BRIAN TED JONES

P C

August 12, 2019

The Honorable Michael Rogers
Oklahoma Secretary of State
2300 N. Lincoln Boulevard, Ste. 122
Oklahoma City, OK 73105

Re: Referendum Petition

Dear Mr. Secretary:

Please accept for filing the enclosed copy of a referendum petition regarding Enrolled House Bill 2597, with an exact copy of the measure's text, a proposed ballot title, a signature page containing the gist of the proposition, and an attached circulator's affidavit. The petition requests that House Bill 2597 be referred to the voters for their approval or disapproval at the next general election.

Best,

BRIAN TED JONES
Brian Ted Jones, PC
528 NW 12th St.
Oklahoma City, OK 73103
Counsel for Proponents

cc: Oklahoma Attorney General

RECEIVED
AUG 12 2019
OKLAHOMA SECRETARY OF STATE

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AUG 12 2019

OKLAHOMA SECRETARY
OF STATE

PROPOSED BALLOT TITLE

This measure refers Enrolled House Bill 2597 ("2597") to a vote of the people. 2597 passed during the first Regular Session of the 57th Legislature. 2597 legalizes the concealed or unconcealed carrying of loaded or unloaded firearms by any person twenty-one (21) years of age or older, or eighteen (18) years of age or older if the person is a current military member or veteran, without any additional licensing requirements, if the person is not otherwise disqualified from possession of a firearm by state or federal law, and into any location where carrying firearms is not specifically prohibited. 2597 also legalizes possession of firearms, machetes, blackjacks, loaded canes, hand chains, or metal knuckles in defined areas of colleges, universities, and technology centers. 2597 also criminalizes possession of firearms by aliens illegally in the United States. 2597 also amends the laws regarding transportation of firearms, does not require a person in possession of a firearm to notify law enforcement of the firearm during arrest, detention, or a traffic stop, instead requires law enforcement to ask whether the person possesses a firearm, and makes failure to disclose the firearm a citation offense with a maximum fine of one hundred dollars ($100.00).

SHALL ENROLLED HOUSE BILL 2597 BE APPROVED?

FOR ENROLLED HOUSE BILL 2597: YES

AGAINST ENROLLED HOUSE BILL 2597: NO

A "YES" vote is a vote in favor of Enrolled House Bill 2597. A "NO" vote is a vote against House Bill 2597.

FILED

AUG 12 2019

OKLAHOMA SECRETARY
OF STATE

State Question No. 803, Referendum No. 26

WARNING

IT IS A FELONY FOR ANYONE TO SIGN AN INITIATIVE OR REFERENDUM PETITION WITH ANY NAME OTHER THAN HIS OWN, OR KNOWINGLY TO SIGN HIS NAME MORE THAN ONCE FOR THE MEASURE, OR TO SIGN SUCH PETITION WHEN HE IS NOT A LEGAL VOTER.

FILED

AUG 12 2019

OKLAHOMA SECRETARY OF STATE

PETITION FOR REFERENDUM

To the Honorable J. Kevin Stitt, Governor of Oklahoma:

We, the undersigned legal voters of the State of Oklahoma, respectfully order that Enrolled House Bill No. 2597, entitled:

> "An Act relating to firearms; amending 21 O.S. 2011, Section 1272, as last amended by Section 1, Chapter 68, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1272), which relates to the unlawful carry of firearms; adding exception to certain prohibited act; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1277), which relates to the unlawful carry of firearms in certain places; expanding scope of crime to include certain persons and certain weapons; updating handgun references; clarifying construing provision related to the possession of firearms on certain property; expanding scope of certain prohibited act on university property; amending 21 O.S. 2011, Section 1283, as last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp. 2018, Section 1283), which relates to penalties for unlawfully carrying firearms by convicted felons and delinquents; making certain act unlawful; providing penalties; amending 21 O.S. 2011, Sections 1289.6, as last amended by Section 1, Chapter 268, O.S.L. 2016, 1289.7, as amended by Section 12, 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 and 1289.24, as last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2018, Sections 1289.6, 1289.7, 1289.13, 1289.13A and 1289.24), which relate to the Oklahoma Firearms Act of 1971; clarifying manner by which firearms may be lawfully carried; adding condition that allows for firearms to be lawfully carried; deleting certain conditions related to the carrying of unloaded firearms; clarifying manner by which firearms may be transported in motor vehicles; deleting certain definition; making certain acts unlawful; providing penalties; deleting statutory references and references to certain act; clarifying scope of certain prohibited act; modifying statutory reference; expanding scope of certain prohibited act; making issuance of citation discretionary; modifying firearm confiscation requirements; changing statutory reference in state preemption requirements; amending 21 O.S. 2011, Sections 1290.1, 1290.7, as last amended by Section 3, Chapter 366, O.S.L. 2013, 1290.8, as last amended by Section 3, Chapter 68, O.S.L. 2018 and 1290.22, as last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp. 2018, Sections 1290.7, 1290.8 and 1290.22), which relate to the Oklahoma Self-Defense Act; updating statutory references; providing construing provision related to the carrying of handguns or pistols without a handgun license; deleting penalty for certain prohibited act; clarifying firearm notification requirements; making penalty for certain prohibited act discretionary; clarifying scope of certain prohibited act; amending 21 O.S. 2011, Section 1290.24, as last amended by Section 3, Chapter 18, O.S.L. 2016 (21 O.S. Supp. 2018, Section 1290.24), which relates to governmental immunity; modifying conditions for immunity; and providing an effective date.",

passed by the 57th Legislature of the State of Oklahoma, at the first regular session of said legislature, shall be referred to the people of the State for their approval or rejection

at the regular election to be held on the 3rd day of November, 2020, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name.

Referendum petitions shall be filed with the Secretary of State not more than ninety (90) days after the final adjournment of the legislature which passed the bill on which the referendum is demanded.

The question we herewith submit to our fellow voters is: Shall the following bill of the legislature be approved? **(Exhibit A, attached)**

Name and Address of Proponents:

Joshua Harris-Till
1127 NW 27th St.
Oklahoma City, OK 73106

The Honorable Jason Lowe
25 NW 63rd St.
Oklahoma City, OK 73105

Jennifer Birch
10305 Northland Rd.
The Village, OK 73120

EXHIBIT A: ENROLLED HOUSE BILL 2597

An Act

ENROLLED HOUSE
BILL NO. 2597

By: Echols, Mize, Crosswhite Hader, Townley, McDugle, Roberts (Sean), Olsen, Gann, West (Kevin), Steagall, Moore, Humphrey, McBride, Hasenbeck, Patzkowsky, Cornwell, Hilbert, Davis, Tadlock, Russ, Frix, Lawson, Sims, McCall, O'Donnell, Taylor, Pfeiffer, Sneed and West (Josh) of the House

and

David, Dahm, Murdock, Scott, Newhouse, Allen, Treat and Silk of the Senate

An Act relating to firearms; amending 21 O.S. 2011, Section 1272, as last amended by Section 1, Chapter 68, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1272), which relates to the unlawful carry of firearms; adding exception to certain prohibited act; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1277), which relates to the unlawful carry of firearms in certain places; expanding scope of crime to include certain persons and certain weapons; updating handgun references; clarifying construing provision related to the possession of firearms on certain property; expanding scope of certain prohibited act on university property; amending 21 O.S. 2011, Section 1283, as last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp. 2018, Section 1283), which relates to penalties for unlawfully carrying firearms by convicted felons and delinquents; making certain act unlawful; providing penalties; amending 21 O.S. 2011, Sections 1289.6, as last amended by Section 1, Chapter 268, O.S.L. 2016, 1289.7, as amended by Section 12, 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 and 1289.24, as last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2018, Sections 1289.6, 1289.7, 1289.13, 1289.13A and 1289.24), which relate to the Oklahoma Firearms Act of 1971; clarifying manner by which firearms may be lawfully carried; adding condition that allows for firearms to be lawfully carried; deleting certain conditions related to the carrying of unloaded firearms; clarifying manner by which firearms may be transported in motor vehicles; deleting certain definition; making certain acts unlawful; providing penalties; deleting statutory references and references to certain act; clarifying scope of certain prohibited act; modifying statutory reference; expanding scope of certain prohibited act; making issuance of citation discretionary; modifying firearm confiscation requirements; changing statutory reference in state preemption requirements; amending 21 O.S. 2011, Sections 1290.1, 1290.7, as last amended by Section 3, Chapter 366, O.S.L. 2013, 1290.8, as last amended by Section 3, Chapter 68, O.S.L. 2018 and 1290.22, as last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp. 2018, Sections 1290.7, 1290.8 and 1290.22), which relate to the Oklahoma Self-Defense Act; updating statutory references; providing construing provision related to the carrying of handguns or pistols without a handgun license; deleting penalty for certain prohibited act; clarifying firearm notification requirements; making penalty for certain prohibited act discretionary; clarifying scope of certain prohibited act; amending 21 O.S. 2011, Section 1290.24, as last amended by Section 3, Chapter 18, O.S.L. 2016 (21 O.S. Supp. 2018, Section 1290.24), which relates to governmental immunity; modifying conditions for immunity; and providing an effective date.

SUBJECT: Weapons

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 68, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1272), is amended to read as follows:

Section 1272.

UNLAWFUL CARRY

A. ~~It~~ Notwithstanding any other provision of law, 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;

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

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

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

6. The carrying of a firearm, concealed or unconcealed, loaded or unloaded, by a person who is twenty-one (21) years of age or

older or by a person who is eighteen (18) years of age but not yet twenty-one (21) years of age and the person is a member or veteran of the United States Armed Forces, Reserves or National Guard or was discharged under honorable conditions from the United States Armed Forces, Reserves or National Guard, and the person is otherwise not disqualified from the possession or purchase of a firearm under state or federal law and is not carrying the firearm in furtherance of a crime.

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

a. assault and battery pursuant to the provisions of Section 644 of this title which caused serious physical injury to the victim,

b. aggravated assault and battery pursuant to the provisions of Section 646 of this title,

c. assault and battery that qualifies as domestic abuse as defined in Section 644 of this title,

d. stalking pursuant to the provisions of Section 1173 of this title,

e. a violation of an order issued under the Protection from Domestic Abuse Act or a domestic abuse protection order issued by another state, or

f. a violation relating to illegal drug use or possession under the provisions of the Uniform Controlled Dangerous Substances Act,

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

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

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1277), is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

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

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

2. Any courthouse, courtroom, prison, jail, detention facility or any facility used to process, hold or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent, except as provided in Section 21 of Title 57 of the Oklahoma Statutes;

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

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

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

6. Any other place specifically prohibited by law.

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

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

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

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

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

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

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

C. A concealed or unconcealed weapon may be carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the carrying and possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on

private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

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

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

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

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

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

F. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act <u>or who is carrying or in possession of a firearm as otherwise permitted by law or who is carrying or in possession of a machete, blackjack, loaded cane, hand chain or metal knuckles</u> shall be authorized to carry the ~~handgun~~ <u>firearm, machete, blackjack, loaded cane, hand chain or metal knuckles</u> into or upon any college, university or technology center school property, except as provided in this subsection. For purposes of this subsection, the following property shall not be construed ~~as prohibited for persons having a valid handgun license~~ <u>to be college, university or technology center school property</u>:

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

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

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

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

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

action against any student for any violation of any provision of this subsection.

G. The provisions of this section shall not apply to the following:

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

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

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

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

5. The sheriff of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment within the courthouses in the county in which the person is employed. Nothing in this act shall prohibit the sheriff from requiring additional instruction or training before receiving authorization to carry a concealed handgun within the courthouse. The provisions of this paragraph and of paragraph 6 of this subsection shall not allow the county employee to carry the handgun into a courtroom, sheriff's office, adult or juvenile jail or any other prisoner detention area; and

6. The board of county commissioners of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the

course and scope of employment on county annex facilities or grounds surrounding the county courthouse.

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

SECTION 3. AMENDATORY 21 O.S. 2011, Section 1283, as last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp. 2018, Section 1283), is amended to read as follows:

Section 1283.

CONVICTED FELONS AND DELINQUENTS

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

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

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

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

E. It shall be unlawful for any person who is an alien illegally or unlawfully in the United States to have in the possession of the person or under the immediate control of the person, or in any vehicle the person is operating, or at the residence where the person resides, any pistol, imitation or homemade pistol, altered air or toy pistol, shotgun, rifle or any other dangerous or deadly firearm; provided, that nothing in this subsection applies to prohibit the transport or detention of the person by law enforcement officers or federal immigration authorities. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of a misdemeanor punishable by a fine of Two Hundred Fifty Dollars ($250.00).

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

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

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

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

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

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

SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.6, as last amended by Section 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp. 2018, 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~~ federal military reserve and active military forces. 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;

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. As provided for in subsection A of Section 1272 of this title; or

7. 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, carrying, 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~~ and 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 5. AMENDATORY 21 O.S. 2011, Section 1289.7, as amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018, Section 1289.7), is amended to read as follows:

Section 1289.7

FIREARMS IN VEHICLES

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

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

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

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

SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.13, as amended by Section 18, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018, Section 1289.13), is amended to read as follows:

Section 1289.13

TRANSPORTING A LOADED FIREARM

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

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

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

SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.13A, as amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018, Section 1289.13A), is amended to read as follows:

Section 1289.13A

IMPROPER TRANSPORTATION OF FIREARMS

A. Notwithstanding the provisions of Section 1272 or ~~1289.13~~ 1289.7 of this title, any person stopped pursuant to a moving traffic violation who is transporting a loaded pistol in the motor vehicle without a valid handgun license authorized by the Oklahoma Self-Defense Act or valid license from another state, or in violation of any law related to the carrying or transporting of firearms, whether the loaded firearm is concealed or unconcealed in

the vehicle, ~~shall~~ may be issued a traffic citation in the amount of Seventy Dollars ($70.00), plus court costs for transporting a firearm improperly. In addition to the traffic citation provided in this section, the person may also be arrested for any other violation of law.

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

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

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

a. contraband, or

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

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

SECTION 8. AMENDATORY 21 O.S. 2011, Section 1289.24, as last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2018, Section 1289.24), is amended to read as follows:

Section 1289.24

FIREARM REGULATION - STATE PREEMPTION

A. 1. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way firearms, knives, components, ammunition, and supplies to the complete exclusion of any order, ordinance, or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances, or regulations in this field, except as provided for in paragraph 2 of this subsection and subsection C of this section, are null and void.

2. A municipality may adopt any ordinance:

a. relating to the discharge of firearms within the jurisdiction of the municipality, and

b. allowing the municipality to issue a traffic citation for transporting a firearm improperly as provided for in Section 1289.13A of this title, provided, however, that penalties contained for violation of any ordinance enacted pursuant to the provisions of this subparagraph shall not exceed the penalties established in the Oklahoma Self-Defense Act.

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

4. A public or private school may create a policy regulating the possession of knives on school property or in any school bus or vehicle used by the school for purposes of transportation.

B. No municipality or other political subdivision of this state shall adopt any order, ordinance, or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, carrying, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes, or other controls on firearms, knives, components, ammunition, and supplies.

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

D. When a person's rights pursuant to the protection of the preemption provisions of this section have been violated, the person shall have the right to bring a civil action against the persons,

municipality, and political subdivision jointly and severally for injunctive relief or monetary damages or both.

SECTION 9. AMENDATORY 21 O.S. 2011, Section 1290.1, is amended to read as follows:

Section 1290.1

SHORT TITLE

Sections ~~1~~ 1290.1 through ~~25~~ 1290.27 of this ~~act~~ title shall be known and may be cited as the "Oklahoma Self-Defense Act".

SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.7, as last amended by Section 3, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2018, 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 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 as defined by the provisions of Section 1290.2 of this title;

2. Carry or possess any pistol 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;

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

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

B. The availability of a license to carry 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 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 11. AMENDATORY 21 O.S. 2011, Section 1290.8, as last amended by Section 3, Chapter 68, O.S.L. 2018 (21 O.S. Supp. 2018, 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 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 pursuant to the Oklahoma Self-Defense Act.

B. A person in possession of a valid handgun license or who meets the criteria and presents a valid military identification card as provided for in this section and in compliance with the provisions of the Oklahoma Self-Defense Act shall be authorized to carry such concealed or unconcealed handgun 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 Oklahoma driver license or an Oklahoma State photo identification at all times when in possession of an authorized pistol. The person shall display the handgun license or a valid military 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 shall not be disarmed or physically restrained unless the individual fails to display a valid handgun license or a valid military 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. ~~Any second or subsequent violation of the provisions of this subsection shall be grounds for the Bureau to suspend the handgun license for a period of six (6) months, in addition to any other penalty imposed.~~

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 identification has been issued to such person and the person may state any reason why the handgun license, a valid military 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 identification 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 ~~handgun~~ firearm pursuant to the authority of the Oklahoma Self-Defense Act ~~when the person comes into contact with any law enforcement officer of this state or its political subdivisions or a federal law enforcement officer~~ during the course of any arrest, detainment, or routine traffic stop. Said identification to the law enforcement officer shall be ~~made at~~ required upon the ~~first opportunity~~ demand of 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 when no handgun is in the possession of the person or in any vehicle in which the person is driving or is a passenger. Any ~~violation~~ violator of the provisions of this subsection ~~shall, upon conviction,~~ may be ~~a misdemeanor punishable by a fine~~ 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, 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 12. AMENDATORY 21 O.S. 2011, Section 1290.22, as last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp. 2018, Section 1290.22), is amended to read as follows:

Section 1290.22

BUSINESS OWNER'S RIGHTS

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

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

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

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

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

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

3. The fairgrounds during the Oklahoma State Fair or the Tulsa State Fair; and

4. The portion of a public property structure or building that is leased or under contract to a business or not-for-profit entity or group for offices.

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

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

2. Refuses to leave the property and a peace officer is summoned,

the person may ~~be issued a citation for an amount not to exceed Two Hundred Fifty Dollars ($250.00)~~ be punished as provided in Section 1276 of this title.

F. A person, property owner, tenant, employer, holder of an event permit, place of worship or business entity that does or does not prohibit any individual, except a convicted felon, from carrying a loaded or unloaded, concealed or unconcealed weapon on property that the person, property owner, tenant, employer, holder of an event permit, place of worship or business entity owns, or has legal control of, is immune from any liability arising from that decision. Except for acts of gross negligence or willful or wanton misconduct, an employer who does or does not prohibit ~~their~~ his or her employees from carrying a concealed or unconcealed weapon is immune from any liability arising from that decision. A person, property owner, tenant, employer, holder of an event permit, place of worship or business entity that does not prohibit persons from carrying a concealed or unconcealed weapon pursuant to subsection D of this section shall be immune from any liability arising from the carrying of a concealed or unconcealed weapon, while in the scope of employment, on the property or in or about a business entity vehicle. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

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

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

SECTION 13. AMENDATORY 21 O.S. 2011, Section 1290.24, as last amended by Section 3, Chapter 18, O.S.L. 2016 (21 O.S. Supp. 2018, 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 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 ~~pistol~~ firearm committed by a person ~~to whom a license to carry a concealed or unconcealed handgun has been issued~~ pursuant to the provisions of the Oklahoma Self-Defense Act or by any person who obtains a ~~pistol from a licensee~~ firearm;

3. Any injury to any person during a handgun 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 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 pursuant to a handgun license; 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 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 14. This act shall become effective November 1, 2019.

Passed the House of Representatives the 13th day of February, 2019.

Presiding Officer of the House
of Representatives

Passed the Senate the 27th day of February, 2019.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 27th
day of February, 20 19, at 4:07 o'clock p. M.
By: Sumer Curry

Approved by the Governor of the State of Oklahoma this 27th
day of February, 20 19, at 4:36 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 27th
day of February, 20 19, at 4:36 o'clock P. M.
By: Mia Byers

SIGNATURES

The gist of the proposition is as follows: This measure refers Enrolled House Bill 2597 ("2597") to a vote of the people. 2597 legalizes the concealed or unconcealed carrying of loaded or unloaded firearms by any person twenty-one (21) years of age or older, or eighteen (18) years of age or older if the person is a current military member or veteran, without any additional licensing requirements, if the person is not otherwise disqualified from firearm possession by state or federal law, and into any location where carrying firearms is not specifically prohibited. 2597 also legalizes possession of firearms and other weapons in defined areas of colleges, universities, and technology centers; criminalizes possession of firearms by aliens illegally in the United States; requires law enforcement to ask whether a person possesses a firearm during an arrest, detention, or traffic stop, rather than requiring the person to disclose the firearm; and makes failure to disclose a firearm to law enforcement a citation offense with a maximum fine of one hundred dollars ($100.00).

WARNING

IT IS A FELONY FOR ANYONE TO SIGN AN INITIATIVE OR REFERENDUM PETITION WITH ANY NAME OTHER THAN HIS OWN, OR KNOWINGLY TO SIGN HIS NAME MORE THAN ONCE FOR THE MEASURE, OR TO SIGN THE PETITION WHEN HE IS NOT A LEGAL VOTER.

1. _____
SIGNATURE OF LEGAL VOTER PRINT NAME ADDRESS CITY ZIP COUNTY

2. _____
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AFFIDAVIT

STATE OF OKLAHOMA)
) ss.
COUNTY OF _____)

I, _____, being first duly sworn, say:

That I am at least eighteen (18) years old and that all signatures on the signature sheet were signed in my presence. I believe that each has stated their name, mailing address, and residence correctly, and that each signer is a legal voter of the State of Oklahoma and the County of their residence as stated.

_____
Circulator's Signature

_____
Address

_____
City Zip Code

Subscribed and sworn to before me this ____ day of _____, 2019.

_____
Notary Public

_____
Address

_____
City Zip Code

My Commission Expires:

_____

My Commission Number:

_____

Michael Rogers
Secretary of State and Education

J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

August 12, 2019

Dear Proponent(s):

This acknowledges receipt of the petition submitted to the Secretary of State office, which has been designated as State Question Number 803, Referendum Petition Number 26 and filed accordingly this 14th day of August, 2019.

Per Title 34 O.S. Section 8, it shall be the duty of the Secretary of State to cause to be published, in at least one newspaper of general circulation in the state, a notice of such filing and the apparent sufficiency or insufficiency of the petition, and shall include notice that any citizen or citizens of the state may file a protest as to the constitutionality of the petition, by a written notice to the Supreme Court and to the proponent(s) filing the petition. Any such protest must be filed within ten (10) business days after publication.

All signed signatures supporting a referendum petition shall be filed with the Secretary of State not later than ninety (90) days after the adjournment of the legislative session in which the measure, which is the subject of the referendum petition, was enacted (Title 34 O.S. Section 8). The subject of Referendum Petition 26 is House Bill 2597 of the 57th Legislature, First Regular Session. The Oklahoma House of Representatives, 57th Legislature, First Regular Session adjourned sine die May 31, 2019. All signed referendum petition pamphlets are due for filing no later than 5 p.m. on August 29, 2019.

If we may provide any further assistance or should you have any questions, please do not hesitate to contact me.

Thank you,

Amy Canton
Executive Legislative Division
Oklahoma Secretary of State Office
405.522.4565 / executivelegislative@sos.ok.gov

Michael Rogers
Secretary of State and Education

J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

August 12, 2019

Ms. Cindy Shea
Oklahoma Press Service
3601 N. Lincoln
Oklahoma City, Oklahoma 73105

Dear Ms. Shea:

Please find enclosed the following for publication;

- Notice of Filing for State Question 803, Referendum Petition 26

Per Title 34 O.S. § 8, the publication must appear in at least one newspaper of general circulation in the State of Oklahoma. Please publish the enclosed notice in *The Oklahoman*, *Tulsa World*, and the *Journal Record* as soon as possible.

Also, upon the completion of publication, please provide our office with the corresponding Affidavits of Publication. Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Amy Canton
Director, Executive Legislative Division
Oklahoma Secretary of State Office

NOTICE OF THE FILING OF STATE QUESTION 803, REFERENDUM PETITION 26, THE APPARENT SUFFICIENCY THEREOF, AND NOTICE TO CITIZENS OF THE STATE THAT ANY SUCH PROTEST, AS TO THE CONSTITUTIONALITY OF SAID PETITION, MUST BE FILED ACCORDINGLY WITHIN TEN (10) BUSINESS DAYS AFTER THIS NOTICE (Okla. Stat. tit. 34, § 8)

NOTICE is hereby given that on August 12, 2019, State Question 803, Referendum Petition 26 was filed in the Office of the Oklahoma Secretary of State.

NOTICE is also hereby given that State Question 803, Referendum Petition 26 is SUFFICIENT for filing with the Office of the Oklahoma Secretary of State.

NOTICE is likewise, hereby given, as provided in Title 34 Section 8 of the Oklahoma Statutes, that any citizen or citizens of the state may file a protest as to the constitutionality of said petition, by a written notice to the Supreme Court and to the proponent(s) filing the petition. Any such protest must be filed within ten (10) business days after publication of this notice. Also, a copy of any such protest shall be filed with the Office of the Oklahoma Secretary of State.

Proponents of record for State Question 803, Referendum Petition 26:

Joshua Harris-Till 1127 NW 27th Oklahoma City, OK 73106	The Honorable Jason Lowe 25 NW 63rd Street Oklahoma City, OK 73105	Jennifer Birch 10305 Northland Rd. The Village, OK 73120

Michael Rogers
Oklahoma Secretary of State and Education

Amy Canton

From: Amy Canton
Sent: Thursday, August 15, 2019 8:50 AM
To: Cindy Shea
Subject: RE: Secretary of State - Publication request - SQ803, RP26

Thank you so much Cindy!

From: Cindy Shea [mailto:cshea@okpress.com]
Sent: Thursday, August 15, 2019 8:16 AM
To: Amy Canton
Subject: RE: Secretary of State - Publication request - SQ803, RP26

Thanks Amy –
Oklahoma & TWorld for this Sunday Aug 18
Journal Record for Monday Aug 19

Cindy Shea
Advertising Director
Oklahoma Press
Direct line 405-499-0023
cshea@okpress.com

From: Amy Canton [mailto:Amy.Canton@sos.ok.gov]
Sent: Wednesday, August 14, 2019 1:38 PM
To: Cindy Shea <cshea@okpress.com>
Subject: FW: Secretary of State - Publication request - SQ803, RP26

Good afternoon Cindy!

Please find attached a request for publication and the notice of filing for State Question 803, Referendum Petition 26. If you have any questions, please don't hesitate to contact me. The originals are in the mail.

Thank you,

Amy Canton
Director, Executive Legislative Division

OKLAHOMA SECRETARY OF STATE OFFICE
State Capitol Building, Room 122
Oklahoma City, OK 73105
405.522.4565 / executivelegislative@sos.ok.gov

Oklahoma Press Service

3601 North Lincoln Blvd.
Oklahoma City,OK 73105-
Voice (405) 499-0020 Fax (405) 499-0048

Proof of Publication
Order Number 19-08-65

I, Cindy Shea, of lawful age, being duly sworn upon oath, deposes and says: That I am the Authorized Agent of OK-THE OKLAHOMAN, a Daily newspaper printed and published in the city of OKLAHOMA CITY, county of Oklahoma, and state of Oklahoma, and that the advertisement referred to, a true and printed copy of which is here unto attached, was published in said OK-THE OKLAHOMAN in consecutive issues on the following dates-to-wit:

Insertion: 08/18/2019

That said newspaper has been published continuously and uninterruptedly in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has a general paid circulation, and publishes news of general interest, and otherwise conforms with all of the statutes of the Oklahoma governing legal publications.

PUBLICATION FEE $39.35

(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this
27 day of August 2019.

(Notary Public)

JENNIFER GILLILAND
NOTARY
10004909
EXP. 06/18/22
PUBLIC
STATE OF OKLAHOMA

NOTICE OF THE FILING OF STATE QUESTION 803, REFERENDUM PETITION 26, THE APPARENT SUFFICIENCY THEREOF, AND NOTICE TO CITIZENS OF THE STATE THAT ANY SUCH PROTEST, AS TO THE CONSTITUTIONALITY OF SAID PETITION, MUST BE FILED ACCORDINGLY WITHIN TEN (10) BUSINESS DAYS AFTER THIS NOTICE (Okla. Stat. tit. 34, § 8)

NOTICE is hereby given that on August 12, 2019, State Question 803, Referendum Petition 26 was filed in the Office of the Oklahoma Secretary of State.

NOTICE is also hereby given that State Question 803, Referendum Petition 26 is SUFFICIENT for filing with the Office of the Oklahoma Secretary of State.

NOTICE is likewise, hereby given, as provided in Title 34 Section 8 of the Oklahoma Statutes, that any citizen or citizens of the state may file a protest as to the constitutionality of said petition, by a written notice to the Supreme Court and to the proponent(s) filing the petition. Any such protest must be filed within ten (10) business days after publication of this notice. Also, a copy of any such protest shall be filed with the Office of the Oklahoma Secretary of State.

Proponents of record for State Question 803, Referendum Petition 26:

Joshua Harris-Till
1127 NW 27th
Oklahoma City, OK 73106

The Honorable Jason Lowe
25 NW 63rd Street
Oklahoma City, OK 73105

Jennifer Birch
10305 Northland Rd.
The Village, OK 73120

Michael Rogers, Oklahoma Secretary of State and Education

RECEIVED
AUG 27 2019
OKLAHOMA SECRETARY OF STATE

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Registered To: Oklahoma Press Association

Oklahoma Press Service

3601 North Lincoln Blvd.
Oklahoma City,OK 73105-
Voice (405) 499-0020 Fax (405) 499-0048

Proof of Publication
Order Number 19-08-65

I, Cindy Shea, of lawful age, being duly sworn upon oath, deposes and says: That I am the Authorized Agent of OK-TULSA WORLD - Legal, a Daily newspaper printed and published in the city of TULSA, county of Tulsa, and state of Oklahoma, and that the advertisement referred to, a true and printed copy of which is here unto attached, was published in said OK-TULSA WORLD - Legal in consecutive issues on the following dates-to-wit:

Insertion: 08/18/2019

That said newspaper has been published continuously and uninterruptedly in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has a general paid circulation, and publishes news of general interest, and otherwise conforms with all of the statutes of the Oklahoma governing legal publications.

PUBLICATION FEE $39.35

(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this
27 day of August 2019.

(Notary Public)

JENNIFER GILLILAND NOTARY # 10004909 EXP. 06/18/22 PUBLIC STATE OF OKLAHOMA

NOTICE OF THE FILING OF STATE QUESTION 803, REFERENDUM PETITION 26, THE APPARENT SUFFICIENCY THEREOF, AND NOTICE TO CITIZENS OF THE STATE THAT ANY SUCH PROTEST, AS TO THE CONSTITUTIONALITY OF SAID PETITION, MUST BE FILED ACCORDINGLY WITHIN TEN (10) BUSINESS DAYS AFTER THIS NOTICE (Okla. Stat. tit. 34, § 8)

NOTICE is hereby given that on August 12, 2019, State Question 803, Referendum Petition 26 was filed in the Office of the Oklahoma Secretary of State.

NOTICE is also hereby given that State Question 803, Referendum Petition 26 is SUFFICIENT for filing with the Office of the Oklahoma Secretary of State.

NOTICE is likewise, hereby given, as provided in Title 34 Section 8 of the Oklahoma Statutes, that any citizen or citizens of the state may file a protest as to the constitutionality of said petition, by a written notice to the Supreme Court and to the proponent(s) filing the petition. Any such protest must be filed within ten (10) business days after publication of this notice. Also, a copy of any such protest shall be filed with the Office of the Oklahoma Secretary of State.

Proponents of record for State Question 803, Referendum Petition 26:

Joshua Harris-Till
1127 NW 27th
Oklahoma City, OK 73106

The Honorable Jason Lowe
25 NW 63rd Street
Oklahoma City, OK 73105

Jennifer Birch
10305 Northland Rd.
The Village, OK 73120

Michael Rogers, Oklahoma Secretary of State and Education

RECEIVED
AUG 27 2019
OKLAHOMA SECRETARY OF STATE

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Registered To: Oklahoma Press Association

Oklahoma Press Service

3601 North Lincoln Blvd.
Oklahoma City,OK 73105-
Voice (405) 499-0020 Fax (405) 499-0048

Proof of Publication
Order Number 19-08-65

I, Cindy Shea, of lawful age, being duly sworn upon oath, deposes and says: That I am the Authorized Agent of OK-JOURNAL RECORD, a Daily newspaper printed and published in the city of OKLAHOMA CITY, county of Oklahoma, and state of Oklahoma, and that the advertisement referred to, a true and printed copy of which is here unto attached, was published in said OK-JOURNAL RECORD in consecutive issues on the following dates-to-wit:

Insertion: 08/19/2019

That said newspaper has been published continuously and uninterruptedly in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has a general paid circulation, and publishes news of general interest, and otherwise conforms with all of the statutes of the Oklahoma governing legal publications.

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IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

Oklahoma Second Amendment Association, Oklahoma Taxpayers Unite! Inc., Oklahoma Conservative Political Action Committee, and Members of the House of Representatives: Speaker Charles McCall, Jon Echols, Kevin West, Sean Roberts, Terry O'Donnell, Zack Taylor, Avery Frix, Josh West, Mark LePak, Brad Boles, Tom Gann, JJ Humphrey, Lewis Moore, Rusty Cornwell, Jim Olsen, Kenton Patzowsky, Todd Russ, Tammy Townley, Kevin McDugle, Denise Crosswhite-Hader, Mark Lawson, and Jay Steagall, and Members of the Senate: Kim David, Nathan Dahm, Joe Silk, David Bullard, Mark Allen, Paul Scott, Casey Murdock, James Leewright, Gary Stanislawski, Julie Daniels, Chuck Hall, Marty Quinn, Roger Thompson, Michael Bergstrom, Petitioners/Protestants VS. The Honorable Jason Lowe, Jennifer Birch, and Joshua Harris-Till,	FILED SUPREME COURT STATE OF OKLAHOMA AUG 26 2019 JOHN D. HADDEN CLERK Sup. Ct. Case No. #118200

PETITIONERS/PROTESTERS' MOTION FOR ORAL ARGUMENT

This case involves a protest to the legal sufficiency of State Question 803, Referendum Petition 26, and an Application and Petition that the Court assume original jurisdiction and review that legal sufficiency. State Question 803 seeks to veto House Bill 2597, commonly known as "Constitutional Carry," a bill enacted in 15 other states which enables law-abiding, non-incapacitated Oklahoman firearms owners to more fully exercise their fundamental rights pursuant to the Second Amendment to the US Constitution. As is shown in the brief in support of this Application and Petition, the gist of the referendum petition is fundamentally flawed, and the referendum petition should thus be declared invalid.

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After a referendum petition is filed and notice of that filing is duly published, Oklahoma law provides for a 10-business-day period, during which any citizen may challenge the legal sufficiency of that referendum petition. 34 O.S. 8. Because publication of State Question 803, Referendum Petition 26 was published August 18, 2019, this Protest was filed within that 10-day period.

Because the referendum, if allowed to proceed, would at least temporarily suppress the fundamental Constitutional rights of Oklahoma firearms owners, this case presents a matter of great public interest. Accordingly, Petitioners/Protesters request oral argument on this matter.

Respectfully submitted,

Kevin Calvey, OBA #16190
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PO Box 20443
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(405) 633-0967
Attorneys for Protesters/Petitioners

CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the above and foregoing was mailed, postage pre-paid, this 26th day of August 2019, to:

The Honorable Jason Lowe, 25 NW 63d St., Oklahoma City, Oklahoma, 73105
Jennifer Birch, 10305 Northland Rd., The Village, Oklahoma 73120
Joshua Harris-Till, 1127 N.W. 27th St. Oklahoma City, Oklahoma, 73106
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Kevin Calvey

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA
AUG 26 2019
JOHN D. HADDEN
CLERK

Oklahoma Second Amendment Association, Oklahoma Taxpayers Unite! Inc., Oklahoma Conservative Political Action Committee, and Members of the House of Representatives: Speaker Charles McCall, Jon Echols, Kevin West, Sean Roberts, Terry O'Donnell, Zack Taylor, Avery Frix, Josh West, Mark LePak, Brad Boles, Tom Gann, JJ Humphrey, Lewis Moore, Rusty Cornwell, Jim Olsen, Kenton Patzowsky, Todd Russ, Tammy Townley, Kevin McDugle, Denise Crosswhite-Hader, Mark Lawson, and Jay Steagall, and Members of the Senate: Kim David, Nathan Dahm, Joe Silk, David Bullard, Mark Allen, Paul Scott, Casey Murdock, James Leewright, Gary Stanislawski, Julie Daniels, Chuck Hall, Marty Quinn, Roger Thompson, Michael Bergstrom, Petitioners/Protestants VS. The Honorable Jason Lowe, Jennifer Birch, and Joshua Harris-Till,	#118200 Sup. Ct. Case No._____

PETITIONER'S BRIEF IN SUPPORT OF APPLICATION TO ASSUME ORIGINAL JURISDICTION AND REVIEW THE LEGAL SUFFICIENCY OF REFERENDUM PETITION 26

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August 26, 2019

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INTRODUCTION

The Second Amendment to the US Constitution was enacted to ensure the rights of law-abiding firearms owners. For years, Oklahoma firearms owners have sought protection for their rights under the Second Amendment by the enactment of Constitutional Carry, a law already enacted in 15 other states. Constitutional Carry allows a law-abiding, non-incapacitated adult to carry a firearm without the Government having the ability to suppress that right by denial or delay in obtaining permission for such carry. On February 13, 2019, the Oklahoma House of Representatives enacted Constitutional Carry, House Bill 2597 (hereinafter "HB2597"), by an overwhelming vote of 70 Yes and just 30 No. On February 27, 2019, the Oklahoma Senate enacted HB2597 by a similarly lopsided vote of 40-6. The same day, Governor Stitt signed HB2597. App. Tab. 1.

Now, just three individuals, Joshua Harris-Till, The Honorable Jason Lowe, and Jennifer Birch, seek to reverse this historic legislative achievement and suppress the Second Amendment rights of Oklahomans by filing Referendum Petition 26, proposed State Question 803, which seeks to refer the provisions of HB2597 to a vote of the People for their approval or rejection. App. Tab 2. If their Petition is declared valid, and they collect the requisite number of signatures by the prescribed deadline, then the provisions of HB2597 will not go into effect on November 1, 2019, as enacted by the Legislature, and the Second Amendment rights of Oklahomans shall remain less protected than those of the citizens of 15 other states, unless and until approved by the voters an entire year later at the next general election.

Proponents certainly have the right to seek a referendum. However, before the whim of just three individuals can prevent the acts of a supermajority of elected Oklahoma legislators from taking effect in a timely manner, and before the whim of those three individuals can

suppress the Second Amendment rights of Oklahomans by delaying the day those rights can be more fully exercised, those three individual Proponents must comply with basic statutory requirements. Proponents have not done so here.

On August 12, 2019, Proponents filed, pursuant to 34 O.S. §3, a blank copy of the signature sheet they have since circulated. At the top of that page is a short statement of the "gist" of the Petition, which reads as follows:

> This Referendum Petition would veto House Bill 2597 which has loosely been referred to as "Permit-less carry." House Bill 2597 legalizes the concealed or unconcealed carrying of loaded or unloaded firearms by any person twenty-one (21) years of age or older, or eighteen (18) years of age or older if the person is a current military member or veteran, without any additional licensing requirements, if the person is not otherwise disqualified from firearm possession by state or federal law, and into any location where carrying firearms is not specifically prohibited. House Bill 2597 also legalizes possession of firearms and other weapons in defined areas of colleges, universities, and technology centers; criminalizes possession of firearms by aliens illegally in the United States; requires law enforcement to ask whether a person possesses a firearm during an arrest, detention, or traffic stop, rather than requiring the person to disclose the firearm; and makes failure to disclose a firearm to law enforcement a citation offense with a maximum fine of one-hundred dollars ($100.00).

See App. Tab 2. Because the "gist" of the Petition fails to accurately explain the effects of HB2597 as required by law, and, worse, because each of the 6 separate clauses of the gist set forth blatantly false, inaccurate, misleading, deceitful, and inflammatory statements in order to deceive voters into signing Referendum 26, Protesters/Petitioners Oklahoma Second Amendment Association ("OK2A"), Oklahoma Taxpayers Unite! Inc. ("OTU"), Oklahoma Conservative Political Action Committee ("OCPAC"), Members of the Oklahoma House of Representatives Speaker Charles McCall, Jon Echols, Kevin West, Sean Roberts, Terry O'Donnell, Zack Taylor, Avery Frix, Josh West, Mark LePak, Brad Boles, Tom Gann, JJ Humphrey, Lewis Moore, Rusty Cornwell, Jim Olsen, Kenton Patzowsky, Todd Russ, Tammy Townley, Kevin McDugle, Denise Crosswhite-Hader, Mark Lawson, and Jay Steagall, and members of the Oklahoma Senate Kim

David, Nathan Dahm, Joe Silk, David Bullard, Mark Allen, Paul Scott, Casey Murdock, James Leewright, Gary Stanislawski, Julie Daniels, Chuck Hall, Marty Quinn, Roger Thompson, and Michael Bergstrom, respectfully request that the court declare State Question 803, Referendum Petition 26, to be legally insufficient.

ARGUMENT AND AUTHORITIES

Although the "Legislative authority of the State" is vested in the Legislature, the Oklahoma Constitution reserves for the People the ultimate power to "propose laws" and to "approve or reject at the polls any act of the Legislature." Art. V, §1. A referendum on a measure proposed by the Legislature may be ordered by the Legislature itself, or "by petition signed by five per centum of the legal voters." Art. V, § 2. If a referendum is properly invoked, the measure shall become law only "when it shall have been approved by a majority of the votes cast thereon and not otherwise." Art. V, § 3.

Here, Proponents have filed a proposed Referendum Petition with respect to HB2597, seeking to refer each of its provisions to a vote of the People for their approval or rejection. If this Petition is declared legally sufficient, Proponents file with it the requisite number of valid signatures (here, less than 60,000) by the prescribed deadline, then the effectiveness of HB2597 will be suspended, and its provisions will not become law unless and until they are approved by the People at the next general election (or at a special election called by Governor). Art. V, §3. In other words, if a referendum petition is properly constructed and filed, the will of only a few thousand signers can override-at least temporarily-the will of more than 50% of both Houses of the Legislature and the Governor.

This is an important power, guaranteed by the State Constitution. But the right of initiative and referendum, while certainly protected, "is not absolute. There are limits, both

constitutional and statutory, on the process. " *In re Initiative Petition No. 344*, 1990 OK 75, ¶ 14, 797 P .2d 326, 330. Where, as here, the form of the referendum petition is insufficient, it must be declared invalid, such that HB2597 may be permitted to timely take effect.

I. THE GIST OF THE PETITION IS BLATANTLY FALSE, INACCURATE, MISLEADING, DECEITFUL, INFLAMMATORY, AND INSUFFICIENT

A. Legal standard: the "gist" must put potential signatories and voters on notice of the changes being made and disclose the effect of the petition

Title 34, §3 requires that, when an initiative or referendum petition is filed, "[a] simple statement of the gist of the proposition shall be printed on the top margin of each signature sheet." As this Court has long explained, the purpose of the "gist" is to "prevent fraud, deceit, or corruption" in the initiative and referendum process. *In re Initiative Petition 409*, 2016 OK 51, ¶ 3, 376 P .3d 250 (*emphasis in original*). The gist provides a shorthand explanation of the measure for potential signatories and voters, and helps safeguard the referendum process. *Id.*

The requirements for a proper gist are limited, but critical. At a minimum, the gist must (1) '"be sufficient that the signatories are at least put on notice of the changes being made,'" and (2) accurately "explain the proposal's effect." *McDonald v. Thompson*, 2018 OK 25, ¶ 6, 414 P .3d 367, 371 (citing *In re Initiative Petition 384*, 2007 OK 48, ¶ 7, 164 P .3d 125). It also may not be "misleading," deceitful," or "prevent potential voters from making an informed decision." *McDonald*, 2018 OK 25, ¶ 10. In short, the gist must, at a minimum, succinctly but accurately "apprise[] the voters of what the proposed measure is intended to do." Id, ¶ 15; see also *Initiative Petition 384.* 2997 OK 48, ¶ 7 ("voters, after reading the gist and the ballot title, should be able to cast an informed vote").

B. **2 of the 6 clauses of the gist are blatantly false, inaccurate, misleading, deceitful, and inflammatory, and the remaining 4 clauses are inaccurate and misleading.**

The "gist" of the referendum effectively contains six separate clauses, two of which are blatantly false, inaccurate, misleading, and inflammatory, and the remaining four of which are inaccurate, misleading and inflammatory.

1. **2 of the 6 clauses of the gist are blatantly false, inaccurate, misleading, deceitful, and inflammatory**

Gist Clause 3. "House Bill 2597 also legalizes possession of firearms and other weapons in defined areas of colleges, universities, and technology centers." **Blatantly false, inaccurate, misleading, deceitful, and inflammatory.** This statement in the gist is a false and misleading attempt to obtain more signatures on the Petition by preying on the fears of those with children in educational settings. Nowhere does HB2597 expand the legal ability to carry a firearm or other weapon on any educational campus. The opposite is true. The actual language of HB2597 reads, in pertinent part relating to colleges, universities, and technology centers,

> 1. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act or who is carrying or in possession of a firearm as otherwise permitted by law or who is carrying or in possession of a machete, blackjack, loaded cane, hand chain or metal knuckles shall be authorized to carry the ~~handgun~~ firearm, machete, blackjack, loaded cane, hand chain or metal knuckles into or upon any college, university or technology center school property, except as provided in this subsection.
>
> 2. For purposes of this subsection, the following property shall not be construed ~~as prohibited for persons having a valid handgun license~~ to be college, university or technology center school property: Any property set aside for the use or parking of any vehicle, whether attended or unattended, provided the ~~handgun~~ firearm, machete, blackjack, loaded cane, hand chain or metal knuckles is carried or stored as required by law and the ~~handgun~~ firearm, machete, blackjack, loaded cane, hand chain or metal knuckles is not removed from the vehicle without the priorconsent of the college or university president or technology centerschool administrator while the vehicle is on any college, university or technology center school property;
>
> 3. Any property authorized for possession or use of ~~handguns~~ firearms, machetes,

blackjacks, loaded canes, hand chains or metal knuckles by college, university or technology center schoolpolicy; and

4. Any property authorized by the written consent of the college or university president or technology center school administrator, provided the written consent is carried withthe ~~handgun~~ firearm, machete, blackjack, loaded cane, hand chainor metal knuckles and the valid handgun license while on college, university or technology center school property.

The college, university or technology center school may notify the Oklahoma State Bureau of Investigation within ten (10) days ofa violation of any provision of this subsection bya licensee.

Upon receipt of a written notification of violation, the Bureau shall give a reasonable notice to the licensee and holda hearing. At the hearing, upon a determination that the licensee has violated any provision of this subsection, the licensee may be subject to an administrative fine of Two Hundred Fifty Dollars ($250.00) and may have the handgun license suspended for three (3) months.

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

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

Enrolled House Bill 2597 (2019), amending 21 O.S. 2011, Section 1277. (As with all legislation before the Oklahoma Legislature, underlined portions indicate the referenced statute is being amended by addition of the underlined words, and ~~crossed-out~~ portions indicate the law is being amended by deletion of the ~~crossed-out~~ words).

Thus, the relevant impact of the language of HB2597 is that "No person…shall be authorized to carry the ~~handgun~~ firearm, machete, blackjack, loaded cane, hand chain or metal knuckles into or upon any college, university or technology center school property, except as provided in this subsection." And nothing in the subsection allows any additional right to carry a weapon onto the campus of a college, university or technology center school property. Thus, the gist of the Petition is blatantly false and misleading.

In fact, HB2597 actually increases the types of weapons which are *banned* from campuses of a college, university or technology center school property, as indicated by the underlined language above.

Therefore, the gist deliberately and substantially misleads those concerned about carry of a firearm on the campus of a college, university, or technology center to support the Petition based on false statements, when such persons would otherwise not wish to support the Petition.

Gist Clause 5. "[HB2597] requires law enforcement to ask whether a person possesses a firearm during an arrest, detention, or traffic stop, rather than requiring the person to disclose the firearm;" **Blatantly false, inaccurate, misleading, deceitful, and inflammatory.** Nowhere does HB2597 "require" a Law Enforcement Officer to ask if a person has firearms during an arrest, detention, or traffic stop. It remains the Officer's discretion to ask if there are weapons present and the person is required to give a truthful answer.

Moreover, by failing to define terms such as "stop" and "detention," the gist implies that in many interactions between citizens and police officers, which under current law do not require officers to spend their time asking if an individual has a firearm, House Bill 2597 will now *require* police officers to spend time and resources asking citizens if they have a firearm. To say that HB2597 *requires* "officers to ask if you have a firearm during every arrest, detention, or traffic stop," would lead law enforcement officers to believe their workload would increase by having to ask *everyone* they encounter about weapons, even for instance during a large public gathering when large number of people are technically "stopped" or "detained" by officers crossing a street, for instance.

In addition, citizens who wish to carry a weapon would believe, based on this section, that HB2597 would impose an additional burden on them of having to answer to police officers

in situations where under current law such carrying citizens would not have to be asked if they have a firearm.

Moreover, the wording of the gist would lead readers to believe that any time a person is stopped, that law enforcement officers are required to ask such persons if they possess a firearm, not only in their immediate grasp at that time, but even if such person possesses a firearm at their home or other location. In other words, the wording of the gist would suggest that HB2597 requires a constant dragnet by police against firearm owners, which many of those who wish to carry firearms presumably would oppose. Thus the gist seeks to obtain signatures even from those who favor Constitutional Carry by misstating the facts of what HB2597 says.

2. The remaining four clauses of the "gist" are inaccurate and misleading.

Gist Clause 1. "This Referendum Petition would veto House Bill 2597 which has loosely been referred to as 'Permit-less carry.'" **Inaccurate, misleading and inflammatory.** Past and current versions of the bill have been known by the name "Constitutional Carry." By putting a label of "permit-less" on HB2597, the gist attempts to obtain more signatures on the Petition by employing an inflammatory term.

Gist Clause 2. "House Bill 2597 legalizes the concealed or unconcealed carrying of loaded or unloaded firearms by any person twenty-one (21) years of age or older, or eighteen (18) years of age or older if the person is a current military member or veteran, without any additional licensing requirements, if the person is not otherwise disqualified from firearm possession by state or federal law, and into any location where carrying firearms is not specifically prohibited." **Inaccurate, misleading and inflammatory**, in that the term "into any location where carrying firearms is not specifically prohibited" leads readers to conclude that

unless they have a sign prohibiting firearms on their door, that a person can uninvited enter their home with a firearm.

Gist Clause 4. "[HB2597] criminalizes possession of firearms by aliens illegally in the United States;" **Inaccurate and misleading.** This portion of HB2597 reflects existing federal law. 18 USC §922(g) reads,

"It shall be unlawful for any person—
(1)

who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
(2)
who is a fugitive from justice;
(3)
who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
(4)
who has been adjudicated as a mental defective or who has been committed to a mental institution;
(5)who, being an alien—
(A)
is illegally or unlawfully in the United States; or
(B)
except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));
(6)
who has been discharged from the Armed Forces under dishonorable conditions;
(7)
who, having been a citizen of the United States, has renounced his citizenship;
(8) who is subject to a court order that—
(A)
was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
(B)
restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
(C)
(i)

includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii)

by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(9)

who has been convicted in any court of a misdemeanor crime of domestic violence,

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce."

18 USC §922(g) (*Emphasis added*). HB2597 does not "criminalize" firearm possession by aliens, because such possession is already criminal. Those in the country illegally are already prohibited the possession on a firearm by federal law. HB2597 simply restates that prohibition to make it clear within the bill itself that those here illegally may not carry firearms. This clause in the gist is an attempt to make it appear that Oklahoma is more aggressive in dealing with illegal immigration than other states, to play on the emotionally charged issue of immigration in order to obtain signatures under misleading pretenses.

Gist Clause 6. "and makes failure to disclose a firearm to law enforcement a citation offense with a maximum fine of one-hundred dollars ($100.00)." **Inaccurate and misleading.** HB2597 only requires a person to disclose a firearm to law enforcement *if* law enforcement *asks* and the person has a firearm in their *immediate* possession at the time.

Specifically, HB2597 states, "<u>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</u>. No person shall be required to identify himself or herself as a handgun licensee when no handgun is in the possession of the person or in any vehicle in which the person is driving oris a passenger." Thus, under HB2597, if a person possesses a firearm NOT in their immediate possession, for instance at their home, or if law enforcement exercises its discretion not to ask, no disclosure is required.

The gist makes it sound as though HB2597 requires a firearm owner to walk around like a leper, shouting "unclean, unclean" to every law enforcement officer they encounter, whether or not the law enforcement officer asks about firearm possession, and whether or not the firearm owner actually has the firearm in their grasp or not. See *Leviticus* 13:45.

Like Hester Prynne with her scarlet "A", firearm owners would practically have to sew a scarlet "G" for "gun" on their clothing to comply with what the gist claims is required of them under HB2597 regarding constant disclosure. Cf. Hawthorne, *The Scarlet Letter*. Thus the gist seeks to disparage HB2597 to firearm owners, and thereby gain signatures to the Petition by misleading the public.

This Court has repeatedly invalidated petitions where, as here, the "gist" is insufficient to adequately inform potential signatories and voters about the contents and effect of the measure. For example, *In re Initiative Petition 409*, 2016 OK 51, ¶ 7, the Court found and initiative petition legally insufficient because its "gist fails to alert potential signatories of the changes being made to the law and does not provide a potential signatory with sufficient information to make an informed decision." Other cases have likewise invalidated petitions where their gists did not "at least" put potential signatories and voters "on notice of the changes being made." *In re Initiative Petition 342*, 1990 OK 76, ¶ 14, 797 P .2d 331, 333; see also, e.g., *McDonald*, 2018 OK 25, ¶ 9; *Initiative Petition 384*, 2007 OK 48, ¶ 1] ("the gist must explain the proposal's effect").

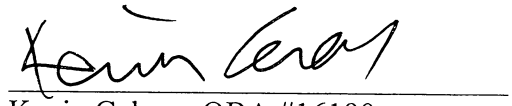
Such blatantly false, misleading, and inflammatory clauses render the gist incomplete, one-sided, and misleading. Cf., e.g., *Initiative Petition 344*, 1990 OK 75, ¶ 15.

An improper gist is "fatal" to a petition. *In re Initiative Petition No. 403*, 2016 OK 1, ¶ 20, 367 P .3d 472, 485. Because the gist here is blatantly false, inaccurate, substantially misleading, deceitful, and inflammatory, Proponents' petition must be declared legally insufficient.

CONCLUSION

Protestants thus respectfully request that the court declare State Question 803, Referendum Petition 26, legally insufficient.

Respectfully submitted,



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CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the above and foregoing was mailed, postage pre-paid, this 26th day of August 2019, to:

The Honorable Jason Lowe, 25 NW 63d St., Oklahoma City, Oklahoma, 73105
Jennifer Birch, 10305 Northland Rd., The Village, Oklahoma 73120
Joshua Harris-Till, 1127 N.W. 27th St. Oklahoma City, Oklahoma, 73106
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313 NE 21st Street

Oklahoma City, OK 73105

The Honorable Michael Rogers
Oklahoma Secretary of State
2300 N. Lincoln Boulevard, Room 101
Oklahoma City, OK 73105
and
421 NE 13th Street, Suite 310
Oklahoma City, OK 73103

Kevin Calvey

Appendix Tab 1

An Act

ENROLLED HOUSE
BILL NO. 2597

By: Echols, Mize, Crosswhite Hader, Townley, McDugle, Roberts (Sean), Olsen, Gann, West (Kevin), Steagall, Moore, Humphrey, McBride, Hasenbeck, Patzkowsky, Cornwell, Hilbert, Davis, Tadlock, Russ, Frix, Lawson, Sims, McCall, O'Donnell, Taylor, Pfeiffer, Sneed and West (Josh) of the House

and

David, Dahm, Murdock, Scott, Newhouse, Allen, Treat and Silk of the Senate

An Act relating to firearms; amending 21 O.S. 2011, Section 1272, as last amended by Section 1, Chapter 68, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1272), which relates to the unlawful carry of firearms; adding exception to certain prohibited act; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1277), which relates to the unlawful carry of firearms in certain places; expanding scope of crime to include certain persons and certain weapons; updating handgun references; clarifying construing provision related to the possession of firearms on certain property; expanding scope of certain prohibited act on university property; amending 21 O.S. 2011, Section 1283, as last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp. 2018, Section 1283), which relates to penalties for unlawfully carrying firearms by convicted felons and delinquents; making certain act unlawful; providing penalties; amending 21 O.S. 2011, Sections 1289.6, as last amended by Section 1, Chapter 268, O.S.L. 2016, 1289.7, as amended by Section 12, 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 and 1289.24, as last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2018, Sections 1289.6, 1289.7, 1289.13, 1289.13A and 1289.24), which relate to the Oklahoma Firearms Act of 1971; clarifying manner by which firearms may be lawfully carried; adding condition that allows for firearms to be lawfully carried; deleting certain conditions related to the carrying of unloaded firearms; clarifying manner by which firearms may be transported in motor vehicles; deleting certain definition; making certain acts unlawful; providing penalties; deleting statutory references and references to certain act; clarifying scope of certain prohibited act; modifying statutory reference; expanding scope of certain prohibited act; making issuance of citation discretionary; modifying firearm confiscation requirements; changing statutory reference in state preemption requirements; amending 21 O.S. 2011, Sections 1290.1, 1290.7, as last amended by Section 3, Chapter 366, O.S.L. 2013, 1290.8, as last amended by Section 3, Chapter 68, O.S.L. 2018 and 1290.22, as last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp. 2018, Sections 1290.7, 1290.8 and 1290.22), which relate to the Oklahoma Self-Defense Act; updating statutory references; providing construing provision related to the carrying of handguns or pistols without a handgun license; deleting penalty for certain prohibited act; clarifying firearm notification requirements; making penalty for certain prohibited act discretionary; clarifying scope of certain prohibited act; amending 21 O.S. 2011, Section 1290.24, as last amended by Section 3, Chapter 18, O.S.L. 2016 (21 O.S. Supp. 2018, Section 1290.24), which relates to governmental immunity; modifying conditions for immunity; and providing an effective date.

SUBJECT: Weapons

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 68, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1272), is amended to read as follows:

Section 1272.

UNLAWFUL CARRY

A. ~~It~~ Notwithstanding any other provision of law, 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;

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

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

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

6. The carrying of a firearm, concealed or unconcealed, loaded or unloaded, by a person who is twenty-one (21) years of age or

older or by a person who is eighteen (18) years of age but not yet twenty-one (21) years of age and the person is a member or veteran of the United States Armed Forces, Reserves or National Guard or was discharged under honorable conditions from the United States Armed Forces, Reserves or National Guard, and the person is otherwise not disqualified from the possession or purchase of a firearm under state or federal law and is not carrying the firearm in furtherance of a crime.

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

a. assault and battery pursuant to the provisions of Section 644 of this title which caused serious physical injury to the victim,

b. aggravated assault and battery pursuant to the provisions of Section 646 of this title,

c. assault and battery that qualifies as domestic abuse as defined in Section 644 of this title,

d. stalking pursuant to the provisions of Section 1173 of this title,

e. a violation of an order issued under the Protection from Domestic Abuse Act or a domestic abuse protection order issued by another state, or

f. a violation relating to illegal drug use or possession under the provisions of the Uniform Controlled Dangerous Substances Act,

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

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

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1277), is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

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

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

2. Any courthouse, courtroom, prison, jail, detention facility or any facility used to process, hold or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent, except as provided in Section 21 of Title 57 of the Oklahoma Statutes;

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

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

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

6. Any other place specifically prohibited by law.

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

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

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

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

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

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

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

C. A concealed or unconcealed weapon may be carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the carrying and possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on

private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

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

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

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

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

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

F. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act <u>or who is carrying or in possession of a firearm as otherwise permitted by law or who is carrying or in possession of a machete, blackjack, loaded cane, hand chain or metal knuckles</u> shall be authorized to carry the ~~handgun~~ <u>firearm, machete, blackjack, loaded cane, hand chain or metal knuckles</u> into or upon any college, university or technology center school property, except as provided in this subsection. For purposes of this subsection, the following property shall not be construed ~~as prohibited for persons having a valid handgun license~~ <u>to be college, university or technology center school property</u>:

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

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

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

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

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

action against any student for any violation of any provision of this subsection.

G. The provisions of this section shall not apply to the following:

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

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

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

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

5. The sheriff of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment within the courthouses in the county in which the person is employed. Nothing in this act shall prohibit the sheriff from requiring additional instruction or training before receiving authorization to carry a concealed handgun within the courthouse. The provisions of this paragraph and of paragraph 6 of this subsection shall not allow the county employee to carry the handgun into a courtroom, sheriff's office, adult or juvenile jail or any other prisoner detention area; and

6. The board of county commissioners of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the

course and scope of employment on county annex facilities or grounds surrounding the county courthouse.

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

SECTION 3. AMENDATORY 21 O.S. 2011, Section 1283, as last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp. 2018, Section 1283), is amended to read as follows:

Section 1283.

CONVICTED FELONS AND DELINQUENTS

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

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

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

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

E. It shall be unlawful for any person who is an alien illegally or unlawfully in the United States to have in the possession of the person or under the immediate control of the person, or in any vehicle the person is operating, or at the residence where the person resides, any pistol, imitation or homemade pistol, altered air or toy pistol, shotgun, rifle or any other dangerous or deadly firearm; provided, that nothing in this subsection applies to prohibit the transport or detention of the person by law enforcement officers or federal immigration authorities. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of a misdemeanor punishable by a fine of Two Hundred Fifty Dollars ($250.00).

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

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

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

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

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

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

SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.6, as last amended by Section 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp. 2018, 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~~ federal military reserve and active military forces. 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;

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. As provided for in subsection A of Section 1272 of this title; or

7. 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, carrying, 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~~ and 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 5. AMENDATORY 21 O.S. 2011, Section 1289.7, as amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018, Section 1289.7), is amended to read as follows:

Section 1289.7

FIREARMS IN VEHICLES

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

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

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

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

SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.13, as amended by Section 18, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018, Section 1289.13), is amended to read as follows:

Section 1289.13

TRANSPORTING A LOADED FIREARM

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

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

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

SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.13A, as amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018, Section 1289.13A), is amended to read as follows:

Section 1289.13A

IMPROPER TRANSPORTATION OF FIREARMS

A. Notwithstanding the provisions of Section 1272 or ~~1289.13~~ 1289.7 of this title, any person stopped pursuant to a moving traffic violation who is transporting a loaded pistol in the motor vehicle without a valid handgun license authorized by the Oklahoma Self-Defense Act or valid license from another state, or in violation of any law related to the carrying or transporting of firearms, whether the loaded firearm is concealed or unconcealed in

the vehicle, ~~shall~~ may be issued a traffic citation in the amount of Seventy Dollars ($70.00), plus court costs for transporting a firearm improperly. In addition to the traffic citation provided in this section, the person may also be arrested for any other violation of law.

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

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

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

a. contraband, or

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

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

SECTION 8. AMENDATORY 21 O.S. 2011, Section 1289.24, as last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2018, Section 1289.24), is amended to read as follows:

Section 1289.24

FIREARM REGULATION - STATE PREEMPTION

A. 1. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way firearms, knives, components, ammunition, and supplies to the complete exclusion of any order, ordinance, or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances, or regulations in this field, except as provided for in paragraph 2 of this subsection and subsection C of this section, are null and void.

2. A municipality may adopt any ordinance:

a. relating to the discharge of firearms within the jurisdiction of the municipality, and

b. allowing the municipality to issue a traffic citation for transporting a firearm improperly as provided for in Section 1289.13A of this title, provided, however, that penalties contained for violation of any ordinance enacted pursuant to the provisions of this subparagraph shall not exceed the penalties established in the Oklahoma Self-Defense Act.

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

4. A public or private school may create a policy regulating the possession of knives on school property or in any school bus or vehicle used by the school for purposes of transportation.

B. No municipality or other political subdivision of this state shall adopt any order, ordinance, or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, carrying, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes, or other controls on firearms, knives, components, ammunition, and supplies.

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

D. When a person's rights pursuant to the protection of the preemption provisions of this section have been violated, the person shall have the right to bring a civil action against the persons,

municipality, and political subdivision jointly and severally for injunctive relief or monetary damages or both.

SECTION 9. AMENDATORY 21 O.S. 2011, Section 1290.1, is amended to read as follows:

Section 1290.1

SHORT TITLE

Sections ~~1~~ 1290.1 through ~~25~~ 1290.27 of this ~~act~~ title shall be known and may be cited as the "Oklahoma Self-Defense Act".

SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.7, as last amended by Section 3, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2018, 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 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 as defined by the provisions of Section 1290.2 of this title;

2. Carry or possess any pistol 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;

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

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

B. The availability of a license to carry 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 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 11. AMENDATORY 21 O.S. 2011, Section 1290.8, as last amended by Section 3, Chapter 68, O.S.L. 2018 (21 O.S. Supp. 2018, 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 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 pursuant to the Oklahoma Self-Defense Act.

B. A person in possession of a valid handgun license or who meets the criteria and presents a valid military identification card as provided for in this section and in compliance with the provisions of the Oklahoma Self-Defense Act shall be authorized to carry such concealed or unconcealed handgun 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 Oklahoma driver license or an Oklahoma State photo identification at all times when in possession of an authorized pistol. The person shall display the handgun license or a valid military 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 shall not be disarmed or physically restrained unless the individual fails to display a valid handgun license or a valid military 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. ~~Any second or subsequent violation of the provisions of this subsection shall be grounds for the Bureau to suspend the handgun license for a period of six (6) months, in addition to any other penalty imposed.~~

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 identification has been issued to such person and the person may state any reason why the handgun license, a valid military 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 identification 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 ~~handgun~~ firearm pursuant to the authority of the Oklahoma Self-Defense Act ~~when the person comes into contact with any law enforcement officer of this state or its political subdivisions or a federal law enforcement officer~~ during the course of any arrest, detainment, or routine traffic stop. Said identification to the law enforcement officer shall be ~~made at~~ required upon the ~~first opportunity~~ demand of 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 when no handgun is in the possession of the person or in any vehicle in which the person is driving or is a passenger. Any ~~violation~~ violator of the provisions of this subsection ~~shall, upon conviction,~~ may be ~~a misdemeanor punishable by a fine~~ 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, 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 12. AMENDATORY 21 O.S. 2011, Section 1290.22, as last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp. 2018, Section 1290.22), is amended to read as follows:

Section 1290.22

BUSINESS OWNER'S RIGHTS

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

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

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

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

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

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

3. The fairgrounds during the Oklahoma State Fair or the Tulsa State Fair; and

4. The portion of a public property structure or building that is leased or under contract to a business or not-for-profit entity or group for offices.

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

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

2. Refuses to leave the property and a peace officer is summoned,

the person may ~~be issued a citation for an amount not to exceed Two Hundred Fifty Dollars ($250.00)~~ be punished as provided in Section 1276 of this title.

F. A person, property owner, tenant, employer, holder of an event permit, place of worship or business entity that does or does not prohibit any individual, except a convicted felon, from carrying a loaded or unloaded, concealed or unconcealed weapon on property that the person, property owner, tenant, employer, holder of an event permit, place of worship or business entity owns, or has legal control of, is immune from any liability arising from that decision. Except for acts of gross negligence or willful or wanton misconduct, an employer who does or does not prohibit ~~their~~ his or her employees from carrying a concealed or unconcealed weapon is immune from any liability arising from that decision. A person, property owner, tenant, employer, holder of an event permit, place of worship or business entity that does not prohibit persons from carrying a concealed or unconcealed weapon pursuant to subsection D of this section shall be immune from any liability arising from the carrying of a concealed or unconcealed weapon, while in the scope of employment, on the property or in or about a business entity vehicle. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

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

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

SECTION 13. AMENDATORY 21 O.S. 2011, Section 1290.24, as last amended by Section 3, Chapter 18, O.S.L. 2016 (21 O.S. Supp. 2018, 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 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 ~~pistol~~ firearm committed by a person ~~to whom a license to carry a concealed or unconcealed handgun has been issued~~ pursuant to the provisions of the Oklahoma Self-Defense Act or by any person who obtains a ~~pistol from a licensee~~ firearm;

3. Any injury to any person during a handgun 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 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 pursuant to a handgun license; 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 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 14. This act shall become effective November 1, 2019.

Passed the House of Representatives the 13th day of February, 2019.

Presiding Officer of the House of Representatives

Passed the Senate the 27th day of February, 2019.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 27th day of February, 2019, at 4:07 o'clock p. M.

By: Sumer Curry

Approved by the Governor of the State of Oklahoma this 27th day of February, 2019, at 4:36 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 27th day of February, 2019, at 4:36 o'clock P. M.

By: Mia Ryes

Appendix Tab 2

BRIAN TED JONES

P C

August 12, 2019

The Honorable Michael Rogers
Oklahoma Secretary of State
2300 N. Lincoln Boulevard, Ste. 122
Oklahoma City, OK 73105

Re: Referendum Petition

Dear Mr. Secretary:

Please accept for filing the enclosed copy of a referendum petition regarding Enrolled House Bill 2597, with an exact copy of the measure's text, a proposed ballot title, a signature page containing the gist of the proposition, and an attached circulator's affidavit. The petition requests that House Bill 2597 be referred to the voters for their approval or disapproval at the next general election.

Best,

BRIAN TED JONES
Brian Ted Jones, PC
528 NW 12th St.
Oklahoma City, OK 73103
Counsel for Proponents

cc: Oklahoma Attorney General

State Question No._____, Referendum No._____

WARNING

IT IS A FELONY FOR ANYONE TO SIGN AN INITIATIVE OR REFERENDUM PETITION WITH ANY NAME OTHER THAN HIS OWN, OR KNOWINGLY TO SIGN HIS NAME MORE THAN ONCE FOR THE MEASURE, OR TO SIGN SUCH PETITION WHEN HE IS NOT A LEGAL VOTER.

REFERENDUM

To the Honorable J. Kevin Stitt, Governor of Oklahoma:

We, the undersigned legal voters of the State of Oklahoma, respectfully order that Enrolled House Bill No. 2597, entitled:

> "An Act relating to firearms; amending 21 O.S. 2011, Section 1272, as last amended by Section 1, Chapter 68, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1272), which relates to the unlawful carry of firearms; adding exception to certain prohibited act; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1277), which relates to the unlawful carry of firearms in certain places; expanding scope of crime to include certain persons and certain weapons; updating handgun references; clarifying construing provision related to the possession of firearms on certain property; expanding scope of certain prohibited act on university property; amending 21 O.S. 2011, Section 1283, as last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp. 2018, Section 1283), which relates to penalties for unlawfully carrying firearms by convicted felons and delinquents; making certain act unlawful; providing penalties; amending 21 O.S. 2011, Sections 1289.6, as last amended by Section 1, Chapter 268, O.S.L. 2016, 1289.7, as amended by Section 12, 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 and 1289.24, as last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2018, Sections 1289.6, 1289.7, 1289.13, 1289.13A and 1289.24), which relate to the Oklahoma Firearms Act of 1971; clarifying manner by which firearms may be lawfully carried; adding condition that allows for firearms to be lawfully carried; deleting certain conditions related to the carrying of unloaded firearms; clarifying manner by which firearms may be transported in motor vehicles; deleting certain definition; making certain acts unlawful; providing penalties; deleting statutory references and references to certain act; clarifying scope of certain prohibited act; modifying statutory reference; expanding scope of certain prohibited act; making issuance of citation discretionary; modifying firearm confiscation requirements; changing statutory reference in state preemption requirements; amending 21 O.S. 2011, Sections 1290.1, 1290.7, as last amended by Section 3, Chapter 366, O.S.L. 2013, 1290.8, as last amended by Section 3, Chapter 68, O.S.L. 2018 and 1290.22, as last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp. 2018, Sections 1290.7, 1290.8 and 1290.22), which relate to the Oklahoma Self-Defense Act; updating statutory references; providing construing provision related to the carrying of handguns or pistols without a handgun license; deleting penalty for certain prohibited act; clarifying firearm notification requirements; making penalty for certain prohibited act discretionary; clarifying scope of certain prohibited act; amending 21 O.S. 2011, Section 1290.24, as last amended by Section 3, Chapter 18, O.S.L. 2016 (21 O.S. Supp. 2018, Section 1290.24), which relates to governmental immunity; modifying conditions for immunity; and providing an effective date.",

passed by the 57th Legislature of the State of Oklahoma, at the first regular session of said legislature, shall be referred to the people of the State for their approval or rejection

at the regular election to be held on the 3rd day of November, 2020, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name.

Referendum petitions shall be filed with the Secretary of State not more than ninety (90) days after the final adjournment of the legislature which passed the bill on which the referendum is demanded.

The question we herewith submit to our fellow voters is: Shall the following bill of the legislature be approved? **(Exhibit A, attached)**

Name and Address of Proponents:

_____
Joshua Harris-Till
1127 NW 27th St.
Oklahoma City, OK 73106

_____
The Honorable Jason Lowe
25 NW 63rd St.
Oklahoma City, OK 73105

_____
Jennifer Birch
10305 Northland Rd.
The Village, OK 73120

EXHIBIT A: ENROLLED HOUSE BILL 2597

An Act

ENROLLED HOUSE
BILL NO. 2597

By: Echols, Mize, Crosswhite Hader, Townley, McDugle, Roberts (Sean), Olsen, Gann, West (Kevin), Steagall, Moore, Humphrey, McBride, Hasenbeck, Patzkowsky, Cornwell, Hilbert, Davis, Tadlock, Russ, Frix, Lawson, Sims, McCall, O'Donnell, Taylor, Pfeiffer, Sneed and West (Josh) of the House

and

David, Dahm, Murdock, Scott, Newhouse, Allen, Treat and Silk of the Senate

An Act relating to firearms; amending 21 O.S. 2011, Section 1272, as last amended by Section 1, Chapter 68, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1272), which relates to the unlawful carry of firearms; adding exception to certain prohibited act; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1277), which relates to the unlawful carry of firearms in certain places; expanding scope of crime to include certain persons and certain weapons; updating handgun references; clarifying construing provision related to the possession of firearms on certain property; expanding scope of certain prohibited act on university property; amending 21 O.S. 2011, Section 1283, as last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp. 2018, Section 1283), which relates to penalties for unlawfully carrying firearms by convicted felons and delinquents; making certain act unlawful; providing penalties; amending 21 O.S. 2011, Sections 1289.6, as last amended by Section 1, Chapter 268, O.S.L. 2016, 1289.7, as amended by Section 12, 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 and 1289.24, as last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2018, Sections 1289.6, 1289.7, 1289.13, 1289.13A and 1289.24), which relate to the Oklahoma Firearms Act of 1971; clarifying manner by which firearms may be lawfully carried; adding condition that allows for firearms to be lawfully carried; deleting certain conditions related to the carrying of unloaded firearms; clarifying manner by which firearms may be transported in motor vehicles; deleting certain definition; making certain acts unlawful; providing penalties; deleting statutory references and references to certain act; clarifying scope of certain prohibited act; modifying statutory reference; expanding scope of certain prohibited act; making issuance of citation discretionary; modifying firearm confiscation requirements; changing statutory reference in state preemption requirements; amending 21 O.S. 2011, Sections 1290.1, 1290.7, as last amended by Section 3, Chapter 366, O.S.L. 2013, 1290.8, as last amended by Section 3, Chapter 68, O.S.L. 2018 and 1290.22, as last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp. 2018, Sections 1290.7, 1290.8 and 1290.22), which relate to the Oklahoma Self-Defense Act; updating statutory references; providing construing provision related to the carrying of handguns or pistols without a handgun license; deleting penalty for certain prohibited act; clarifying firearm notification requirements; making penalty for certain prohibited act discretionary; clarifying scope of certain prohibited act; amending 21 O.S. 2011, Section 1290.24, as last amended by Section 3, Chapter 18, O.S.L. 2016 (21 O.S. Supp. 2018, Section 1290.24), which relates to governmental immunity; modifying conditions for immunity; and providing an effective date.

SUBJECT: Weapons

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 68, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1272), is amended to read as follows:

Section 1272.

UNLAWFUL CARRY

A. ~~It~~ Notwithstanding any other provision of law, 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;

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

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

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

6. The carrying of a firearm, concealed or unconcealed, loaded or unloaded, by a person who is twenty-one (21) years of age or

older or by a person who is eighteen (18) years of age but not yet twenty-one (21) years of age and the person is a member or veteran of the United States Armed Forces, Reserves or National Guard or was discharged under honorable conditions from the United States Armed Forces, Reserves or National Guard, and the person is otherwise not disqualified from the possession or purchase of a firearm under state or federal law and is not carrying the firearm in furtherance of a crime.

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

a. assault and battery pursuant to the provisions of Section 644 of this title which caused serious physical injury to the victim,

b. aggravated assault and battery pursuant to the provisions of Section 646 of this title,

c. assault and battery that qualifies as domestic abuse as defined in Section 644 of this title,

d. stalking pursuant to the provisions of Section 1173 of this title,

e. a violation of an order issued under the Protection from Domestic Abuse Act or a domestic abuse protection order issued by another state, or

f. a violation relating to illegal drug use or possession under the provisions of the Uniform Controlled Dangerous Substances Act,

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

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

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1277), is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

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

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

2. Any courthouse, courtroom, prison, jail, detention facility or any facility used to process, hold or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent, except as provided in Section 21 of Title 57 of the Oklahoma Statutes;

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

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

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

6. Any other place specifically prohibited by law.

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

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

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

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

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

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

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

C. A concealed or unconcealed weapon may be carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the carrying and possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on

private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

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

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

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

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

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

F. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act <u>or who is carrying or in possession of a firearm as otherwise permitted by law or who is carrying or in possession of a machete, blackjack, loaded cane, hand chain or metal knuckles</u> shall be authorized to carry the ~~handgun~~ <u>firearm, machete, blackjack, loaded cane, hand chain or metal knuckles</u> into or upon any college, university or technology center school property, except as provided in this subsection. For purposes of this subsection, the following property shall not be construed ~~as prohibited for persons having a valid handgun license~~ <u>to be college, university or technology center school property</u>:

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

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

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

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

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

action against any student for any violation of any provision of this subsection.

G. The provisions of this section shall not apply to the following:

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

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

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

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

5. The sheriff of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment within the courthouses in the county in which the person is employed. Nothing in this act shall prohibit the sheriff from requiring additional instruction or training before receiving authorization to carry a concealed handgun within the courthouse. The provisions of this paragraph and of paragraph 6 of this subsection shall not allow the county employee to carry the handgun into a courtroom, sheriff's office, adult or juvenile jail or any other prisoner detention area; and

6. The board of county commissioners of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the

course and scope of employment on county annex facilities or grounds surrounding the county courthouse.

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

SECTION 3. AMENDATORY 21 O.S. 2011, Section 1283, as last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp. 2018, Section 1283), is amended to read as follows:

Section 1283.

CONVICTED FELONS AND DELINQUENTS

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

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

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

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

E. It shall be unlawful for any person who is an alien illegally or unlawfully in the United States to have in the possession of the person or under the immediate control of the person, or in any vehicle the person is operating, or at the residence where the person resides, any pistol, imitation or homemade pistol, altered air or toy pistol, shotgun, rifle or any other dangerous or deadly firearm; provided, that nothing in this subsection applies to prohibit the transport or detention of the person by law enforcement officers or federal immigration authorities. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of a misdemeanor punishable by a fine of Two Hundred Fifty Dollars ($250.00).

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

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

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

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

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

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

SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.6, as last amended by Section 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp. 2018, 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~~ federal military reserve and active military forces. 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;

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. As provided for in subsection A of Section 1272 of this title; or

7. 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, carrying, 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~~ and 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 5. AMENDATORY 21 O.S. 2011, Section 1289.7, as amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018, Section 1289.7), is amended to read as follows:

Section 1289.7

FIREARMS IN VEHICLES

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

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

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

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

SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.13, as amended by Section 18, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018, Section 1289.13), is amended to read as follows:

Section 1289.13

TRANSPORTING A LOADED FIREARM

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

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

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

SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.13A, as amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018, Section 1289.13A), is amended to read as follows:

Section 1289.13A

IMPROPER TRANSPORTATION OF FIREARMS

A. Notwithstanding the provisions of Section 1272 or ~~1289.13~~ 1289.7 of this title, any person stopped pursuant to a moving traffic violation who is transporting a loaded pistol in the motor vehicle without a valid handgun license authorized by the Oklahoma Self-Defense Act or valid license from another state, or in violation of any law related to the carrying or transporting of firearms, whether the loaded firearm is concealed or unconcealed in

the vehicle, ~~shall~~ may be issued a traffic citation in the amount of Seventy Dollars ($70.00), plus court costs for transporting a firearm improperly. In addition to the traffic citation provided in this section, the person may also be arrested for any other violation of law.

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

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

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

a. contraband, or

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

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

SECTION 8. AMENDATORY 21 O.S. 2011, Section 1289.24, as last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2018, Section 1289.24), is amended to read as follows:

Section 1289.24

FIREARM REGULATION - STATE PREEMPTION

A. 1. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way firearms, knives, components, ammunition, and supplies to the complete exclusion of any order, ordinance, or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances, or regulations in this field, except as provided for in paragraph 2 of this subsection and subsection C of this section, are null and void.

2. A municipality may adopt any ordinance:

a. relating to the discharge of firearms within the jurisdiction of the municipality, and

b. allowing the municipality to issue a traffic citation for transporting a firearm improperly as provided for in Section 1289.13A of this title, provided, however, that penalties contained for violation of any ordinance enacted pursuant to the provisions of this subparagraph shall not exceed the penalties established in the Oklahoma Self-Defense Act.

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

4. A public or private school may create a policy regulating the possession of knives on school property or in any school bus or vehicle used by the school for purposes of transportation.

B. No municipality or other political subdivision of this state shall adopt any order, ordinance, or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, carrying, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes, or other controls on firearms, knives, components, ammunition, and supplies.

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

D. When a person's rights pursuant to the protection of the preemption provisions of this section have been violated, the person shall have the right to bring a civil action against the persons,

municipality, and political subdivision jointly and severally for injunctive relief or monetary damages or both.

SECTION 9. AMENDATORY 21 O.S. 2011, Section 1290.1, is amended to read as follows:

Section 1290.1

SHORT TITLE

Sections ~~1~~ 1290.1 through ~~25~~ 1290.27 of this ~~act~~ title shall be known and may be cited as the "Oklahoma Self-Defense Act".

SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.7, as last amended by Section 3, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2018, 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 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 as defined by the provisions of Section 1290.2 of this title;

2. Carry or possess any pistol 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;

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

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

B. The availability of a license to carry 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 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 11. AMENDATORY 21 O.S. 2011, Section 1290.8, as last amended by Section 3, Chapter 68, O.S.L. 2018 (21 O.S. Supp. 2018, 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 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 pursuant to the Oklahoma Self-Defense Act.

B. A person in possession of a valid handgun license or who meets the criteria and presents a valid military identification card as provided for in this section and in compliance with the provisions of the Oklahoma Self-Defense Act shall be authorized to carry such concealed or unconcealed handgun 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 Oklahoma driver license or an Oklahoma State photo identification at all times when in possession of an authorized pistol. The person shall display the handgun license or a valid military 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 shall not be disarmed or physically restrained unless the individual fails to display a valid handgun license or a valid military 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. ~~Any second or subsequent violation of the provisions of this subsection shall be grounds for the Bureau to suspend the handgun license for a period of six (6) months, in addition to any other penalty imposed.~~

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 identification has been issued to such person and the person may state any reason why the handgun license, a valid military 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 identification 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 ~~handgun~~ firearm pursuant to the authority of the Oklahoma Self-Defense Act ~~when the person comes into contact with any law enforcement officer of this state or its political subdivisions or a federal law enforcement officer~~ during the course of any arrest, detainment, or routine traffic stop. Said identification to the law enforcement officer shall be ~~made at~~ required upon the ~~first opportunity~~ demand of 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 when no handgun is in the possession of the person or in any vehicle in which the person is driving or is a passenger. Any ~~violation~~ violator of the provisions of this subsection ~~shall, upon conviction,~~ may be ~~a misdemeanor punishable by a fine~~ 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, 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 12. AMENDATORY 21 O.S. 2011, Section 1290.22, as last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp. 2018, Section 1290.22), is amended to read as follows:

Section 1290.22

BUSINESS OWNER'S RIGHTS

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

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

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

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

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

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

3. The fairgrounds during the Oklahoma State Fair or the Tulsa State Fair; and

4. The portion of a public property structure or building that is leased or under contract to a business or not-for-profit entity or group for offices.

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

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

2. Refuses to leave the property and a peace officer is summoned,

the person may ~~be issued a citation for an amount not to exceed Two Hundred Fifty Dollars ($250.00)~~ be punished as provided in Section 1276 of this title.

F. A person, property owner, tenant, employer, holder of an event permit, place of worship or business entity that does or does not prohibit any individual, except a convicted felon, from carrying a loaded or unloaded, concealed or unconcealed weapon on property that the person, property owner, tenant, employer, holder of an event permit, place of worship or business entity owns, or has legal control of, is immune from any liability arising from that decision. Except for acts of gross negligence or willful or wanton misconduct, an employer who does or does not prohibit ~~their~~ his or her employees from carrying a concealed or unconcealed weapon is immune from any liability arising from that decision. A person, property owner, tenant, employer, holder of an event permit, place of worship or business entity that does not prohibit persons from carrying a concealed or unconcealed weapon pursuant to subsection D of this section shall be immune from any liability arising from the carrying of a concealed or unconcealed weapon, while in the scope of employment, on the property or in or about a business entity vehicle. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

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

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

SECTION 13. AMENDATORY 21 O.S. 2011, Section 1290.24, as last amended by Section 3, Chapter 18, O.S.L. 2016 (21 O.S. Supp. 2018, 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 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 ~~pistol~~ firearm committed by a person ~~to whom a license to carry a concealed or unconcealed handgun has been issued~~ pursuant to the provisions of the Oklahoma Self-Defense Act or by any person who obtains a ~~pistol from a licensee~~ firearm;

3. Any injury to any person during a handgun 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 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 pursuant to a handgun license; 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 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 14. This act shall become effective November 1, 2019.

Passed the House of Representatives the 13th day of February, 2019.

D. Hand Wright
Presiding Officer of the House
of Representatives

Passed the Senate the 27th day of February, 2019.

Greg Treat
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 27th
day of February, 20 19, at 4:07 o'clock p. M.
By: Sumer Curry

Approved by the Governor of the State of Oklahoma this 27th
day of February, 20 19, at 4:36 o'clock p. M.

Kevin Stitt
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 27th
day of February, 20 19, at 4:36 o'clock P. M.
By: Mial Byers

SIGNATURES

The gist of the proposition is as follows: This measure refers Enrolled House Bill 2597 ("2597") to a vote of the people. 2597 legalizes the concealed or unconcealed carrying of loaded or unloaded firearms by any person twenty-one (21) years of age or older, or, eighteen (18) years of age or older if the person is a current military member or veteran, without any additional licensing requirements, if the person is not otherwise disqualified from firearm possession by state or federal law, and into any location where carrying firearms is not specifically prohibited. 2597 also legalizes possession of firearms and other weapons in defined areas of colleges, universities, and technology centers; criminalizes possession of firearms by aliens illegally in the United States; requires law enforcement to ask whether a person possesses a firearm during an arrest, detention, or traffic stop, rather than requiring the person to disclose the firearm; and makes failure to disclose a firearm to law enforcement a citation offense with a maximum fine of one hundred dollars ($100.00).

WARNING

IT IS A FELONY FOR ANYONE TO SIGN AN INITIATIVE OR REFERENDUM PETITION WITH ANY NAME OTHER THAN HIS OWN, OR KNOWINGLY TO SIGN HIS NAME MORE THAN ONCE FOR THE MEASURE, OR TO SIGN THE PETITION WHEN HE IS NOT A LEGAL VOTER.

1. _____
SIGNATURE OF LEGAL VOTER PRINT NAME ADDRESS CITY ZIP COUNTY

2. _____
SIGNATURE OF LEGAL VOTER PRINT NAME ADDRESS CITY ZIP COUNTY

3. _____
SIGNATURE OF LEGAL VOTER PRINT NAME ADDRESS CITY ZIP COUNTY

4. _____
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11. _____
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12. _____
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13. _____
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14. _____
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15. _____
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16. _____
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17. _____
SIGNATURE OF LEGAL VOTER PRINT NAME ADDRESS CITY ZIP COUNTY

18. _____
SIGNATURE OF LEGAL VOTER PRINT NAME ADDRESS CITY ZIP COUNTY

19. _____
SIGNATURE OF LEGAL VOTER PRINT NAME ADDRESS CITY ZIP COUNTY

AFFIDAVIT

STATE OF OKLAHOMA)
) ss.
COUNTY OF _____)

I, _____, being first duly sworn, say:

That I am at least eighteen (18) years old and that all signatures on the signature sheet were signed in my presence. I believe that each has stated their name, mailing address, and residence correctly, and that each signer is a legal voter of the State of Oklahoma and the County of their residence as stated.

_____
Circulator's Signature

_____
Address

_____
City Zip Code

Subscribed and sworn to before me this ____ day of _____, 2019.

_____
Notary Public

_____
Address

_____
City Zip Code

My Commission Expires:

_____

My Commission Number:

_____

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA
AUG 26 2019
JOHN D. HADDEN
CLERK

#118200

Oklahoma Second Amendment Association, Oklahoma Taxpayers Unite! Inc., Oklahoma Conservative Political Action Committee, and Members of the House of Representatives: Speaker Charles McCall, Jon Echols, Kevin West, Sean Roberts, Terry O'Donnell, Zack Taylor, Avery Frix, Josh West, Mark LePak, Brad Boles, Tom Gann, JJ Humphrey, Lewis Moore, Rusty Cornwell, Jim Olsen, Kenton Patzowsky, Todd Russ, Tammy Townley, Kevin McDugle, Denise Crosswhite-Hader, Mark Lawson, and Jay Steagall, and Members of the Senate: Kim David, Nathan Dahm, Joe Silk, David Bullard, Mark Allen, Paul Scott, Casey Murdock, James Leewright, Gary Stanislawski, Julie Daniels, Chuck Hall, Marty Quinn, Roger Thompson, Michael Bergstrom,)

Petitioners/Protestants)

VS.)

The Honorable Jason Lowe, Jennifer Birch, and Joshua Harris-Till,)

Sup. Ct. Case No.

ENTRY OF APPEARANCE

Comes now, Kevin Calvey, attorney for the Petitioners/Protestants, and enters his appearance in the above captioned case.

Kevin Calvey, OBA #16190
PO Box 20443
Oklahoma City, OK 73156
(405) 633-0967
calveylaw@gmail.com
Attorney for Protesters/Petitioners

RECEIVED
AUG 27 2019
OKLAHOMA SECRETARY OF STATE

CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the above and foregoing was mailed, postage pre-

paid, this 26th day of August 2019, to:

The Honorable Jason Lowe, 25 NW 63d St., Oklahoma City, Oklahoma, 73105
Jennifer Birch, 10305 Northland Rd., The Village, Oklahoma 73120
Joshua Harris-Till, 1127 N.W. 27th St. Oklahoma City, Oklahoma, 73106
Respondents/Proponents

Brian Ted Jones
Brian Ted Jones, PC
528 NW 12th St.
Oklahoma City, OK 73103
Counsel for Proponents

The Honorable Michael Hunter
Attorney General of Oklahoma
313 NE 21st Street
Oklahoma City, OK 73105

The Honorable Michael Rogers
Oklahoma Secretary of State
2300 N. Lincoln Boulevard, Room 101
Oklahoma City, OK 73105
and
421 NE 13th Street, Suite 310
Oklahoma City, OK 73103

Kevin Calvey

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

Oklahoma Second Amendment Association,)	
Oklahoma Taxpayers Unite! Inc.,)	
Oklahoma Conservative Political Action)	
Committee, and)	
Members of the House of Representatives:)	
Speaker: Charles McCall, Floor Leader, Jon Echols,)	
Kevin West, Sean Roberts,Terry O'Donnell,)	
Mark Lawson,Tom Gann, JJ Humphrey, Lewis)	
Moore,Rusty Cornwell, Jim Olsen, Kenton)	
Patzowsky,Todd Russ, Tammy Townley, Kevin)	
McDugle,Denise Crosswhite-Hader, Zack Taylor)	
and Jay Steagall, and)	Sup. Ct. Case No. #118200
Members of the Senate: Floor Leader, Kim David,)	
Nathan Dahm, Joe Silk, David Bullard,)	
Mark Allen, Paul Scott, Casey Murdock,)	
James Leewright, Gary Stanislawski,)	
Julie Daniels, Chuck Hall, and Marty Quinn,)	
)	
Petitioners/Protestants)	
)	
VS.)	
)	
The Honorable Jason Lowe,)	
Jennifer Birch, and Joshua Harris-Till,)	
)	
Respondents/Proponents)	

FILED
SUPREME COURT
STATE OF OKLAHOMA
AUG 26 2019
JOHN D. HADDEN
CLERK

Entry of Appearance

Comes now, Robert R. Robles, attorney, for the Petitioners/Protestants, and enters his appearance in the above captioned case.

Robert Robles, OBA #7693
411 NW 5th St.
Oklahoma City, OK 73102
(405) 232-7980
rrrobles@sbcglobal.net
Attorney for Protesters/Petitioners

RECEIVED
AUG 27 2019
OKLAHOMA SECRETARY OF STATE

CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the above and foregoing was mailed, postage pre-paid, this 26th day of August 2019, to:

The Honorable Jason Lowe, 25 NW 63d St., Oklahoma City, Oklahoma, 73105

Jennifer Birch, 10305 Northland Rd., The Village, Oklahoma 73120

Joshua Harris-Till, 1127 N.W. 27th St. Oklahoma City, Oklahoma, 73106
Respondents/Proponents
Brian Ted Jones

Brian Ted Jones, PC, 528 NW 12th St., Oklahoma City, OK 73103, Counsel for Proponents

The Honorable Michael Hunter, Attorney General of Oklahoma, 313 NE 21st Street, Oklahoma City, OK 73105

The Honorable Michael Rogers, Oklahoma Secretary of State, 2300 N. Lincoln Boulevard, Room 101, Oklahoma City, OK 73105
and
421 NE 13th Street, Suite 310, Oklahoma City, OK 73103

_____
Kevin Calvey

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

Oklahoma Second Amendment Association,	)	
Oklahoma Taxpayers Unite! Inc.,	)	
Oklahoma Conservative Political Action	)	
Committee, and	)	
Members of the House of Representatives:	)	
Speaker Charles McCall, Jon Echols, Kevin West,	)	
Sean Roberts, Terry O'Donnell, Zack Taylor,	)	
Avery Frix, Josh West, Mark LePak, Brad Boles,	)	
Tom Gann, JJ Humphrey, Lewis Moore,	)	
Rusty Cornwell, Jim Olsen, Kenton Patzowsky,	)	
Todd Russ, Tammy Townley, Kevin McDugle,	)	
Denise Crosswhite-Hader, Mark Lawson,	)	Sup. Ct. Case No. #118200
and Jay Steagall, and Members of the Senate:	)	
Kim David, Nathan Dahm, Joe Silk, David Bullard,	)	
Mark Allen, Paul Scott, Casey Murdock,	)	
James Leewright, Gary Stanislawski,	)	
Julie Daniels, Chuck Hall, Marty Quinn,	)	
Roger Thompson, Michael Bergstrom,	)	
	)	
Petitioners/Protestants	)	
	)	
VS.	)	
	)	
The Honorable Jason Lowe,	)	
Jennifer Birch, and Joshua Harris-Till,	)	
	)	

FILED
SUPREME COURT
STATE OF OKLAHOMA
AUG 26 2019
JOHN D. HADDEN
CLERK

RECEIVED
AUG 27 2019
OKLAHOMA SECRETARY
OF STATE

NOTICE OF ORIGINAL JURISDICTION SUPREME COURT PROCEEDING

Notice to:

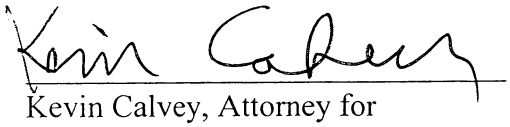
The Honorable Jason Lowe, 25 NW 63d St., Oklahoma City, Oklahoma, 73105
Jennifer Birch, 10305 Northland Rd., The Village, Oklahoma 73120
Joshua Harris-Till, 1127 N.W. 27th St. Oklahoma City, Oklahoma, 73106
Brian Ted Jones, Brian Ted Jones, PC, 528 NW 12th St., Oklahoma City, OK 73103

The Honorable Mike Hunter, Attorney General of Oklahoma, 313 Northeast 21st St., Oklahoma City, Oklahoma 73105

The Honorable Michael Rodgers, Oklahoma Secretary of State, State Capitol Building, 2300 North Lincoln Blvd., Rm 101, Oklahoma City, Oklahoma 73105 and 421 NE 13th, Suite 310, Oklahoma City, OK 73103

The above captioned original proceeding was filed. Per the authority of Sup.Ct. R. 1.191(e), dates for response and any oral presentation will be set by order of the Chief Justice.

Respectfully submitted,



Kevin Calvey, Attorney for
Petitioners/Protestants

CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the above and foregoing was mailed, postage pre-paid, this 26th day of August 2019, to:

The Honorable Jason Lowe, 25 NW 63d St., Oklahoma City, Oklahoma, 73105
Jennifer Birch, 10305 Northland Rd., The Village, Oklahoma 73120
Joshua Harris-Till, 1127 N.W. 27th St. Oklahoma City, Oklahoma, 73106
Respondents/Proponents

Brian Ted Jones
Brian Ted Jones, PC
528 NW 12th St.
Oklahoma City, OK 73103
Counsel for Proponents

The Honorable Michael Hunter
Attorney General of Oklahoma
313 NE 21st Street
Oklahoma City, OK 73105

The Honorable Michael Rogers
Oklahoma Secretary of State
2300 N. Lincoln Boulevard, Room 101
Oklahoma City, OK 73105
and
421 NE 13th Street, Suite 310
Oklahoma City, OK 73103

Kevin Calvey

Michael Rogers
Secretary of State and Education

J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

FILED
AUG 30 2019
OKLAHOMA SECRETARY OF STATE

August 30, 2019

Joshua Harris-Till
1127 NW 27th
Oklahoma City, OK 73106

The Honorable Jason Lowe
25 NW 63rd Street
Oklahoma City, OK 73105

Jennifer Birch
10305 Northland Rd.
The Village, OK 73120

Dear Proponent(s):

This letter is to acknowledge receipt of 16 boxes containing petition pamphlets, filed with the Secretary of State August 29, 2019 at 5:00 p.m., on behalf of **State Question 803, Referendum Petition 26**.

Should you have any questions, please do not hesitate to contact our office.

Executive Legislative Division
OKLAHOMA SECRETARY OF STATE OFFICE
State Capitol Building, Rm 122
Oklahoma City, Oklahoma 73105
405.522.4565 / executivelegislative@sos.ok.gov

Cc: Brian Ted Jones (counsel for proponents)

Office of

The Clerk of the Appellate Courts

Oklahoma City, Oklahoma

Oklahoma Judicial Center 2100 N Lincoln Blvd., Suite 4 Oklahoma City, Oklahoma 73105-4907 (405) 556-9400

RECEIPT FOR PAYMENT

Receipt # 75992

Receipt Date: 09/12/2019

Appeal: O-118238

Paid By:
SECRETARY OF STATE

Payment Method(s)

Item	Amount
Other Initial Filing	$ 0.00
Total Amount	**$ 0.00**

OVER THE COUNTER

End of transmission.

Michael Rogers
Secretary of State and Education

J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

FILED
SUPREME COURT
STATE OF OKLAHOMA
SEP 12 2019
JOHN D. HADDEN
CLERK

September 12, 2019

HAND DELIVERED

#118238

Supreme Court Clerk's Office
The Supreme Court of Oklahoma
Oklahoma Judicial Center – Ground Floor
2100 N. Lincoln, Ste. 4
Oklahoma City, Oklahoma 73105

RE: Secretary of State's Certification to the Court of the Physical Signature Count for State Question 803, Referendum Petition 26

Dear Sir/Madame:

Pursuant to the provisions of Title 34 O.S., Sections 6.1 and 8, the Secretary of State certifies to the Supreme Court the following details:

- Sixteen (16) boxes of signature pamphlets, for State Question 803, Referendum Petition 26, were received by our office at 5:00 p.m., August 29, 2019.
- The Secretary of State's office began the physical count of signatures at 1:00 p.m., September 9, 2019 and concluded such on September 11, 2019, at 4:00 p.m.
- A total of 2,455 signature sheets were filed. Individual signature sheets are page numbered 1 through 2,455 and bound in a total of 13 volumes. Volumes 1 through 12 contain 200 signature sheets per volume and Volume 13 contains a total of 55 signature sheets.
- Page numbers 2,363 through 2,455 were not included in such physical count due to one or more of the following;
    a. Improper or incomplete circulator affidavits
    b. Improper or incomplete notarizations by a notary public
    c. Signatures not printed on designated signature lines and not accompanied by a circulator's affidavit
    d. Signature sheet submitted on 8 ½ by 11 size paper
    e. Circulator's affidavit not printed on the back of the signature sheet

- The Secretary of State certifies the total number of signatures physically counted for State Question 803, Referendum Petition 26 is **37,051**.
- The Secretary of State affirms the State Election Board has certified that a total of 1,186,385 votes were cast for the office of Governor at the General Election in November 2018.

In support of the details so certified, please find attached the following documents:

A. Copy of State Question 803, Referendum Petition 26 and proposed ballot title
B. Copy of SOS signature tabulation sheets for SQ803, RP26
C. Copy of total votes cast as certified by the State Election Board--SOS Doc# 049546

Please be advised that this office is prepared to provide the Court with additional information or assistance as needed.

Sincerely,

Michael Rogers
Secretary of State and Education

CERTIFICATE OF MAILING

I hereby certify that a true and accurate copy of the foregoing was hand delivered, on September 12, 2019;

The Honorable Mike Hunter
Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, Oklahoma 73105

I also hereby certify that a true and accurate copy of the foregoing was placed in USPS mail, regular first-class, on September 12, 2019, addressed to the proponent(s) of record for SQ803.

Joshua Harris-Till
1127 NW 27th
Oklahoma City, OK 73106

The Honorable Jason Lowe
25 NW 63rd Street
Oklahoma City, OK 73105

Jennifer Birch
10305 Northland Rd.
The Village, OK 73120

Michael Rogers
Secretary of State and Education

ATTACHMENT 'A'

RECEIVED

AUG 12 2019

OKLAHOMA SECRETARY
OF STATE

PROPOSED BALLOT TITLE

This measure refers Enrolled House Bill 2597 ("2597") to a vote of the people. 2597 passed during the first Regular Session of the 57th Legislature. 2597 legalizes the concealed or unconcealed carrying of loaded or unloaded firearms by any person twenty-one (21) years of age or older, or eighteen (18) years of age or older if the person is a current military member or veteran, without any additional licensing requirements, if the person is not otherwise disqualified from possession of a firearm by state or federal law, and into any location where carrying firearms is not specifically prohibited. 2597 also legalizes possession of firearms, machetes, blackjacks, loaded canes, hand chains, or metal knuckles in defined areas of colleges, universities, and technology centers. 2597 also criminalizes possession of firearms by aliens illegally in the United States. 2597 also amends the laws regarding transportation of firearms, does not require a person in possession of a firearm to notify law enforcement of the firearm during arrest, detention, or a traffic stop, instead requires law enforcement to ask whether the person possesses a firearm, and makes failure to disclose the firearm a citation offense with a maximum fine of one hundred dollars ($100.00).

SHALL ENROLLED HOUSE BILL 2597 BE APPROVED?

FOR ENROLLED HOUSE BILL 2597: YES

AGAINST ENROLLED HOUSE BILL 2597: NO

A "YES" vote is a vote in favor of Enrolled House Bill 2597. A "NO" vote is a vote against House Bill 2597.

FILED

AUG 12 2019

OKLAHOMA SECRETARY
OF STATE

State Question No. 803, Referendum No. 26

WARNING

IT IS A FELONY FOR ANYONE TO SIGN AN INITIATIVE OR REFERENDUM PETITION WITH ANY NAME OTHER THAN HIS OWN, OR KNOWINGLY TO SIGN HIS NAME MORE THAN ONCE FOR THE MEASURE, OR TO SIGN SUCH PETITION WHEN HE IS NOT A LEGAL VOTER.

FILED

AUG 12 2019

OKLAHOMA SECRETARY OF STATE

PETITION FOR REFERENDUM

To the Honorable J. Kevin Stitt, Governor of Oklahoma:

We, the undersigned legal voters of the State of Oklahoma, respectfully order that Enrolled House Bill No. 2597, entitled:

> "An Act relating to firearms; amending 21 O.S. 2011, Section 1272, as last amended by Section 1, Chapter 68, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1272), which relates to the unlawful carry of firearms; adding exception to certain prohibited act; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1277), which relates to the unlawful carry of firearms in certain places; expanding scope of crime to include certain persons and certain weapons; updating handgun references; clarifying construing provision related to the possession of firearms on certain property; expanding scope of certain prohibited act on university property; amending 21 O.S. 2011, Section 1283, as last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp. 2018, Section 1283), which relates to penalties for unlawfully carrying firearms by convicted felons and delinquents; making certain act unlawful; providing penalties; amending 21 O.S. 2011, Sections 1289.6, as last amended by Section 1, Chapter 268, O.S.L. 2016, 1289.7, as amended by Section 12, 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 and 1289.24, as last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2018, Sections 1289.6, 1289.7, 1289.13, 1289.13A and 1289.24), which relate to the Oklahoma Firearms Act of 1971; clarifying manner by which firearms may be lawfully carried; adding condition that allows for firearms to be lawfully carried; deleting certain conditions related to the carrying of unloaded firearms; clarifying manner by which firearms may be transported in motor vehicles; deleting certain definition; making certain acts unlawful; providing penalties; deleting statutory references and references to certain act; clarifying scope of certain prohibited act; modifying statutory reference; expanding scope of certain prohibited act; making issuance of citation discretionary; modifying firearm confiscation requirements; changing statutory reference in state preemption requirements; amending 21 O.S. 2011, Sections 1290.1, 1290.7, as last amended by Section 3, Chapter 366, O.S.L. 2013, 1290.8, as last amended by Section 3, Chapter 68, O.S.L. 2018 and 1290.22, as last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp. 2018, Sections 1290.7, 1290.8 and 1290.22), which relate to the Oklahoma Self-Defense Act; updating statutory references; providing construing provision related to the carrying of handguns or pistols without a handgun license; deleting penalty for certain prohibited act; clarifying firearm notification requirements; making penalty for certain prohibited act discretionary; clarifying scope of certain prohibited act; amending 21 O.S. 2011, Section 1290.24, as last amended by Section 3, Chapter 18, O.S.L. 2016 (21 O.S. Supp. 2018, Section 1290.24), which relates to governmental immunity; modifying conditions for immunity; and providing an effective date.",

passed by the 57th Legislature of the State of Oklahoma, at the first regular session of said legislature, shall be referred to the people of the State for their approval or rejection

at the regular election to be held on the 3rd day of November, 2020, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name.

Referendum petitions shall be filed with the Secretary of State not more than ninety (90) days after the final adjournment of the legislature which passed the bill on which the referendum is demanded.

The question we herewith submit to our fellow voters is: Shall the following bill of the legislature be approved? **(Exhibit A, attached)**

Name and Address of Proponents:

Joshua Harris-Till
1127 NW 27th St.
Oklahoma City, OK 73106

The Honorable Jason Lowe
25 NW 63rd St.
Oklahoma City, OK 73105

Jennifer Birch
10305 Northland Rd.
The Village, OK 73120

EXHIBIT A: ENROLLED HOUSE BILL 2597

An Act

ENROLLED HOUSE
BILL NO. 2597

By: Echols, Mize, Crosswhite Hader, Townley, McDugle, Roberts (Sean), Olsen, Gann, West (Kevin), Steagall, Moore, Humphrey, McBride, Hasenbeck, Patzkowsky, Cornwell, Hilbert, Davis, Tadlock, Russ, Frix, Lawson, Sims, McCall, O'Donnell, Taylor, Pfeiffer, Sneed and West (Josh) of the House

and

David, Dahm, Murdock, Scott, Newhouse, Allen, Treat and Silk of the Senate

An Act relating to firearms; amending 21 O.S. 2011, Section 1272, as last amended by Section 1, Chapter 68, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1272), which relates to the unlawful carry of firearms; adding exception to certain prohibited act; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1277), which relates to the unlawful carry of firearms in certain places; expanding scope of crime to include certain persons and certain weapons; updating handgun references; clarifying construing provision related to the possession of firearms on certain property; expanding scope of certain prohibited act on university property; amending 21 O.S. 2011, Section 1283, as last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp. 2018, Section 1283), which relates to penalties for unlawfully carrying firearms by convicted felons and delinquents; making certain act unlawful; providing penalties; amending 21 O.S. 2011, Sections 1289.6, as last amended by Section 1, Chapter 268, O.S.L. 2016, 1289.7, as amended by Section 12, 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 and 1289.24, as last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2018, Sections 1289.6, 1289.7, 1289.13, 1289.13A and 1289.24), which relate to the Oklahoma Firearms Act of 1971; clarifying manner by which firearms may be lawfully carried; adding condition that allows for firearms to be lawfully carried; deleting certain conditions related to the carrying of unloaded firearms; clarifying manner by which firearms may be transported in motor vehicles; deleting certain definition; making certain acts unlawful; providing penalties; deleting statutory references and references to certain act; clarifying scope of certain prohibited act; modifying statutory reference; expanding scope of certain prohibited act; making issuance of citation discretionary; modifying firearm confiscation requirements; changing statutory reference in state preemption requirements; amending 21 O.S. 2011, Sections 1290.1, 1290.7, as last amended by Section 3, Chapter 366, O.S.L. 2013, 1290.8, as last amended by Section 3, Chapter 68, O.S.L. 2018 and 1290.22, as last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp. 2018, Sections 1290.7, 1290.8 and 1290.22), which relate to the Oklahoma Self-Defense Act; updating statutory references; providing construing provision related to the carrying of handguns or pistols without a handgun license; deleting penalty for certain prohibited act; clarifying firearm notification requirements; making penalty for certain prohibited act discretionary; clarifying scope of certain prohibited act; amending 21 O.S. 2011, Section 1290.24, as last amended by Section 3, Chapter 18, O.S.L. 2016 (21 O.S. Supp. 2018, Section 1290.24), which relates to governmental immunity; modifying conditions for immunity; and providing an effective date.

SUBJECT: Weapons

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 68, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1272), is amended to read as follows:

Section 1272.

UNLAWFUL CARRY

A. ~~It~~ Notwithstanding any other provision of law, 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;

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

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

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

6. The carrying of a firearm, concealed or unconcealed, loaded or unloaded, by a person who is twenty-one (21) years of age or

older or by a person who is eighteen (18) years of age but not yet twenty-one (21) years of age and the person is a member or veteran of the United States Armed Forces, Reserves or National Guard or was discharged under honorable conditions from the United States Armed Forces, Reserves or National Guard, and the person is otherwise not disqualified from the possession or purchase of a firearm under state or federal law and is not carrying the firearm in furtherance of a crime.

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

a. assault and battery pursuant to the provisions of Section 644 of this title which caused serious physical injury to the victim,

b. aggravated assault and battery pursuant to the provisions of Section 646 of this title,

c. assault and battery that qualifies as domestic abuse as defined in Section 644 of this title,

d. stalking pursuant to the provisions of Section 1173 of this title,

e. a violation of an order issued under the Protection from Domestic Abuse Act or a domestic abuse protection order issued by another state, or

f. a violation relating to illegal drug use or possession under the provisions of the Uniform Controlled Dangerous Substances Act,

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

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

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1277), is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

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

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

2. Any courthouse, courtroom, prison, jail, detention facility or any facility used to process, hold or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent, except as provided in Section 21 of Title 57 of the Oklahoma Statutes;

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

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

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

6. Any other place specifically prohibited by law.

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

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

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

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

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

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

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

C. A concealed or unconcealed weapon may be carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the carrying and possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on

private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

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

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

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

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

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

F. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act <u>or who is carrying or in possession of a firearm as otherwise permitted by law or who is carrying or in possession of a machete, blackjack, loaded cane, hand chain or metal knuckles</u> shall be authorized to carry the ~~handgun~~ <u>firearm, machete, blackjack, loaded cane, hand chain or metal knuckles</u> into or upon any college, university or technology center school property, except as provided in this subsection. For purposes of this subsection, the following property shall not be construed ~~as prohibited for persons having a valid handgun license~~ <u>to be college, university or technology center school property</u>:

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

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

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

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

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

action against any student for any violation of any provision of this subsection.

G. The provisions of this section shall not apply to the following:

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

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

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

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

5. The sheriff of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment within the courthouses in the county in which the person is employed. Nothing in this act shall prohibit the sheriff from requiring additional instruction or training before receiving authorization to carry a concealed handgun within the courthouse. The provisions of this paragraph and of paragraph 6 of this subsection shall not allow the county employee to carry the handgun into a courtroom, sheriff's office, adult or juvenile jail or any other prisoner detention area; and

6. The board of county commissioners of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the

course and scope of employment on county annex facilities or grounds surrounding the county courthouse.

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

SECTION 3. AMENDATORY 21 O.S. 2011, Section 1283, as last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp. 2018, Section 1283), is amended to read as follows:

Section 1283.

CONVICTED FELONS AND DELINQUENTS

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

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

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

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

E. It shall be unlawful for any person who is an alien illegally or unlawfully in the United States to have in the possession of the person or under the immediate control of the person, or in any vehicle the person is operating, or at the residence where the person resides, any pistol, imitation or homemade pistol, altered air or toy pistol, shotgun, rifle or any other dangerous or deadly firearm; provided, that nothing in this subsection applies to prohibit the transport or detention of the person by law enforcement officers or federal immigration authorities. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of a misdemeanor punishable by a fine of Two Hundred Fifty Dollars ($250.00).

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

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

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

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

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

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

SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.6, as last amended by Section 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp. 2018, 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~~ federal military reserve and active military forces. 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;

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. As provided for in subsection A of Section 1272 of this title; or

7. 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, carrying, 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~~ and 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 5. AMENDATORY 21 O.S. 2011, Section 1289.7, as amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018, Section 1289.7), is amended to read as follows:

Section 1289.7

FIREARMS IN VEHICLES

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

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

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

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

SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.13, as amended by Section 18, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018, Section 1289.13), is amended to read as follows:

Section 1289.13

TRANSPORTING A LOADED FIREARM

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

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

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

SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.13A, as amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018, Section 1289.13A), is amended to read as follows:

Section 1289.13A

IMPROPER TRANSPORTATION OF FIREARMS

A. Notwithstanding the provisions of Section 1272 or ~~1289.13~~ 1289.7 of this title, any person stopped pursuant to a moving traffic violation who is transporting a loaded pistol in the motor vehicle without a valid handgun license authorized by the Oklahoma Self-Defense Act or valid license from another state, or in violation of any law related to the carrying or transporting of firearms, whether the loaded firearm is concealed or unconcealed in

the vehicle, ~~shall~~ may be issued a traffic citation in the amount of Seventy Dollars ($70.00), plus court costs for transporting a firearm improperly. In addition to the traffic citation provided in this section, the person may also be arrested for any other violation of law.

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

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

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

a. contraband, or

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

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

SECTION 8. AMENDATORY 21 O.S. 2011, Section 1289.24, as last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp. 2018, Section 1289.24), is amended to read as follows:

Section 1289.24

FIREARM REGULATION - STATE PREEMPTION

A. 1. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way firearms, knives, components, ammunition, and supplies to the complete exclusion of any order, ordinance, or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances, or regulations in this field, except as provided for in paragraph 2 of this subsection and subsection C of this section, are null and void.

2. A municipality may adopt any ordinance:

a. relating to the discharge of firearms within the jurisdiction of the municipality, and

b. allowing the municipality to issue a traffic citation for transporting a firearm improperly as provided for in Section 1289.13A of this title, provided, however, that penalties contained for violation of any ordinance enacted pursuant to the provisions of this subparagraph shall not exceed the penalties established in the Oklahoma Self-Defense Act.

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

4. A public or private school may create a policy regulating the possession of knives on school property or in any school bus or vehicle used by the school for purposes of transportation.

B. No municipality or other political subdivision of this state shall adopt any order, ordinance, or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, carrying, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes, or other controls on firearms, knives, components, ammunition, and supplies.

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

D. When a person's rights pursuant to the protection of the preemption provisions of this section have been violated, the person shall have the right to bring a civil action against the persons,

municipality, and political subdivision jointly and severally for injunctive relief or monetary damages or both.

SECTION 9. AMENDATORY 21 O.S. 2011, Section 1290.1, is amended to read as follows:

Section 1290.1

SHORT TITLE

Sections ~~1~~ 1290.1 through ~~25~~ 1290.27 of this ~~act~~ title shall be known and may be cited as the "Oklahoma Self-Defense Act".

SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.7, as last amended by Section 3, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2018, 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 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 as defined by the provisions of Section 1290.2 of this title;

2. Carry or possess any pistol 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;

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

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

B. The availability of a license to carry 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 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 11. AMENDATORY 21 O.S. 2011, Section 1290.8, as last amended by Section 3, Chapter 68, O.S.L. 2018 (21 O.S. Supp. 2018, 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 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 pursuant to the Oklahoma Self-Defense Act.

B. A person in possession of a valid handgun license or who meets the criteria and presents a valid military identification card as provided for in this section and in compliance with the provisions of the Oklahoma Self-Defense Act shall be authorized to carry such concealed or unconcealed handgun 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 Oklahoma driver license or an Oklahoma State photo identification at all times when in possession of an authorized pistol. The person shall display the handgun license or a valid military 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 shall not be disarmed or physically restrained unless the individual fails to display a valid handgun license or a valid military 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. ~~Any second or subsequent violation of the provisions of this subsection shall be grounds for the Bureau to suspend the handgun license for a period of six (6) months, in addition to any other penalty imposed.~~

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 identification has been issued to such person and the person may state any reason why the handgun license, a valid military 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 identification 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 ~~handgun~~ firearm pursuant to the authority of the Oklahoma Self-Defense Act ~~when the person comes into contact with any law enforcement officer of this state or its political subdivisions or a federal law enforcement officer~~ during the course of any arrest, detainment, or routine traffic stop. Said identification to the law enforcement officer shall be ~~made at~~ required upon the ~~first opportunity~~ demand of 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 when no handgun is in the possession of the person or in any vehicle in which the person is driving or is a passenger. Any ~~violation~~ violator of the provisions of this subsection ~~shall, upon conviction,~~ may be ~~a misdemeanor punishable by a fine~~ 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, 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 12. AMENDATORY 21 O.S. 2011, Section 1290.22, as last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp. 2018, Section 1290.22), is amended to read as follows:

Section 1290.22

BUSINESS OWNER'S RIGHTS

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

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

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

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

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

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

3. The fairgrounds during the Oklahoma State Fair or the Tulsa State Fair; and

4. The portion of a public property structure or building that is leased or under contract to a business or not-for-profit entity or group for offices.

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

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

2. Refuses to leave the property and a peace officer is summoned,

the person may ~~be issued a citation for an amount not to exceed Two Hundred Fifty Dollars ($250.00)~~ be punished as provided in Section 1276 of this title.

F. A person, property owner, tenant, employer, holder of an event permit, place of worship or business entity that does or does not prohibit any individual, except a convicted felon, from carrying a loaded or unloaded, concealed or unconcealed weapon on property that the person, property owner, tenant, employer, holder of an event permit, place of worship or business entity owns, or has legal control of, is immune from any liability arising from that decision. Except for acts of gross negligence or willful or wanton misconduct, an employer who does or does not prohibit ~~their~~ his or her employees from carrying a concealed or unconcealed weapon is immune from any liability arising from that decision. A person, property owner, tenant, employer, holder of an event permit, place of worship or business entity that does not prohibit persons from carrying a concealed or unconcealed weapon pursuant to subsection D of this section shall be immune from any liability arising from the carrying of a concealed or unconcealed weapon, while in the scope of employment, on the property or in or about a business entity vehicle. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

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

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

SECTION 13. AMENDATORY 21 O.S. 2011, Section 1290.24, as last amended by Section 3, Chapter 18, O.S.L. 2016 (21 O.S. Supp. 2018, 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 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 ~~pistol~~ firearm committed by a person ~~to whom a license to carry a concealed or unconcealed handgun has been issued~~ pursuant to the provisions of the Oklahoma Self-Defense Act or by any person who obtains a ~~pistol from a licensee~~ firearm;

3. Any injury to any person during a handgun 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 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 pursuant to a handgun license; 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 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 14. This act shall become effective November 1, 2019.

Passed the House of Representatives the 13th day of February, 2019.

Presiding Officer of the House of Representatives

Passed the Senate the 27th day of February, 2019.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 27th day of February, 2019, at 4:07 o'clock p. M.

By: James Curry

Approved by the Governor of the State of Oklahoma this 27th day of February, 2019, at 4:36 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 27th day of February, 2019, at 4:36 o'clock P. M.

By: Mial Ryes

SIGNATURES

The gist of the proposition is as follows: This measure refers Enrolled House Bill 2597 ("2597") to a vote of the people. 2597 legalizes the concealed or unconcealed carrying of loaded or unloaded firearms by any person twenty-one (21) years of age or older, or eighteen (18) years of age or older if the person is a current military member or veteran, without any additional licensing requirements, if the person is not otherwise disqualified from firearm possession by state or federal law, and into any location where carrying firearms is not specifically prohibited. 2597 also legalizes possession of firearms and other weapons in defined areas of colleges, universities, and technology centers; criminalizes possession of firearms by aliens illegally in the United States; requires law enforcement to ask whether a person possesses a firearm during an arrest, detention, or traffic stop, rather than requiring the person to disclose the firearm; and makes failure to disclose a firearm to law enforcement a citation offense with a maximum fine of one hundred dollars ($100.00).

WARNING

IT IS A FELONY FOR ANYONE TO SIGN AN INITIATIVE OR REFERENDUM PETITION WITH ANY NAME OTHER THAN HIS OWN, OR KNOWINGLY TO SIGN HIS NAME MORE THAN ONCE FOR THE MEASURE, OR TO SIGN THE PETITION WHEN HE IS NOT A LEGAL VOTER.

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AFFIDAVIT

STATE OF OKLAHOMA)
) ss.
COUNTY OF _____)

I, _____, being first duly sworn, say:

That I am at least eighteen (18) years old and that all signatures on the signature sheet were signed in my presence. I believe that each has stated their name, mailing address, and residence correctly, and that each signer is a legal voter of the State of Oklahoma and the County of their residence as stated.

_____
Circulator's Signature

_____
Address

_____
City Zip Code

Subscribed and sworn to before me this ____ day of _____, 2019.

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Notary Public

_____
Address

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City Zip Code

My Commission Expires:

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My Commission Number:

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ATTACHMENT 'B'

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STATE QUESTION NO. 803
REFERENDUM PETITION NO. 26

VOLUME NO. 1

Consisting of 200 **signature sheets**

Page numbered 1 **through** 200

with approximately 3452 **signatures**

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STATE QUESTION NO. 803
REFERENDUM PETITION NO. 26

VOLUME NO. 2

Consisting of 200 **signature sheets**

Page numbered 201 **through** 400

with approximately 3647 **signatures**

STATE QUESTION NO. 803
REFERENDUM PETITION NO. 26

VOLUME NO. 3

Consisting of 200 **signature sheets**

Page numbered 401 **through** 600

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STATE QUESTION NO. 803
REFERENDUM PETITION NO. 26

VOLUME NO. 4

Consisting of 200 **signature sheets**

Page numbered 601 **through** 800

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REFERENDUM PETITION NO. 26

VOLUME NO. 5

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Page numbered 801 **through** 1,000

with approximately 3534 **signatures**

STATE QUESTION NO. 803
REFERENDUM PETITION NO. 26

VOLUME NO. 6

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Page numbered 1001 **through** 1200

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STATE QUESTION NO. 803
REFERENDUM PETITION NO. 26

VOLUME NO. 7

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Page numbered 1201 **through** 1400

with approximately 2591 **signatures**

STATE QUESTION NO. 803
REFERENDUM PETITION NO. 26

VOLUME NO. 8

Consisting of 200 **signature sheets**

Page numbered 1401 **through** 1600

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STATE QUESTION NO. 803
REFERENDUM PETITION NO. 26

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STATE QUESTION NO. 803
REFERENDUM PETITION NO. 26

VOLUME NO. 10

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STATE QUESTION NO. 803
REFERENDUM PETITION NO. 26

VOLUME NO. 11

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REFERENDUM PETITION NO. 26

VOLUME NO. 12

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STATE QUESTION NO. 803
REFERENDUM PETITION NO. 26

VOLUME NO. 13

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Page numbered 2401 **through** 2455

with approximately Ø **signatures**

ATTACHMENT 'C'

FILED

NOV 20 2018

OKLAHOMA SECRETARY OF STATE

OKLAHOMA STATE ELECTION BOARD

November 19, 2018

The Honorable James A. Williamson
Secretary of State
State Capitol Building, Room 122
Oklahoma City, Oklahoma 73105

Dear Secretary Williamson:

Subsequent to the November 6, 2018, General Election, I am able to provide the following information.

The total votes cast for the office of Governor at the General Election in 2018 were 1,186,385. Signature requirements for the types of petitions listed below are derived by applying the parenthetical percentages indicated and are valid from November 14, 2018, through November 15, 2022.

Referendum (5%)	59,320
Initiative (8%)	94,911
Initiative for Constitutional Change (15%)	177,958
Rejected Initiative or Referendum Measures (25%)	296,597
Independent Presidential Electors (3%)	35,592
Unrecognized Party Presidential Electors (3%)	35,592
Formation of New Political Party (3%)	35,592

Sincerely,

PAUL ZIRIAX, Secretary
Oklahoma State Election Board

PZ/jk

049546

State Capitol Bldg, Room G28 | PO Box 53156, Oklahoma City, OK 73152-3156
Phone: 405-521-2391 Fax: 405-521-6457 elections.ok.gov