An Act

ENROLLED HOUSE
BILL NO. 1789

By: Banning and Williams of the House

and

Dahm, Bullard, Stephens, and Jett of the Senate

An Act relating to firearms; amending 21 O.S. 2021, Sections 1290.2, 1290.4, 1290.7, 1290.8, 1290.24, 1290.25 and 1290.26, which relate to the Oklahoma Self-Defense Act; updating and adding definitions; authorizing the lawful carry of firearms by certain persons; modifying references to handguns; adding statutory references; deleting certain eligibility requirements; specifying types of identification necessary for carrying firearms; clarifying liability provisions; updating references to certain named act; modifying components of reciprocity requirements; and providing an effective date.

SUBJECT: Firearms

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1290.2, is amended to read as follows:

Section 1290.2

DEFINITIONS

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

1. "Completed application" means all fields are completed, all questions are answered and the required signatures are present on

the application for a handgun license, and the required documents are attached to the application, including legible fingerprints, if applicable;

2. ~~"Concealed handgun"~~ "Concealed firearm" means a loaded or unloaded ~~pistol or handgun~~ firearm not openly visible to the ordinary observation of a reasonable person;

3. ~~"Unconcealed handgun"~~ "Unconcealed firearm" or "open carry" means a loaded or unloaded ~~pistol or handgun~~ firearm that is carried upon the person ~~in a holster~~ where the firearm is visible, or carried upon the person using a holster, scabbard, sling or case ~~designed for carrying firearms~~; ~~and~~

4. "Pistol" or "handgun" shall have the same definition as provided in ~~the Oklahoma Firearms Act of 1971, defined in~~ Section 1289.3 of this title;

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

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

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

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

SECTION 2. AMENDATORY 21 O.S. 2021, Section 1290.4, is amended to read as follows:

Section 1290.4

UNLAWFUL CARRY

~~As~~ Except as provided by Section 1272 of this title, it ~~is unlawful~~ shall be lawful for ~~any person~~ a citizen or lawful permanent resident, who can lawfully purchase or possess a firearm under state law, to carry or transport a concealed or unconcealed ~~handgun~~ firearm in this state, ~~except~~ as hereby authorized by the

provisions of the Oklahoma Self-Defense Act or as may otherwise be provided by law.

SECTION 3. AMENDATORY 21 O.S. 2021, Section 1290.7, is amended to read as follows:

Section 1290.7

CONSTRUING AUTHORITY OF LICENSE

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

1. Carry or possess any weapon other than an authorized ~~pistol~~ firearm as defined by the provisions of Section ~~1290.2~~ 1289.3, 1289.4 or 1289.5 of this title;

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

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

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

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

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

SECTION 4. AMENDATORY 21 O.S. 2021, Section 1290.8, is amended to read as follows:

Section 1290.8

POSSESSION OF LICENSE REQUIRED

NOTIFICATION TO POLICE OF GUN

A. Except as otherwise prohibited by law, an eligible person shall have authority to carry a concealed or unconcealed ~~handgun~~ firearm in this state when:

1. The person ~~has been issued a handgun license from the Oklahoma State Bureau of Investigation pursuant to the provisions of the Oklahoma Self-Defense Act, provided the person~~ is in compliance with the provisions of the Oklahoma Self-Defense Act~~, and the license has not expired or been subsequently suspended or revoked~~; or

2. The person is ~~twenty-one (21) years of age or older, and is either:~~

~~a. active military, or~~

~~b. a member of the Reserve or National Guard to include Drill Status Guard and Reserve, Active Guard Reserves or Military Technicians,~~

~~and presents a valid military identification card that shall be considered a valid handgun license issued~~ authorized pursuant to the ~~Oklahoma Self-Defense Act~~ provisions of Section 1272 of this title.

B. A person in possession of a valid state photo identification card, driver license, or valid handgun license or who ~~meets the criteria and~~ presents a valid military identification card ~~as provided for in this section~~ and is in compliance with the provisions of the Oklahoma Self-Defense Act shall be authorized to carry such concealed or unconcealed ~~handgun~~ firearm while scouting as it relates to hunting or fishing or while hunting or fishing.

C. The person shall be required to have possession of his or her valid handgun license ~~or~~, valid military identification card ~~as provided for qualified persons in this section and a~~, valid driver license, or state photo identification card at all times when in possession of ~~an authorized pistol~~ a firearm. The person shall display ~~the~~ either a valid handgun license ~~or a~~, valid military identification card, valid driver license, or valid state photo identification card as provided for qualified persons in this section on demand of a law enforcement officer; provided, however, that in the absence of reasonable and articulable suspicion of other

criminal activity, an individual carrying an unconcealed or concealed ~~handgun~~ firearm shall not be disarmed or physically restrained unless the individual fails to display ~~a~~ one of the following:

1. A valid handgun license ~~or a~~;

2. A valid military identification card;

3. A valid driver license; or

4. A valid state photo identification card,

as provided for qualified persons in this section in response to that demand. Any violation of the provisions of this subsection may be punishable as a criminal offense as authorized by Section 1272 of this title or pursuant to any other applicable provision of law.

Upon the arrest of any person for a violation of the provisions of this subsection, the person may show proof to the court that a valid handgun license ~~and the other required~~, a valid military identification card, a valid driver license, or a valid state photo identification card has been issued to such person and the person may state any reason why the valid handgun license, ~~a~~ valid military identification card, valid driver license, or valid state photo identification card as provided for qualified persons in this section ~~or the other required identification~~ was not carried by the person as required by the Oklahoma Self-Defense Act. The court shall dismiss an alleged violation of Section 1272 of this title upon payment of court costs, if proof of a valid handgun license ~~and other required~~, a valid military identification card, a valid driver license, or valid state photo identification card is shown to the court within ten (10) days of the arrest of the person. ~~The court shall report a dismissal of a charge to the Bureau for consideration of administrative proceedings against the licensee.~~

D. It shall be unlawful for any person to fail or refuse to identify the fact that the person is in actual possession of a concealed or unconcealed firearm pursuant to the authority of the Oklahoma Self-Defense Act during the course of any arrest, detainment, or routine traffic stop. Said identification ~~to the law enforcement officer~~ shall be required upon ~~the~~ demand ~~of~~ by the law enforcement officer. No person shall be required to identify himself or herself as ~~a handgun licensee or as~~ lawfully in possession of any other firearm if the law enforcement officer does

not demand the information. No person shall be required to identify himself or herself as ~~a handgun licensee~~ being in possession of a firearm when no ~~handgun~~ firearm is in the possession of the person or in any vehicle in which the person is driving or is a passenger. Any violator of the provisions of this subsection may be issued a citation for an amount not exceeding One Hundred Dollars ($100.00).

E. Any law enforcement officer coming in contact with a person whose handgun license is suspended~~,~~ or revoked, ~~or expired,~~ or who is in possession of a handgun license which has not been lawfully issued to that person, shall confiscate the license and return it to the Oklahoma State Bureau of Investigation for appropriate administrative proceedings against the licensee when the license is no longer needed as evidence in any criminal proceeding.

F. Nothing in this section shall be construed to authorize a law enforcement officer to inspect any weapon properly concealed or unconcealed without probable cause that a crime has been committed.

SECTION 5. AMENDATORY 21 O.S. 2021, Section 1290.24, is amended to read as follows:

Section 1290.24

IMMUNITY

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

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

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

3. Any injury to any person during a ~~handgun~~ firearm training course conducted by a firearms instructor certified by the Council on Law Enforcement Education and Training to conduct training under the Oklahoma Self-Defense Act, or injury from any misfire or malfunction of any ~~handgun~~ firearm on a training course firing range

supervised by a certified firearms instructor under the provisions of the Oklahoma Self-Defense Act, or any injury resulting from carrying a concealed or unconcealed ~~handgun~~ firearm pursuant to ~~a handgun license~~ any firearms training; and

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

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

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

SECTION 6. AMENDATORY 21 O.S. 2021, Section 1290.25, is amended to read as follows:

Section 1290.25

LEGISLATIVE INTENT

The Legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for ~~issuing licenses to carry~~ carrying concealed or unconcealed ~~handguns~~ firearms for lawful self-defense and self-protection, and further finds it necessary to occupy the field of regulation of the bearing of concealed or unconcealed ~~handguns~~ firearms to ensure that no honest, law-abiding citizen who qualifies pursuant to the provisions of the Oklahoma Self-Defense Act is subjectively or arbitrarily denied his or her rights. The Legislature does not delegate to the Oklahoma State Bureau of Investigation any authority to regulate or restrict the issuing of handgun licenses except as provided by the provisions of ~~this act~~ the Oklahoma Self-Defense Act. Subjective or arbitrary actions or rules which encumber the issuing process by placing burdens on the applicant beyond those requirements detailed in the provisions of the Oklahoma Self-Defense Act or which create restrictions beyond those specified in ~~this act~~ the Oklahoma Self-Defense Act are deemed to be in conflict with the intent of ~~this act~~ the Oklahoma Self-Defense Act and are hereby prohibited. The Oklahoma Self-Defense Act shall be liberally construed to carry out the constitutional right to bear arms for self-defense and self-

protection. The provisions of the Oklahoma Self-Defense Act are cumulative to existing rights to bear arms and nothing in the Oklahoma Self-Defense Act shall impair or diminish those rights.

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

SECTION 7. AMENDATORY 21 O.S. 2021, Section 1290.26, is amended to read as follows:

Section 1290.26

RECIPROCAL AGREEMENT AUTHORITY

A. The State of Oklahoma shall hereby ~~recognizes~~ recognize any valid concealed or unconcealed carry weapons permit, valid military identification card as provided for qualified persons in Section 1290.8 of this title or license issued by another state, or if the state is a nonpermitting carry state, this state shall reciprocate under the permitting law of that state.

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

carry weapons permit, license or a valid military identification card as provided for qualified persons in Section 1290.8 of this title issued in another state.

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

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

SECTION 8. This act shall become effective November 1, 2023.

Passed the House of Representatives the 23rd day of March, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 26th day of April, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 27th

day of April, 20 23, at 3:24 o'clock p. M.

By: _____

Approved by the Governor of the State of Oklahoma this 2nd

day of May, 20 23, at 11:15 o'clock a. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 2nd

day of May, 20 23, at 12:45 o'clock p M.

By: _____