An Act

ENROLLED HOUSE
BILL NO. 2348

By: Roberts (Dustin), Faught, Montgomery and Newell of the House

and

Simpson and Brooks of the Senate

An Act relating to military; authorizing Oklahoma Army and Air National Guard personnel to carry firearms under certain conditions; amending 21 O.S. 2011, Section 1289.6, as amended by Section 11, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015, Section 1289.6), which relates to conditions under which firearms may be carried; amending 44 O.S. 2011, Section 26, which relates to duties of the Adjutant General; authorizing the Adjutant General to delegate certain duties and promulgate rules; amending 44 O.S. 2011, Section 232, which relates to youth programs; authorizing the use of state-owned vehicles for certain purposes; authorizing the Adjutant General to execute certain agreements in support of youth programs; amending 44 O.S. 2011, Section 233.2, which relates to agreements with the United States; authorizing the Adjutant General to execute certain agreements in support of certain programs; amending 47 O.S. 2011, Section 151, as amended by Section 1, Chapter 316, O.S.L. 2012 (47 O.S. Supp. 2015, Section 151), which relates to markings and colors for automobiles owned or leased by state; providing certain exemption; amending 74 O.S. 2011, Section 78a, as amended by Section 729, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2015, Section 78a), which relates to requisition of motor vehicles; providing certain exemption to the Oklahoma Military Department; and providing an effective date.

SUBJECT: Military

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

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

Section 1289.6

CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

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

1. When hunting animals or fowl;

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

3. During participation in or in preparation for a military function of the state military forces to be defined as the Oklahoma Army or Air National Guard, Federal Military Reserve and active military forces. <u>It is further provided that Oklahoma Army or Air National Guard personnel with proper authorization and performing a military function may carry loaded or unloaded and concealed weapons on Oklahoma Military Department facilities in accordance with rules promulgated by the Adjutant General</u>;

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

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

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

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

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

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

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

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

SECTION 2. AMENDATORY 44 O.S. 2011, Section 26, is amended to read as follows:

Section 26. A. The Adjutant General shall be in control of the Military Department of the state, subordinate only to the Governor. Within the limitations and under the provisions of law, he or she shall supervise and direct the National Guard within the service of the state and when under state control in all of its organization, training and other activities; shall receive and give effect to the orders of the Governor; and shall perform such other military and defense duties, not otherwise assigned by law, as the Governor may prescribe.

B. The Adjutant General, when absent from the state, may delegate any authority vested under this title and any such duties as an agency appointing authority to an Assistant Adjutant General, other state officer or employee within the Oklahoma Military Department. The Adjutant General is authorized to promulgate rules to provide for the delegation of any such authority.

SECTION 3. AMENDATORY 44 O.S. 2011, Section 232, is amended to read as follows:

Section 232. A. Pursuant to rules promulgated by the Adjutant General of the State of Oklahoma, the Oklahoma Military Department is authorized to establish and operate youth programs utilizing National Guard or state-owned facilities, state-owned vehicles and civilian or National Guard personnel to provide military-styled training and other benefits to civilian youth pursuant to agreement with federal, state and local governmental agencies.

B. The Adjutant General is authorized further to enter into agreements and to do all things deemed necessary or incidental to the performance of any duty authorized by subsection A of this section, including, but not limited to:

1. The execution of memoranda of agreement for assistance to federal, state and local governmental agencies;

2. The execution of grant agreements;

3. The execution of grant agreements with the federal government;

4. The execution of agreements with the federal government for reimbursement to the Oklahoma Military Department for the use and operation of Oklahoma Military Department state-owned vehicles and equipment in support of youth programs;

5. The execution of other contracts and agreements; and

~~5.~~ 6. The expenditure of Oklahoma Military Department funds for the purpose of advertising.

C. The Adjutant General is hereby authorized to accept gifts or donations for and on behalf of the state to be used for the use and benefit of the youth programs authorized by this section and their participants. The Oklahoma Military Department is directed to maintain and preserve appropriate records for all gifts made to the state pursuant to this section.

SECTION 4. AMENDATORY 44 O.S. 2011, Section 233.2, is amended to read as follows:

Section 233.2 A. The Adjutant General is hereby authorized and directed to enter into, in the name of the state, and to take all actions necessary to execute the terms of a National Guard armory building construction or expansion, rehabilitation or conversion of existing building agreements with the United States of America.

B. The Adjutant General is hereby authorized to execute agreements with the federal government for reimbursement to the Oklahoma Military Department for the use and operation of Oklahoma Military Department state-owned vehicles and equipment in support of the federally reimbursable programs through cooperative agreements with the National Guard Bureau.

SECTION 5. AMENDATORY 47 O.S. 2011, Section 151, as amended by Section 1, Chapter 316, O.S.L. 2012 (47 O.S. Supp. 2015, Section 151), is amended to read as follows:

Section 151. A. A state agency that owns or leases vehicles shall affix the words "State of Oklahoma" and the name of the department or institution that owns or leases the vehicle in conspicuous letters.

B. 1. In lieu of the provisions of subsection A of this section, Department of Public Safety vehicles used regularly as patrol units shall be distinctively painted black and white and shall bear the wording "Oklahoma Highway Patrol" on each side of the vehicle in letters of such size as to be easily distinguishable, it being the purpose and intention of the Legislature that said patrol units shall be marked in the future in the same manner as those now in use.

2. The Commissioner of Public Safety may designate colors and markings, in lieu of those authorized by the provisions of this section, for patrol units used for patrol purposes and for selective traffic law enforcement.

C. Oklahoma State Bureau of Narcotics and Dangerous Drugs Control vehicles for use in undercover investigations and Oklahoma State Bureau of Investigation vehicles shall not be subject to the provisions of this section.

D. Department of Corrections vehicles designated for use by probation and parole operations and other administrative operations, as approved by the Director of the Department of Corrections, shall not be subject to the provisions of this section.

E. Vehicles utilized by CLEET-certified officers or state employees primarily employed in investigative activities may be exempt from the provisions of this section subject to the approval of the State Fleet Manager.

F. Oklahoma Military Department vehicles designated for use by the Adjutant General or Assistant Adjutant General in performance of his or her duties and Oklahoma Military Department vehicles designated for use in the State Transition and Reintegration System (STARS) program for tracking youth, as approved by the Adjutant General, shall not be subject to the provisions of this section.

SECTION 6. AMENDATORY 74 O.S. 2011, Section 78a, as amended by Section 729, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2015, Section 78a), is amended to read as follows:

Section 78a. A. State agencies with authority to own motor vehicles shall submit a requisition to the Director of the Office of Management and Enterprise Services prior to acquisition of a motor vehicle. The requisition shall state the type of vehicle, the intended purpose of the vehicle, a statement that the agency has actual need for the vehicle, the supplier of the vehicle, that the state agency has sufficient funds to acquire and maintain the vehicle and cite the statutory authority of the state agency to acquire a vehicle.

B. The Director of the Office of Management and Enterprise Services shall review the requisition and approve or deny the request of the state agency within fifteen (15) days of receipt.

C. The provisions of subsections A and B of this section shall not apply to the Department of Public Safety ~~or~~, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or the Oklahoma Military Department.

D. The provisions of subsections A and B of this section shall not apply to CompSource Oklahoma if CompSource Oklahoma is operating pursuant to a pilot program authorized by Sections 3316 and 3317 of this title.

SECTION 7. This act shall become effective November 1, 2016.

Passed the House of Representatives the 2nd day of May, 2016.

Todd Hamilton
Presiding Officer of the House
of Representatives

Passed the Senate the 20th day of April, 2016.

Kim David
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 3rd

day of May, 20 16, at 10:45 o'clock A M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 9th

day of May, 20 16, at 1:16 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 9th

day of May, 20 16, at 2:44 o'clock P. M.

By: Chris Benge