

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1762

By: Manger

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8 COMMITTEE SUBSTITUTE

9 An Act relating to crimes and punishments; amending
10 21 O.S. 2021, Sections 1272 and 1276, which relate to
11 the unlawful carry of firearms and related penalties;
12 providing separate penalty for certain unlawful act;
13 specifying penalty; and providing an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1272, is
16 amended to read as follows:

17 Section 1272.

18 UNLAWFUL CARRY

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

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

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

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

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

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

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

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

- 16 a. assault and battery pursuant to the provisions of
17 Section 644 of this title which caused serious
18 physical injury to the victim,
- 19 b. aggravated assault and battery pursuant to the
20 provisions of Section 646 of this title,
- 21 c. assault and battery that qualifies as domestic abuse
22 as defined in Section 644 of this title,
- 23 d. stalking pursuant to the provisions of Section 1173 of
24 this title,

- 1 e. a violation of an order issued under the Protection
2 from Domestic Abuse Act or a domestic abuse protection
3 order issued by another state, or
4 f. a violation relating to illegal drug use or possession
5 under the provisions of the Uniform Controlled
6 Dangerous Substances Act,

7 shall be prohibited from carrying a firearm under the provisions of
8 this paragraph. Any person who carries a firearm in the manner
9 provided for in this paragraph shall be prohibited from carrying the
10 firearm into any of the places prohibited in subsection A of Section
11 1277 of this title or any other place currently prohibited by law.
12 Nothing in this section shall modify or otherwise change where a
13 person may legally carry a firearm.

14 B. ~~Any~~ 1. Except as provided in paragraph 2 of this
15 subsection, any person convicted of violating the foregoing
16 provision shall be guilty of a misdemeanor punishable as provided in
17 Section 1276 of this title.

18 2. Any person convicted of violating the foregoing provision
19 after a conviction of assault and battery that qualifies as domestic
20 abuse shall be guilty of a felony punishable as provided in Section
21 1276 of this title.

22 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1276, is
23 amended to read as follows:

24 Section 1276.

PENALTY FOR 1272 AND 1273

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2 Any A. 1. Except as provided in paragraph 2 of this
3 subsection, any person violating the provisions of Section 1272 or
4 1273 of this title shall, upon a first conviction, be adjudged
5 guilty of a misdemeanor and the party offending shall be punished
6 punishable by a fine of not less than One Hundred Dollars (\$100.00)
7 nor more than Two Hundred Fifty Dollars (\$250.00), or by
8 imprisonment in the county jail for a period not to exceed thirty
9 (30) days, or by both such fine and imprisonment. On the second and
10 every subsequent violation, the party offending person shall, upon
11 conviction, be punished by a fine of not less than Two Hundred Fifty
12 Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00), or
13 by imprisonment in the county jail for a period of not less than
14 thirty (30) days nor more than three (3) months, or by both such
15 fine and imprisonment.

16 2. Any person convicted pursuant to paragraph 2 of subsection B
17 of Section 1272 of this title shall be guilty of a felony punishable
18 by imprisonment in the custody of the Department of Corrections for
19 a term of not less than one (1) year nor more than five (5) years,
20 or by a fine of not less than One Thousand Dollars (\$1,000.00) nor
21 more than Five Thousand Dollars (\$5,000.00), or by both such fine
22 and imprisonment.

23 B. Any person convicted of violating the provisions of Section
24 1272 or 1273 of this title after having been issued a handgun

1 license pursuant to the provisions of the Oklahoma Self-Defense Act
2 shall have the license suspended for a period of six (6) months and
3 shall be liable for an administrative fine of Fifty Dollars (\$50.00)
4 upon a hearing and determination by the Oklahoma State Bureau of
5 Investigation that the person is in violation of the provisions of
6 this section.

7 SECTION 3. This act shall become effective November 1, 2023.

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9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/22/2023 -
10 DO PASS, As Amended.

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