statement that the applicant is the identical person who
18 completed the firearms training course for which the original
19 training certificate is submitted as part of the application or a
20 statement that the applicant is the identical person who is exempt
21 from firearms training for which the original exemption certificate
22 is submitted as part of the application, whichever is applicable to
23 the applicant;

24

1 26. A conspicuous warning that the application is executed upon
2 the sworn oath of the applicant and that any false or misleading
3 answer to any question or the submission of any false information or
4 documentation by the applicant is punishable by criminal penalty as
5 provided in paragraph 5 of Section 1290.12 of this title;

6 27. A signed verification that the contents of the application
7 are known to the applicant and are true and correct;

8 28. Two separate places for the original signature of the
9 applicant;

10 29. A place for attachment of a passport size photograph of the
11 applicant; and

12 30. A place for the signature and verification of the identity
13 of the applicant by the sheriff or the sheriff's designee.

14 Information provided by the person on an application for a
15 handgun license shall be confidential except to law enforcement
16 officers or law enforcement agencies.

17 SECTION 35. AMENDATORY 21 O.S. 2011, Section 1290.21, as
18 last amended by Section 6, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
19 2015, Section 1290.21), is amended to read as follows:

20 Section 1290.21

21 REPLACEMENT LICENSE

22 A. In the event a handgun license becomes missing, lost, stolen
23 or destroyed, the license shall be invalid, and the person to whom
24 the license was issued shall notify the Oklahoma State Bureau of

1 Investigation within thirty (30) days of the discovery of the fact
2 that the license is not in the possession of the licensee. The
3 person may obtain a substitute license upon furnishing a notarized
4 statement to the Bureau that the license is missing, lost, stolen or
5 destroyed and paying a fifteen-dollar replacement fee. During any
6 period when a license is missing, lost, stolen or destroyed, the
7 person shall have no authority to carry a ~~concealed or unconcealed~~
8 handgun when traveling outside the borders of this state pursuant to
9 the provisions of the Oklahoma Self-Defense Act. The Bureau shall,
10 upon receipt of the notarized statement and fee from the licensee,
11 issue a substitute license with the same expiration date within ten
12 (10) days of the receipt of the notarized statement and fee.

13 B. Any person who knowingly or intentionally carries a
14 ~~concealed or unconcealed~~ handgun pursuant to a handgun license
15 authorized and issued pursuant to the provisions of the Oklahoma
16 Self-Defense Act which is stolen shall, upon conviction, be guilty
17 of a felony punishable by a fine of Five Thousand Dollars
18 (\$5,000.00).

19 C. Any person having a valid handgun license pursuant to the
20 Oklahoma Self-Defense Act may carry any make or model of an
21 authorized pistol listed on the license, provided the type of pistol
22 shall not be other than the type or types listed on the license. A
23 person may complete additional firearms training for an additional
24 type of pistol during any license period and upon successful

1 completion of the training may request the additional type of pistol
2 be included on the license. The person shall submit to the Bureau a
3 fifteen-dollar replacement fee, the original certificate of training
4 and qualification for the additional type of firearm, and a
5 statement requesting the license be updated to include the
6 additional type of pistol. The Bureau shall issue an updated
7 license with the same expiration date within ten (10) days of the
8 receipt of the request. The person shall have no authority to carry
9 any additional type of pistol pursuant to the provisions of the
10 Oklahoma Self-Defense Act until the updated license has been
11 received by the licensee. The original license shall be destroyed
12 upon receipt of an updated handgun license.

13 D. A person may request during any license period an update for
14 a change of address or change of name by submitting to the Bureau a
15 fifteen-dollar replacement fee, and a notarized statement that the
16 address or name of the licensee has changed. The Bureau shall issue
17 an updated license with the same expiration date within ten (10)
18 days of receipt of the request. The original license shall be
19 destroyed upon the receipt of the updated handgun license.

20 SECTION 36. AMENDATORY 21 O.S. 2011, Section 1290.22, as
21 amended by Section 7, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015,
22 Section 1290.22), is amended to read as follows:

23 Section 1290.22

24 BUSINESS OWNER'S RIGHTS

1 A. Except as provided in subsection B of this section, nothing
2 contained in any provision of the Oklahoma Self-Defense Act shall be
3 construed to limit, restrict or prohibit in any manner the existing
4 rights of any person, property owner, tenant, employer, place of
5 worship or business entity to control the possession of weapons on
6 any property owned or controlled by the person or business entity.

7 B. No person, property owner, tenant, employer, place of
8 worship or business entity shall be permitted to establish any
9 policy or rule that has the effect of prohibiting any person, except
10 a convicted felon, from transporting and storing firearms in a
11 locked vehicle on any property set aside for any vehicle.

12 C. A property owner, tenant, employer, place of worship or
13 business entity may prohibit any person from carrying a ~~concealed or~~
14 ~~unconcealed~~ firearm on the property. If the building or property is
15 open to the public, the property owner, tenant, employer, place of
16 worship or business entity shall post signs on or about the property
17 stating such prohibition.

18 D. The carrying of a ~~concealed or unconcealed~~ firearm by a
19 person ~~who has been issued a handgun license~~ on property that has
20 signs prohibiting the carrying of firearms shall not be deemed a
21 criminal act but may subject the person to being denied entrance
22 onto the property or removed from the property. If the person
23 refuses to leave the property and a peace officer is summoned, the
24

1 person may be issued a citation for an amount not to exceed Two
2 Hundred Fifty Dollars (\$250.00).

3 E. A person, corporation, place of worship or any other
4 business entity that does or does not prohibit any individual except
5 a convicted felon from carrying a loaded or unloaded, ~~concealed or~~
6 ~~unconcealed~~ weapon on property that the person, corporation, place
7 of worship or other business entity owns, or has legal control of,
8 is immune from any liability arising from that decision. Except for
9 acts of gross negligence or willful or wanton misconduct, an
10 employer who does or does not prohibit their employees from carrying
11 a ~~concealed or unconcealed~~ weapon is immune from any liability
12 arising from that decision. The provisions of this subsection shall
13 not apply to claims pursuant to the Workers' Compensation Code.

14 SECTION 37. AMENDATORY 21 O.S. 2011, Section 1290.24, as
15 amended by Section 42, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
16 Section 1290.24), is amended to read as follows:

17 Section 1290.24

18 IMMUNITY

19 A. The state, its officers, agents and employees shall be
20 immune from liability resulting or arising from:

21 1. Failure to prevent the licensing of an individual for whom
22 the receipt of the license is unlawful pursuant to the provisions of
23 the Oklahoma Self-Defense Act or any other provision of law of this
24 state;

1 2. Any action or misconduct with a pistol committed by a person
2 to whom a license to carry a ~~concealed or unconcealed~~ handgun has
3 been issued or by any person who obtains a pistol from a licensee;

4 3. Any injury to any person during a handgun training course
5 conducted by a firearms instructor certified by the Council on Law
6 Enforcement Education and Training to conduct training under the
7 Oklahoma Self-Defense Act, or injury from any misfire or malfunction
8 of any handgun on a training course firing range supervised by a
9 certified firearms instructor under the provisions of the Oklahoma
10 Self-Defense Act, or any injury resulting from carrying a ~~concealed~~
11 ~~or unconcealed~~ handgun pursuant to a handgun license; and

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

15 B. Firearms instructors certified by the Council on Law
16 Enforcement Education and Training to conduct training for the
17 Oklahoma Self-Defense Act shall be immune from liability to third
18 persons resulting or arising from any claim based on an act or
19 omission of a trainee.

20 SECTION 38. AMENDATORY 21 O.S. 2011, Section 1290.25, as
21 amended by Section 43, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
22 Section 1290.25), is amended to read as follows:

23 Section 1290.25

24 LEGISLATIVE INTENT

1 The Legislature finds as a matter of public policy and fact that
2 it is necessary to provide statewide uniform standards for issuing
3 licenses to carry ~~concealed or unconcealed~~ handguns for lawful self-
4 defense and self-protection when traveling outside the borders of
5 this state, and further finds it necessary to occupy the field of
6 regulation of the bearing of ~~concealed or unconcealed~~ handguns to
7 ensure that no honest, law-abiding citizen who qualifies pursuant to
8 the provisions of the Oklahoma Self-Defense Act is subjectively or
9 arbitrarily denied his or her rights. The Legislature does not
10 delegate to the Oklahoma State Bureau of Investigation any authority
11 to regulate or restrict the issuing of handgun licenses except as
12 provided by the provisions of this act. Subjective or arbitrary
13 actions or rules which encumber the issuing process by placing
14 burdens on the applicant beyond those requirements detailed in the
15 provisions of the Oklahoma Self-Defense Act or which create
16 restrictions beyond those specified in this act are deemed to be in
17 conflict with the intent of this act and are hereby prohibited. The
18 Oklahoma Self-Defense Act shall be liberally construed to carry out
19 the constitutional right to bear arms for self-defense and self-
20 protection. The provisions of the Oklahoma Self-Defense Act are
21 cumulative to existing rights to bear arms and nothing in the
22 Oklahoma Self-Defense Act shall impair or diminish those rights.

23 However, the conditions that mandate the administrative actions
24 of license denial, suspension, revocation or an administrative fine

1 are intended to protect the health, safety and public welfare of the
2 citizens of this state. The restricting conditions specified in the
3 Oklahoma Self-Defense Act generally involve the criminal history,
4 mental state, alcohol or substance abuse of the applicant or
5 licensee, a hazard of domestic violence, a danger to police
6 officers, or the ability of the Oklahoma State Bureau of
7 Investigation to properly administer the Oklahoma Self-Defense Act.
8 The restricting conditions that establish a risk of injury or harm
9 to the public are tailored to reduce the risks to the benefit of the
10 citizens of this state.

11 SECTION 39. AMENDATORY 21 O.S. 2011, Section 1364, as
12 amended by Section 45, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
13 Section 1364), is amended to read as follows:

14 Section 1364.

15 DISCHARGING FIREARM

16 Every person who willfully discharges any pistol, rifle,
17 shotgun, airgun or other weapon, or throws any other missile in any
18 public place, or in any place where there is any person to be
19 endangered thereby, although no injury to any person shall ensue, is
20 guilty of a misdemeanor. ~~Any person convicted of a violation of the~~
21 ~~provisions of this section after having been issued a handgun~~
22 ~~license pursuant to the provisions of the Oklahoma Self-Defense Act~~
23 ~~shall have the license suspended for a period of six (6) months and~~
24 ~~shall be subject to an administrative fine of Fifty Dollars~~

1 ~~(\$50.00), upon a hearing and determination by the Oklahoma State~~
2 ~~Bureau of Investigation that the person is in violation of the~~
3 ~~provisions of this section.~~

4 SECTION 40. AMENDATORY 57 O.S. 2011, Section 21, as last
5 amended by Section 2, Chapter 226, O.S.L. 2015 (57 O.S. Supp. 2015,
6 Section 21), is amended to read as follows:

7 Section 21. A. Any person who, without authority, brings into
8 or has in his or her possession in any jail or state penal
9 institution or other place where prisoners are located, any gun,
10 knife, bomb or other dangerous instrument, any controlled dangerous
11 substance as defined by Section 2-101 et seq. of Title 63 of the
12 Oklahoma Statutes, any intoxicating beverage or low-point beer as
13 defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma
14 Statutes, money or financial documents for a person other than the
15 inmate or a spouse of the inmate, including but not limited to tax
16 returns, shall be guilty of a felony and, upon conviction, shall be
17 punished by imprisonment in the custody of the Department of
18 Corrections for a term of not less than one (1) year nor more than
19 five (5) years, or by a fine of not less than One Hundred Dollars
20 (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both
21 such fine and imprisonment. Provided, the provisions of this
22 subsection shall not prohibit any Department of Corrections employee
23 ~~who has a valid handgun license pursuant to the Oklahoma Self-~~
24 ~~Defense Act~~ to keep a firearm in a vehicle on any property set aside

1 for the parking of any vehicle, whether occupied or unoccupied, at
2 any state-owned prison facility, provided the employee has provided
3 annual notification to the Department of Corrections of the brand
4 name, model, serial number, and owner identification information of
5 the firearm, and the firearm is secured and stored in a locked metal
6 storage container located in a locked vehicle. The storage
7 container will be secured in the vehicle by a lockable chain or
8 cable or by utilizing hardware provided by the manufacturer.

9 B. If an inmate is found to be in possession of any item
10 prohibited by this section, upon conviction, such inmate shall be
11 guilty of a felony and shall be punished by imprisonment for a term
12 of not less than five (5) years nor more than twenty (20) years in
13 the custody of the Department of Corrections.

14 C. If the person found to be in possession of any item
15 prohibited by this section has committed, prior to the commission of
16 an offense in violation of this section, two or more felony
17 offenses, and the possession of contraband in violation of this
18 section is within ten (10) years of the completion of the execution
19 of the sentence for any prior offense, such person, upon conviction,
20 shall be guilty of a felony and shall be punished by imprisonment in
21 the custody of the Department of Corrections for a term of not less
22 than twenty (20) years. Felony offenses relied upon shall not have
23 arisen out of the same transaction or occurrence or series of events
24 closely related in time and location.

1 D. Any person who, without authority, brings into or has in his
2 or her possession in any jail or state penal institution or other
3 place where prisoners are located, cigarettes, cigars, snuff,
4 chewing tobacco or any other form of tobacco product shall, upon
5 conviction, be guilty of a misdemeanor punishable by imprisonment in
6 the county jail not to exceed one (1) year, or by a fine not
7 exceeding Five Hundred Dollars (\$500.00), or by both such fine and
8 imprisonment.

9 E. Any person who knowingly, willfully and without authority
10 brings into or has in his or her possession in any secure area of a
11 jail or state penal institution or other secure place where
12 prisoners are located any cellular phone or electronic device
13 capable of sending or receiving any electronic communication shall,
14 upon conviction, be guilty of a felony punishable by imprisonment in
15 the custody of the Department of Corrections for a term not
16 exceeding two (2) years, or by a fine not exceeding Two Thousand
17 Five Hundred Dollars (\$2,500.00), or by both such fine and
18 imprisonment.

19 F. Any electronic communication device which has no
20 identifiable owner and which is seized as a result of a violation of
21 this section may be disposed of or sold by the agency that seized
22 the device.

23 G. "Electronic communication" means any transfer of signs,
24 signals, writings, images, sounds, data or intelligence of any

1 nature transmitted in whole or part by a wire, radio,
2 electromagnetic, photo-electronic or photo-optical system, and
3 includes, but is not limited to, the transfer of that communication
4 through the Internet.

5 SECTION 41. AMENDATORY Section 3, Chapter 407, O.S.L.
6 2013, as amended by Section 2, Chapter 373, O.S.L. 2014 (59 O.S.
7 Supp. 2015, Section 1350.2), is amended to read as follows:

8 Section 1350.2 A. On and after February 1, 2015, no person
9 shall act or engage in, solicit or offer services, or represent
10 himself or herself, as a bail enforcer as defined by the Bail
11 Enforcement and Licensing Act without first having been issued a
12 valid license by the Council on Law Enforcement Education and
13 Training.

14 B. On or after February 1, 2015, any person who shall act or
15 engage in, solicit or offer services, or represent himself or
16 herself, as a bail enforcer without a valid license issued by the
17 Council shall be guilty of a felony, upon conviction, punishable by
18 a fine in an amount not exceeding Ten Thousand Dollars (\$10,000.00),
19 or by imprisonment in the custody of the Department of Corrections
20 for a term of not more than three (3) years, or by both such fine
21 and imprisonment.

22 C. Any person violating the provisions of subsection B of this
23 section while having in his or her possession or under his or her
24 control any firearm or weapon, ~~including a firearm under the~~

1 ~~authority of the Oklahoma Self Defense Act,~~ shall be punished, upon
2 conviction, by an additional fine in an amount not exceeding Five
3 Thousand Dollars (\$5,000.00), or by an additional term of
4 imprisonment up to three (3) years, or by both such fine and
5 imprisonment. ~~In addition, the authority to carry the firearm may~~
6 ~~be permanently revoked by the issuing authority.~~

7 SECTION 42. AMENDATORY 63 O.S. 2011, Section 2-110, as
8 amended by Section 46, Chapter 259, O.S.L. 2012 (63 O.S. Supp. 2015,
9 Section 2-110), is amended to read as follows:

10 Section 2-110. The Director of the Oklahoma State Bureau of
11 Narcotics and Dangerous Drugs Control may employ attorneys, who
12 shall be unclassified employees of the state, or contract with
13 attorneys, as needed. These attorneys may advise the Director, the
14 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
15 Commission and Bureau personnel on all legal matters and shall
16 appear for and represent the Director, the Commission and Bureau
17 personnel in all administrative hearings and all litigation or other
18 proceedings which may arise in the discharge of their duties. At
19 the request of the Oklahoma State Bureau of Narcotics and Dangerous
20 Drugs Control Commission, such attorney shall assist the district
21 attorney in prosecuting charges of violators of the Uniform
22 Controlled Dangerous Substances Act or any felony relating to or
23 arising from a violation of the Uniform Controlled Dangerous
24 Substances Act. Attorneys for the Bureau who have been certified by

1 the Council on Law Enforcement Education and Training to carry a
2 weapon ~~or have been issued a handgun license pursuant to the~~
3 ~~provisions of the Oklahoma Self-Defense Act~~ shall be allowed to
4 carry weapons pursuant to paragraph 3 of subsection A of Section
5 1272 of Title 21 of the Oklahoma Statutes. These attorneys,
6 pursuant to this provision, shall not be considered eligible to
7 participate in the Oklahoma Law Enforcement Retirement System. If a
8 conflict of interest would be created by such attorney representing
9 the Director, the Commission or Bureau personnel, additional counsel
10 may be hired upon approval of the Oklahoma State Bureau of Narcotics
11 and Dangerous Drugs Control Commission.

12 SECTION 43. AMENDATORY 63 O.S. 2011, Section 4210.3, as
13 amended by Section 47, Chapter 259, O.S.L. 2012 (63 O.S. Supp. 2015,
14 Section 4210.3), is amended to read as follows:

15 Section 4210.3 It shall be unlawful to transport a shotgun,
16 rifle or pistol in or to discharge such weapons from a vessel,
17 except for the purposes of hunting animals or fowl, and in
18 compliance with existing state and federal laws. Anyone violating
19 the provisions of this section, upon conviction, shall be guilty of
20 a misdemeanor and shall be punished by a fine of not less than Fifty
21 Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00), or
22 by imprisonment in the county jail for not less than ten (10) days
23 and not more than six (6) months, or by both such fine and
24 imprisonment. ~~Any person in possession of a valid handgun license~~

1 ~~from this state or a reciprocal state authorized by the Oklahoma~~
2 ~~Self-Defense Act shall not be deemed guilty of transporting a pistol~~
3 ~~in violation of this section when a handgun is carried concealed or~~
4 ~~unconcealed upon or about their person in compliance with the~~
5 ~~provisions of the Oklahoma Self-Defense Act.~~

6 SECTION 44. REPEALER 21 O.S. 2011, Sections 1290.4, as
7 amended by Section 25, Chapter 259, O.S.L. 2012, 1290.6, as amended
8 by Section 27, Chapter 259, O.S.L. 2012 and 1290.8, as last amended
9 by Section 4, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015, Sections
10 1290.4, 1290.6 and 1290.8), are hereby repealed.

11 SECTION 45. This act shall become effective November 1, 2016.

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