

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3357

By: Lowe

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2011, Section 1272, as last amended by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1272), which relates to the unlawful carry of firearms; deleting exception to certain prohibited act; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1277), which relates to the unlawful carry of firearms in certain places; narrowing scope of certain prohibited acts; modifying references to specific weapons; amending 21 O.S. 2011, Section 1283, as last amended by Section 3, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1283), which relates to the unlawful carry of firearms by felons and delinquents; modifying scope of certain restored right; deleting certain prohibited act and corresponding penalty; amending 21 O.S. 2011, Sections 1289.6, 1289.7, 1289.13, 1289.13A and 1289.24, as last amended by Sections 4, 5, 6, 7 and 8, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Sections 1289.6, 1289.7, 1289.13, 1289.13A and 1289.24), which relate to the Oklahoma Firearms Act of 1971; providing for the open and unconcealed carry of certain weapons; deleting reference to certain statutory provision; modifying condition that allows for the carry of firearms for self-defense and self-protection; providing for the open and unconcealed carry of certain weapons without a handgun license; stating conditions that authorize the carry of certain weapons; modifying conditions that authorize the transport of certain weapons in vehicles; defining term; providing references to specific act; adding statutory references; making issuance of traffic citation mandatory; modifying firearm confiscation requirements; narrowing scope of

1 preemption provision; providing reference to specific
2 act; amending 21 O.S. 2011, Sections 1290.7, 1290.22
3 and 1290.24, as last amended by Sections 10, 12 and
4 13, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019,
5 Sections 1290.7, 1290.22 and 1290.24), which relate
6 to the Oklahoma Self-Defense Act; deleting construing
7 provision related to the carrying of handguns or
8 pistols without a license; narrowing scope of certain
9 prohibited act; providing penalty; making conditions
10 of immunity applicable to handgun licensees; and
11 declaring an emergency.

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

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

Section 1272.

UNLAWFUL CARRY

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

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

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

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

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

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

19 ~~6. The carrying of a firearm, concealed or unconcealed, loaded
20 or unloaded, by a person who is twenty-one (21) years of age or
21 older or by a person who is eighteen (18) years of age but not yet
22 twenty-one (21) years of age and the person is a member or veteran
23 of the United States Armed Forces, Reserves or National Guard or was
24 discharged under honorable conditions from the United States Armed~~

1 ~~Forces, Reserves or National Guard, and the person is otherwise not~~
2 ~~disqualified from the possession or purchase of a firearm under~~
3 ~~state or federal law and is not carrying the firearm in furtherance~~
4 ~~of a crime.~~

5 ~~Except as provided in subsection B of Section 1283 of this~~
6 ~~title, a person who has been convicted of any one of the following~~
7 ~~offenses in this state or a violation of the equivalent law of~~
8 ~~another state:~~

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

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1 ~~shall be prohibited from carrying a firearm under the provisions of~~
2 ~~this paragraph. Any person who carries a firearm in the manner~~
3 ~~provided for in this paragraph shall be prohibited from carrying the~~
4 ~~firearm into any of the places prohibited in subsection A of Section~~
5 ~~1277 of this title or any other place currently prohibited by law.~~
6 ~~Nothing in this section shall modify or otherwise change where a~~
7 ~~person may legally carry a firearm.~~

8 B. Any person convicted of violating the foregoing provision
9 shall be guilty of a misdemeanor punishable as provided in Section
10 1276 of this title.

11 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
12 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.
13 2019, Section 1277), is amended to read as follows:

14 Section 1277.

15 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

23 2. Any courthouse, courtroom, prison, jail, detention facility
24 or any facility used to process, hold or house arrested persons,

1 prisoners or persons alleged delinquent or adjudicated delinquent,
2 except as provided in Section 21 of Title 57 of the Oklahoma
3 Statutes;

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

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

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

11 6. Any other place specifically prohibited by law.

12 B. For purposes of subsection A of this section, the prohibited
13 place does not include and specifically excludes the following
14 property:

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

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

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

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1 4. Any property designated by a city, town, county or state
2 governmental authority as a park, recreational area, wildlife
3 refuge, wildlife management area or fairgrounds; provided, nothing
4 in this paragraph shall be construed to authorize any entry by a
5 person in possession of a concealed or unconcealed ~~firearm~~ handgun
6 into any structure, building or office space which is specifically
7 prohibited by the provisions of subsection A of this section; and

8 5. Any property set aside by a public or private elementary or
9 secondary school for the use or parking of any vehicle, whether
10 attended or unattended; provided, however, the ~~firearm~~ handgun shall
11 be stored and hidden from view in a locked motor vehicle when the
12 motor vehicle is left unattended on school property.

13 Nothing contained in any provision of this subsection or
14 subsection C of this section shall be construed to authorize or
15 allow any person in control of any place described in subsection A
16 of this section to establish any policy or rule that has the effect
17 of prohibiting any person in lawful possession of a handgun license
18 ~~or otherwise in lawful~~ from possession of a ~~firearm from carrying or~~
19 ~~possessing the firearm on the property~~ handgun allowable under such
20 license in places described in this subsection.

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

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

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

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

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

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

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

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

5 2. A nonprofit entity,
6 an individual shall be allowed to carry a concealed handgun but not
7 openly carry a handgun on the property.

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

17 G. No person in possession of a valid handgun license issued
18 pursuant to the provisions of the Oklahoma Self-Defense Act ~~or who~~
19 ~~is carrying or in possession of a firearm as otherwise permitted by~~
20 ~~law~~ or who is carrying or in possession of a machete, blackjack,
21 loaded cane, hand chain or metal knuckles shall be authorized to
22 carry the ~~firearm~~ handgun, machete, blackjack, loaded cane, hand
23 chain or metal knuckles into or upon any college, university or
24 technology center school property, except as provided in this

1 subsection. For purposes of this subsection, the following property
2 shall not be construed ~~to be college, university or technology~~
3 ~~center school property~~ as prohibited for persons having a valid
4 handgun license:

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

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

18 3. Any property authorized by the written consent of the
19 college or university president or technology center school
20 administrator, provided the written consent is carried with the
21 ~~firearm~~ handgun, machete, blackjack, loaded cane, hand chain or
22 metal knuckles and the valid handgun license while on college,
23 university or technology center school property.

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

10 Nothing contained in any provision of this subsection shall be
11 construed to authorize or allow any college, university or
12 technology center school to establish any policy or rule that has
13 the effect of prohibiting any person in lawful possession of a
14 handgun license or any person in lawful possession of a ~~firearm,~~
15 machete, blackjack, loaded cane, hand chain or metal knuckles from
16 possession of a ~~firearm~~ handgun allowable under such license,
17 machete, blackjack, loaded cane, hand chain or metal knuckles in
18 places described in paragraphs 1, 2 and 3 of this subsection.

19 Nothing contained in any provision of this subsection shall be
20 construed to limit the authority of any college, university or
21 technology center school in this state from taking administrative
22 action against any student for any violation of any provision of
23 this subsection.

1 H. The provisions of this section shall not apply to the
2 following:

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

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

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

13 4. Elected officials of a county, who are in possession of a
14 valid handgun license issued pursuant to the provisions of the
15 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
16 in the performance of their duties within the courthouses of the
17 county in which ~~he or she was~~ they were elected. The provisions of
18 this paragraph shall not allow the elected county official to carry
19 the handgun into a courtroom;

20 5. The sheriff of any county may authorize certain employees of
21 the county, who possess a valid handgun license issued pursuant to
22 the provisions of the Oklahoma Self-Defense Act, to carry a
23 concealed handgun when acting in the course and scope of employment
24 within the courthouses in the county in which the person is

1 employed. Nothing in the Oklahoma Self-Defense Act shall prohibit
2 the sheriff from requiring additional instruction or training before
3 receiving authorization to carry a concealed handgun within the
4 courthouse. The provisions of this paragraph and of paragraph 6 of
5 this subsection shall not allow the county employee to carry the
6 handgun into a courtroom, sheriff's office, adult or juvenile jail
7 or any other prisoner detention area; and

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

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

19 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1283, as
20 last amended by Section 3, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
21 2019, Section 1283), is amended to read as follows:

22 Section 1283.

23 CONVICTED FELONS AND DELINQUENTS

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1 A. Except as provided in subsection B of this section, it shall
2 be unlawful for any person convicted of any felony in any court of
3 this state or of another state or of the United States to have in
4 his or her possession or under his or her immediate control, or in
5 any vehicle which the person is operating, or in which the person is
6 riding as a passenger, or at the residence where the convicted
7 person resides, any pistol, imitation or homemade pistol, altered
8 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
9 other dangerous or deadly firearm.

10 B. Any person who has previously been convicted of a nonviolent
11 felony in any court of this state or of another state or of the
12 United States, and who has received a full and complete pardon from
13 the proper authority and has not been convicted of any other felony
14 offense which has not been pardoned, shall have restored the right
15 to possess any firearm or other weapon prohibited by subsection A of
16 this section, the right to apply for and carry a handgun, concealed
17 or unconcealed, pursuant to the Oklahoma Self-Defense Act ~~or as~~
18 ~~otherwise permitted by law~~, and the right to perform the duties of a
19 peace officer, gunsmith, and for firearms repair.

20 C. It shall be unlawful for any person serving a term of
21 probation for any felony in any court of this state or of another
22 state or of the United States or under the jurisdiction of any
23 alternative court program to have in his or her possession or under
24 his or her immediate control, or at his or her residence, or in any

1 passenger vehicle which the person is operating or is riding as a
2 passenger, any pistol, shotgun or rifle, including any imitation or
3 homemade pistol, altered air or toy pistol, shotgun or rifle, while
4 such person is subject to supervision, probation, parole or inmate
5 status.

6 D. It shall be unlawful for any person previously adjudicated
7 as a delinquent child or a youthful offender for the commission of
8 an offense, which would have constituted a felony offense if
9 committed by an adult, to have in the possession of the person or
10 under the immediate control of the person, or have in any vehicle
11 which he or she is driving or in which the person is riding as a
12 passenger, or at the residence of the person, any pistol, imitation
13 or homemade pistol, altered air or toy pistol, machine gun, sawed-
14 off shotgun or rifle, or any other dangerous or deadly firearm
15 within ten (10) years after such adjudication; provided, that
16 nothing in this subsection shall be construed to prohibit the
17 placement of the person in a home with a full-time duly appointed
18 peace officer who is certified by the Council on Law Enforcement
19 Education and Training (CLEET) pursuant to the provisions of Section
20 3311 of Title 70 of the Oklahoma Statutes.

21 ~~E. It shall be unlawful for any person who is an alien~~
22 ~~illegally or unlawfully in the United States to have in the~~
23 ~~possession of the person or under the immediate control of the~~
24 ~~person, or in any vehicle the person is operating, or at the~~

1 ~~residence where the person resides, any pistol, imitation or~~
2 ~~homemade pistol, altered air or toy pistol, shotgun, rifle or any~~
3 ~~other dangerous or deadly firearm; provided, that nothing in this~~
4 ~~subsection applies to prohibit the transport or detention of the~~
5 ~~person by law enforcement officers or federal immigration~~
6 ~~authorities. Any person who violates the provisions of this~~
7 ~~subsection shall, upon conviction, be guilty of a misdemeanor~~
8 ~~punishable by a fine of Two Hundred Fifty Dollars (\$250.00).~~

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

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

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1 ~~H.~~ G. For purposes of this section, "sawed-off shotgun or
2 rifle" shall mean any shotgun or rifle which has been shortened to
3 any length.

4 ~~I.~~ H. For purposes of this section, "altered toy pistol" shall
5 mean any toy weapon which has been altered from its original
6 manufactured state to resemble a real weapon.

7 ~~J.~~ I. For purposes of this section, "altered air pistol" shall
8 mean any air pistol manufactured to propel projectiles by air
9 pressure which has been altered from its original manufactured
10 state.

11 ~~K.~~ J. For purposes of this section, "alternative court program"
12 shall mean any drug court, Anna McBride or mental health court, DUI
13 court or veterans court.

14 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.6, as
15 last amended by Section 4, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
16 2019, Section 1289.6), is amended to read as follows:

17 Section 1289.6

18 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

19 A. A person shall be permitted to carry loaded and unloaded
20 shotguns, rifles and pistols, open and not concealed and without a
21 handgun license as authorized by the Oklahoma Self-Defense Act
22 pursuant to the following conditions:

- 23 1. When hunting animals or fowl;
- 24

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

4 3. During participation in or in preparation for a military
5 function of the state military forces to be defined as the Oklahoma
6 Army or Air National Guard, federal military reserve and active
7 military forces. It is further provided that Oklahoma Army or Air
8 National Guard personnel with proper authorization and performing a
9 military function may carry loaded or unloaded and concealed weapons
10 on Oklahoma Military Department facilities in accordance with rules
11 promulgated by the Adjutant General;

12 4. During participation in or in preparation for a recognized
13 police function of either a municipal, county or state government as
14 functioning police officials;

15 5. During a practice for or a performance for entertainment
16 purposes;

17 6. ~~As provided for in subsection A of Section 1272 of this~~
18 ~~title; or~~

19 ~~7.~~ For lawful self-defense and self-protection or any other
20 legitimate purpose in or on property that is owned, leased, rented
21 or otherwise legally controlled by the person; or

22 7. For any legitimate purpose not in violation of the Oklahoma
23 Firearms Act of 1971 or any legislative enactment regarding the use,
24 ~~carrying,~~ ownership and control of firearms.

1 B. A person shall be permitted to carry unloaded shotguns,
2 rifles and pistols, open and not concealed and without a handgun
3 license as authorized by the Oklahoma Self-Defense Act ~~and when~~
4 pursuant to the following conditions:

5 1. When going to or from the person's private residence or
6 vehicle or a vehicle in which the person is riding as a passenger to
7 a place designated or authorized for firearms repairs or
8 reconditioning, or for firearms trade, sale, or barter, or gunsmith,
9 or hunting animals or fowl, or hunter safety course, or target
10 shooting, or skeet or trap shooting or any recognized firearms
11 activity or event and while in such places; or

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

14 C. The provisions of this section shall not be construed to
15 prohibit educational or recreational activities, exhibitions,
16 displays or shows involving the use or display of rifles, shotguns
17 or pistols or other weapons if the activity is approved by the
18 property owner and sponsor of the activity.

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

22 Section 1289.7

23 FIREARMS IN VEHICLES

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1 A. Any person ~~who is not otherwise prohibited by law from~~
2 ~~possessing a firearm, except a convicted felon,~~ may transport in a
3 motor vehicle a rifle, shotgun or pistol ~~or handgun, loaded or,~~ open
4 and unloaded, at any time. For purposes of this section, "open"
5 means the firearm is transported in plain view, in a case designed
6 for carrying firearms, which case is wholly or partially visible, in
7 a gun rack mounted in the vehicle, in an exterior locked compartment
8 or a trunk of a vehicle.

9 B. Any person ~~who is not otherwise prohibited by law from~~
10 ~~possessing a firearm, except a convicted felon,~~ may transport in a
11 motor vehicle a rifle or shotgun ~~open or~~ concealed behind a seat of
12 the vehicle or within the interior of the vehicle, provided the
13 rifle or shotgun is transported not clip-, magazine- or chamber-
14 loaded. The authority to transport a clip- or magazine-loaded rifle
15 or shotgun shall be pursuant to the requirements of Section 1289.13
16 of this title.

17 C. Any person who is the operator of a motor vehicle or is a
18 passenger in any motor vehicle wherein another person who is
19 licensed pursuant to the Oklahoma Self-Defense Act ~~or is otherwise~~
20 ~~permitted by law~~ to carry a handgun, concealed or unconcealed, and
21 is carrying a handgun or has the handgun in such vehicle, shall not
22 be deemed in violation of the provisions of this section provided
23 the licensee ~~or person permitted by law~~ is in or near the motor
24 vehicle.

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

8 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.13, as
9 last amended by Section 6, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
10 2019, Section 1289.13), is amended to read as follows:

11 Section 1289.13

12 TRANSPORTING A LOADED FIREARM

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

23 Any person convicted of a violation of this section shall be
24 punished as provided in Section 1289.15 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 a handgun or rifle or
5 shotgun in such vehicle shall not be deemed in violation of the
6 provisions of this section provided the licensee is in or near the
7 vehicle.

8 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
9 last amended by Section 7, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
10 2019, Section 1289.13A), is amended to read as follows:

11 Section 1289.13A

12 IMPROPER TRANSPORTATION OF FIREARMS

13 A. Notwithstanding the provisions of Section 1272 or ~~1289.7~~
14 1289.13 of this title, any person stopped pursuant to a moving
15 traffic violation who is transporting a loaded pistol in the motor
16 vehicle without a valid handgun license authorized by the Oklahoma
17 Self-Defense Act or valid license from another state, ~~or in~~
18 ~~violation of any law related to the carrying or transporting of~~
19 ~~firearms,~~ whether the loaded firearm is concealed or unconcealed in
20 the vehicle, ~~may~~ shall be issued a traffic citation in the amount of
21 Seventy Dollars (\$70.00), plus court costs for transporting a
22 firearm improperly. In addition to the traffic citation provided in
23 this section, the person may also be arrested for any other
24 violation of law.

1 B. ~~Any firearm lawfully~~ When the arresting officer determines
2 that a valid handgun license exists, pursuant to the Oklahoma Self-
3 Defense Act or any provision of law from another state, for any
4 person in the stopped vehicle, any firearms permitted to be carried
5 ~~or transported as permitted pursuant to state law~~ that license shall
6 not be confiscated, unless:

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

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

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

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

21 Section 1289.24

22 FIREARM REGULATION - STATE PREEMPTION

23 A. 1. The State Legislature hereby occupies and preempts the
24 entire field of legislation in this state touching in any way

1 firearms, knives, components, ammunition, and supplies to the
2 complete exclusion of any order, ordinance, or regulation by any
3 municipality or other political subdivision of this state. Any
4 existing or future orders, ordinances, or regulations in this field,
5 except as provided for in paragraph 2 of this subsection and
6 subsection C of this section, are null and void.

7 2. A municipality may adopt any ordinance:

- 8 a. relating to the discharge of firearms within the
9 jurisdiction of the municipality, and
- 10 b. allowing the municipality to issue a traffic citation
11 for transporting a firearm improperly as provided for
12 in Section 1289.13A of this title~~;~~ provided, however,
13 that penalties contained for violation of any
14 ordinance enacted pursuant to the provisions of this
15 subparagraph shall not exceed the penalties
16 established in the Oklahoma Self-Defense Act.

17 3. As provided in the preemption provisions of this section,
18 the otherwise lawful open carrying ~~or possession~~ of a ~~firearm~~
19 handgun under the provisions of ~~Chapter 53 of this title~~ the
20 Oklahoma Self-Defense Act shall not be punishable by any
21 municipality or other political subdivision of this state as
22 disorderly conduct, disturbing the peace or similar offense against
23 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.

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1 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1290.7, as
2 last amended by Section 10, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
3 2019, Section 1290.7), is amended to read as follows:

4 Section 1290.7

5 CONSTRUING AUTHORITY OF LICENSE

6 ~~A.~~ The authority to carry a concealed or unconcealed handgun
7 pursuant to a valid handgun license as authorized by the provisions
8 of the Oklahoma Self-Defense Act shall not be construed to authorize
9 any person to:

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

12 2. Carry or possess any pistol in any manner or in any place
13 otherwise prohibited by law;

14 3. Carry or possess any prohibited ammunition or any illegal,
15 imitation or homemade pistol;

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

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

20 ~~B. The availability of a license to carry pursuant to the~~
21 ~~provisions of the Oklahoma Self-Defense Act shall not be construed~~
22 ~~to prohibit the lawful transport or carrying of a handgun or pistol~~
23 ~~in a vehicle or on or about the person whether concealed or~~

24

1 ~~unconcealed, loaded or unloaded, and without a valid handgun license~~
2 ~~as permitted by law.~~

3 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.22, as
4 last amended by Section 12, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
5 2019, Section 1290.22), is amended to read as follows:

6 Section 1290.22

7 BUSINESS OWNER'S RIGHTS

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

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

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

1 worship or business entity shall post signs on or about the property
2 stating such prohibition.

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

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

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

21 3. The fairgrounds during the Oklahoma State Fair or the Tulsa
22 State Fair; and
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1 4. The portion of a public property structure or building that
2 is leased or under contract to a business or not-for-profit entity
3 or group for offices.

4 E. The ~~otherwise lawful~~ carrying of a concealed or unconcealed
5 firearm by a person who has been issued a handgun license on
6 property that has signs prohibiting the carrying of firearms shall
7 not be deemed a criminal act but may subject the person to being
8 denied entrance onto the property or removed from the property. If
9 the person:

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

13 ~~2. Refuses~~ refuses to leave the property and a peace officer is
14 summoned, the person may be ~~punished as provided in Section 1276 of~~
15 ~~this title~~ issued a citation for an amount not to exceed Two Hundred
16 Fifty Dollars (\$250.00).

17 F. A person, property owner, tenant, employer, holder of an
18 event permit, place of worship or business entity that does or does
19 not prohibit any individual, except a convicted felon, from carrying
20 a loaded or unloaded, concealed or unconcealed weapon on property
21 that the person, property owner, tenant, employer, holder of an
22 event permit, place of worship or business entity owns, or has legal
23 control of, is immune from any liability arising from that decision.
24 Except for acts of gross negligence or willful or wanton misconduct,

1 an employer who does or does not prohibit his or her employees from
2 carrying a concealed or unconcealed weapon is immune from any
3 liability arising from that decision. A person, property owner,
4 tenant, employer, holder of an event permit, place of worship or
5 business entity that does not prohibit persons from carrying a
6 concealed or unconcealed weapon pursuant to subsection D of this
7 section shall be immune from any liability arising from the carrying
8 of a concealed or unconcealed weapon, while in the scope of
9 employment, on the property or in or about a business entity
10 vehicle. The provisions of this subsection shall not apply to
11 claims pursuant to the Administrative Workers' Compensation Act.

12 G. It shall not be considered part of an employee's job
13 description or within the employee's scope of employment if an
14 employee is allowed to carry or discharge a weapon pursuant to this
15 section.

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

21 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1290.24, as
22 last amended by Section 13, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
23 2019, Section 1290.24), is amended to read as follows:

24 Section 1290.24

1 IMMUNITY

2 A. The state or any political subdivision of the state, as
3 defined in Section 152 of Title 51 of the Oklahoma Statutes, and its
4 officers, agents and employees shall be immune from liability
5 resulting or arising from:

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

10 2. Any action or misconduct with a ~~firearm~~ pistol committed by
11 a person to whom a license to carry a concealed or unconcealed
12 handgun has been issued pursuant to the provisions of the Oklahoma
13 Self-Defense Act or by any person who obtains a ~~firearm~~ pistol from
14 a licensee;

15 3. Any injury to any person during a handgun training course
16 conducted by a firearms instructor certified by the Council on Law
17 Enforcement Education and Training to conduct training under the
18 Oklahoma Self-Defense Act, or injury from any misfire or malfunction
19 of any handgun on a training course firing range supervised by a
20 certified firearms instructor under the provisions of the Oklahoma
21 Self-Defense Act, or any injury resulting from carrying a concealed
22 or unconcealed handgun pursuant to a handgun license; and
23
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1 4. Any action or finding pursuant to a hearing conducted in
2 accordance with the Administrative Procedures Act as required in the
3 Oklahoma Self-Defense Act.

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

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

11 SECTION 12. It being immediately necessary for the preservation
12 of the public peace, health or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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