

Oklahoma Annotated Statutes

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Chapter 53. Manufacturing, Selling and Wearing Weapons

§ 1271.1. Confiscation and Forfeiture of Weapons Upon Arrest of Person Under 18—Disposition

A. Whenever a person under 18 years of age is detained or arrested by a law enforcement officer and is carrying any weapon or firearm prohibited by § 1272 of this title, each such prohibited weapon and firearm may be confiscated and forfeited to the State of Oklahoma by the law enforcement authority. Such confiscation and forfeiture shall not require that criminal charges be filed against the minor.

B. However, when a weapon or firearm confiscated pursuant to the provisions of this section has been taken by a minor without the permission of the owner, the weapon or firearm shall be returned to the owner pursuant to the procedures provided in § 1321 of Title 22 of the Oklahoma Statutes, provided the possession of such weapon or firearm by the owner is not otherwise prohibited by law.

C. Any weapon or firearm confiscated and forfeited by any law enforcement authority may be sold at public auction, or when no longer needed as evidence in the criminal proceeding the confiscating authority may lease any firearm confiscated and forfeited by law pursuant to this section to any law enforcement agency for a period of 1 year. Such lease may be renewed each year thereafter at the discretion of such authority to assist in the enforcement of the laws of this state or its political subdivisions. Any weapon or firearm deemed by the confiscating authority to be inappropriate for lease or sale shall be destroyed.

D. For purposes of this section, the term "confiscate" shall not be construed to prohibit any parent, guardian or other adult person from removing or otherwise seizing from any minor any weapon or firearm in the minor's possession. Provided however, no school authority shall return any weapon or firearm removed or otherwise seized from any minor to any person, and shall immediately deliver such weapon or firearm to a law enforcement authority for prosecution and forfeiture.

§ 1272. Unlawful carry [Effective November 1, 2016]

A. 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 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 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.

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

§ 1272.1. Carrying Firearms Where Liquor Is Consumed

A. It shall be unlawful for any person to carry or possess any weapon designated in § 1272 of this title in any establishment where low-point beer, as defined by § 163.2 of Title 37 of the Oklahoma Statutes, or alcoholic beverages, as defined by § 506 of Title 37 of the Oklahoma Statutes, are consumed. This provision shall not apply to a peace officer, as defined in § 99 of this title, or to private investigators with a firearms authorization when acting in the scope and course of employment, and shall not apply to an owner or proprietor of the establishment having a pistol, rifle, or shotgun on the premises. Provided however, a person possessing a valid handgun license pursuant to the provisions of the Oklahoma Self-Defense Act may carry the concealed or unconcealed handgun into any restaurant or other establishment licensed to dispense low-point beer or alcoholic beverages where the sale of low-point beer or alcoholic beverages does not constitute the primary purpose of the business.

Provided further, nothing in this section shall be interpreted to authorize any peace officer in actual physical possession of a weapon to consume low-point beer or alcoholic beverages, except in the authorized line of duty as an undercover officer.

Nothing in this section shall be interpreted to authorize any private investigator with a firearms authorization in actual physical possession of a weapon to consume low-point beer or alcoholic beverages in any establishment where low-point beer or alcoholic beverages are consumed.

B. Any person violating the provisions of this section shall be punished as provided in § 1272.2 of this title.

§ 1272.2. Penalty for Firearm in Liquor Establishment. Any person who intentionally or knowingly carries on his or her person any weapon in violation of § 1272.1 of this title, shall, upon conviction, be guilty of a felony punishable by a fine not to exceed \$1,000, or imprisonment in the custody of the Department of Corrections for a period not to exceed 2 years, or by both such fine and imprisonment.

Any person convicted of violating the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license revoked by the Oklahoma State Bureau of Investigation after a hearing and determination that the person is in violation of § 1272.1 of this title.

§ 1273. Allowing Minors to Possess Firearms

A. It shall be unlawful for any person within this state to sell or give to any child any of the arms or weapons designated in § 1272 of this title; provided, the provisions of this section shall not prohibit a parent of a child or legal guardian of a child, or a person acting with the permission of the parent of the child or legal guardian of the child, from giving the child a firearm for participation in hunting animals or fowl, hunter safety classes, education and training in the safe use and handling of firearms, target shooting, skeet, trap or other sporting events or competitions, except as provided in subsection B of this section.

B. It shall be unlawful for any parent or guardian to intentionally, knowingly, or recklessly permit his or her child to possess any of the arms or weapons designated in § 1272 of this title, including any firearm, if such parent is aware of a substantial risk that the child will use the weapon to commit a criminal offense or if the child has either been adjudicated a delinquent or has been convicted as an adult for any criminal offense that contains as an element the threat or use of physical force against the person of another.

C. It shall be unlawful for any child to possess any of the arms or weapons designated in § 1272 of this title, except firearms used for participation in hunting animals or fowl, hunter safety classes, education and training in the safe use and handling of firearms, target shooting, skeet, trap or other sporting events or competitions. Provided, this section shall not authorize the possession of such weapons by any person who is subject to the provisions of § 1283 of this title.

D. Any person violating the provisions of this section shall, upon conviction, be punished as provided in § 1276 of this title, and, any child violating the provisions of this section shall be subject to adjudication as a delinquent. In addition, any person violating the provisions of subsection A or B of this section shall be liable for civil damages for any injury or death to any person and for any damage to property, as provided in § 10 of Title 23 of the Oklahoma Statutes, resulting from any discharge of a firearm by the child or use of any other weapon that the person had given to the child or permitted the child to possess. Any person convicted of violating the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act may be liable for an administrative violation as provided in § 1276 of this title.

E. As used in this section, "child" means a person under 18 years of age.

§ 1276. Penalty for 1272 and 1273. Any person violating the provisions of § 1272 or 1273 of this title shall, upon a first conviction, be adjudged guilty of a misdemeanor and the party offending shall be punished by a fine of not less than \$100 nor more than \$250, or by imprisonment in the county jail for a period not to exceed 30 days or both such fine and imprisonment. On the second and every subsequent violation, the party offending shall, upon conviction, be punished by a fine of not less than \$250 nor more than \$500, or by imprisonment in the county jail for a period not less than 30 days nor more than 3 months, or by both such fine and imprisonment.

Any person convicted of violating the provisions of § 1272 or 1273 of this title after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license suspended for a period of 6 months and shall be liable for an administrative fine of \$50 upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

§ 1277. Unlawful Carry in Certain Places. [Effective November 1, 2016]

A. It shall be unlawful for any 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 § 21 of Title 57 of the Oklahoma Statutes;
3. Any public or private elementary or public or private secondary school, except as provided in subsection C 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, 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 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, said handgun 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 possession of a handgun allowable under such license in places 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. Any person violating the provisions 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 \$250. A person violating any other provision of subsection A 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 \$250.

E. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act shall be authorized to carry the handgun 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:

1. Any property set aside for the use or parking of any vehicle, whether attended or unattended, provided the handgun is carried or stored as required by law and the handgun 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 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 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 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 \$250 and may have the handgun license suspended for 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 from possession of a handgun allowable under such license 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.

F. The provisions of this section shall not apply to any peace officer or to any person authorized by law to carry a pistol in the course of employment. 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, shall be exempt from this section when acting in the course and scope of employment within the courthouses of this state. Private investigators with a firearms authorization shall be exempt from this section when acting in the course and scope of employment.

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

§ 1278. Unlawful Intent to Carry. Any person in this state who carries or wears any deadly weapons or dangerous instrument whatsoever with the intent or for the avowed purpose of unlawfully injuring another person, upon conviction, shall be guilty of a felony punishable by a fine not exceeding \$5,000, by imprisonment in the custody of the Department of Corrections for a period not exceeding 2 years, or by both such fine and imprisonment. The mere possession of such a weapon or dangerous instrument, without more, however, shall not be sufficient to establish intent as required by this section.

Any person convicted of violating the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license permanently revoked and shall be liable for an administrative fine of \$1,000 upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

§ 1279. Pointing Weapons at Others—Exception—Penalty. Except for an act of self-defense, it shall be unlawful for any person to point any pistol or any other deadly weapon whether loaded or not, at any other person or persons. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable as provided in § 1280 of this title.

Any person convicted of violating the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act may be subject to an administrative violation as provided in § 1280 of this title.

§ 1280. Punishment for Violation – Penalty for 1279. Any person violating the provisions of § 1279 of this title, upon conviction, shall be guilty of a misdemeanor. The person offending shall be punished by a fine of not less than \$100 nor more than \$1,000 and shall be imprisoned in the county jail for a period not less than 3 nor more than 12 months. Any person convicted of violating the provisions of § 1279 of this title after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, §§ 1 through 25 of this act, shall have the handgun license permanently revoked and shall be liable for an administrative fine of \$50 upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

§ 1280.1. Possession of firearm on school property

A. It shall be unlawful for any person to have in his or her possession on any public or private school property or while in any school bus or vehicle used by any school for transportation of students or teachers any firearm or weapon designated in § 1272 of this title, except as provided in subsection C of this section or as otherwise authorized by law.

B. For purposes of this section:

1. "School property" means any publicly owned property held for purposes of elementary, secondary or vocational-technical education, and shall not include property owned by public school districts or where such property is leased or rented to an individual or corporation and used for purposes other than educational;

2. "Private school" means a school that offers a course of instruction for students in one or more grades from prekindergarten through grade 12 and is not operated by a governmental entity; and

3. "Motor vehicle" means any automobile, truck, minivan or sports utility vehicle.

C. Firearms and weapons are allowed on school property and deemed not in violation of subsection A of this section as follows:

1. A gun or knife designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law, provided such vehicle containing said gun or knife is driven onto school property only to transport a student to and from school and such vehicle does not remain unattended on school property;

2. A gun or knife used for the purposes of participating in the Oklahoma Department of Wildlife Conservation certified hunter training education course or any other hunting, fishing, safety or firearms training courses, or a recognized firearms sports event, team shooting program or competition, or living history reenactment, provided the course or event is approved by the principal or chief administrator of the school where the course or event is offered, and provided the weapon is properly displayed or stored as required by law pending participation in the course, event, program or competition;

3. Weapons in the possession of any peace officer or other person authorized by law to possess a weapon in the performance of his or her duties and responsibilities;

4. A concealed or unconcealed weapon 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 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 paragraph shall not apply to claims pursuant to the Workers' Compensation Code;

5. A gun, knife, bayonet or other weapon in the possession of a member of a veterans group, the national guard, active military, the Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to participate in a ceremony, assembly or educational program approved by the principal or chief administrator of a school or school district where the ceremony, assembly or educational program is being held; provided, however, the gun or other weapon that uses projectiles is not loaded and is inoperable at all times while on school property;

6. A handgun carried in a motor vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act onto property set aside by a public or private elementary or secondary school for the use or parking of any vehicle; provided, however, said handgun shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property; and

7. A handgun carried onto public school property by school personnel who have been designated by the board of education, provided such personnel either:

a. possess a valid armed security guard license as provided for in § 1750.1 et seq. of Title 59 of the Oklahoma Statutes, or

b. hold a valid reserve peace officer certification as provided for in § 3311 of Title 70 of the Oklahoma Statutes, if a policy has been adopted by the board of education of the school district that authorizes the carrying of a handgun onto public school property by such personnel. Nothing in this subsection shall be construed to restrict authority granted elsewhere in law to carry firearms.

D. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not to exceed \$250.

§ 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 and the right to perform the duties of a peace officer, gunsmith, or 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 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 § 3311 of Title 70 of the Oklahoma Statutes.

E. 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 \$5,000. 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. Any convicted or adjudicated person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable as provided in § 1284 of this title.

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

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

§ 1284. Penalty for 1283. Any previously convicted or adjudicated person who violates any provision of § 1283 of this title shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in the State Penitentiary for a period not less than 1 year nor more than 10 years.

§ 1287. Use of Firearm While Committing a Felony

A. Any person who, while committing or attempting to commit a felony, possesses a pistol, shotgun or rifle or any other offensive weapon in such commission or attempt, whether the pistol, shotgun or rifle is loaded or not, or who possesses a blank or imitation pistol, altered air or toy pistol, shotgun or rifle capable of raising in the mind of one threatened with such device a fear that it is a real pistol, shotgun or rifle, ... in addition to the penalty provided by statute for the felony committed or attempted, upon conviction shall be guilty of a felony for possessing such weapon or device, which shall be a separate offense from the felony committed or attempted and shall be punishable by imprisonment in the custody of the Department of Corrections for a period of not less than 2 years nor for more than 10 years for the first offense, and for a period of not less than 10 years nor more than 30 years for any second or subsequent offense.

B. Any person convicted of violating the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license permanently revoked and shall be liable for an administrative fine of \$1,000 upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

C. As used in this section, "altered toy pistol" shall mean any toy weapon which has been altered from its original manufactured state to resemble a real weapon.

D. As used in 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.

§ 1287.1. Penalty Enhancement for Weapon Possession. Any person who, while committing or attempting to commit a crime of violence, discharges a firearm, in addition to the penalty provided by statute for the crime of violence committed or attempted, upon conviction, may be charged, in the discretion of the district attorney, with an additional felony for possessing such weapon, which shall be a separate offense punishable, upon conviction, by not less than 10 years in the custody of the Department of Corrections which may be served concurrently with the sentence for the crime of violence. For purposes of this section, "crime of violence" means an offense that is a felony and has as an element of the offense, the use, attempted use, or threatened use of physical force against the person of another or that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense. For purposes of this section, "firearm" means a rifle, pistol or shotgun.

§ 1288. Purchases of Firearms, Ammunition and Equipment in Other States by Oklahoma Residents—Purchases in Oklahoma by Residents of Other States

A. Residents of the State of Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment from a dealer licensed in a state other than Oklahoma. This authorization is enacted in conformance with the provisions of § 922(b)(3) of Title 18 of the United States Code and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and the state in which the purchase is made.

B. Residents of a state other than Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment from a dealer licensed in the State of Oklahoma. This authorization is enacted in conformance with the provisions of § 922(b)(3) of Title 18 of the United States Code and provided further that such

residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and in the state in which such persons reside.

Firearms Act of 1971

§ 1289.1. Short Title. Sections 1289.1 through 1289.17 of this title may be known and cited as the "Oklahoma Firearms Act of 1971".

§ 1289.3. Definition of Pistols. "Pistols" as used in the Oklahoma Firearms Act of 1971, §§ 1289.1 through 1289.17 of this title, shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than 16 inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include flare guns, underwater fishing guns or blank pistols.

§ 1289.4. Definition of Rifles. "Rifles" as used in the Oklahoma Firearms Act of 1971, §§ 1289.1 through 1289.17 of this title, shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than 16 inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle".

§ 1289.5. Definition of Shotguns. "Shotguns" as used in the Oklahoma Firearms Act of 1971, §§ 1289.1 through 1289.17 of this title, shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than 18 inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include any weapon so designed with a barrel less than 18 inches in length. In addition, any "shotgun" capable of firing single projectiles but primarily designed to fire multiple projectiles such as "shot" will be regarded as a "shotgun".

§ 1289.6. Conditions under Which Firearms May be Carried [Effective November 1, 2016]

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

1. When hunting animals or fowl;
2. During competition in or practicing in a safety or hunter safety class, target shooting, skeet, trap or other recognized sporting events;
3. During participation in or in preparation for a military function of the state military forces to be defined as the Oklahoma Army or Air National Guard, Federal Military Reserve and active military forces. 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. For lawful self-defense and self-protection or any other legitimate purpose in or on property that is owned, leased, rented, or otherwise legally controlled by the person; or
7. For any legitimate purpose not in violation of the Oklahoma Firearms Act of 1971 or any legislative enactment regarding the use, ownership and control of firearms.

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

1. When going to or from the person's private residence or vehicle or a vehicle in which the person is riding as a passenger to a place designated or authorized for firearms repairs or reconditioning, or for firearms trade, sale, or barter, or gunsmith, or hunting animals or fowl, or hunter safety course, or target shooting, or skeet or trap shooting or any recognized firearms activity or event and while in such places; or
2. For any legitimate purpose not in violation of the Oklahoma Firearms Act of 1971.

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

§ 1289.7. Firearms in Vehicles. Any person, except a convicted felon, may transport in a motor vehicle a rifle, shotgun or pistol, open and 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.

Any person, except a convicted felon, may transport in a motor vehicle a rifle or shotgun 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 pursuant to § 1289.13 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 the handgun in such vehicle, shall not be deemed in violation of the provisions of this section provided the licensee is in or near the vehicle.

§ 1289.7a. Liability for Prohibiting Persons from Transporting, Storing Firearms or Ammunition in Locked Vehicle

A. No person, property owner, tenant, employer, or business entity shall maintain, establish, or enforce any policy or rule that has the effect of prohibiting any person, except a convicted felon, from transporting and storing firearms or ammunition in a locked motor vehicle, or from transporting and storing firearms or ammunition locked in or locked to a motor vehicle on any property set aside for any motor vehicle.

B. No person, property owner, tenant, employer, or business entity shall be liable in any civil action for occurrences which result from the storing of firearms or ammunition in a locked motor vehicle on any property set aside for any motor vehicle, unless the person, property owner, tenant, employer, or owner of the business entity commits a criminal act involving the use of the firearms or ammunition. The provisions of this subsection shall not apply to claims pursuant to the Workers' Compensation Act.

C. An individual may bring a civil action to enforce this section. If a plaintiff prevails in a civil action related to the personnel manual against a person, property owner, tenant, employer or business for a violation of this section, the court shall award actual damages, enjoin further violations of this section, and award court costs and attorney fees to the prevailing plaintiff.

D. As used in this section, "motor vehicle" means any automobile, truck, minivan, sports utility vehicle, motorcycle, motor scooter, and any other vehicle required to be registered under the Oklahoma Vehicle License and Registration Act.

§ 1289.8. Carrying weapon [Effective November 1, 2016]

A. Any fire marshal inspector who is retired, state, county or municipal peace officer of this state who is retired, or any state, county or municipal peace officer classified as a reserve who is retired, or any federal law enforcement officer who is retired may retain their status as a peace officer, retired, in the State of Oklahoma, and as such may carry a firearm pursuant to the provisions of subsection B of this section. A retired state, county or municipal peace officer may in times of great emergency or danger serve to enforce the law, keep the peace or to protect the public in keeping with their availability and ability at the request of the Governor, the sheriff or the mayor of their retirement jurisdiction. If a retired fire marshal is activated for duty, the peace officer powers of the retired fire marshal are limited to the duties granted prior to retirement.

B. The Council on Law Enforcement Education and Training (CLEET) shall issue an identification card to eligible retired federal, state, county, and municipal peace officers which authorizes the retired peace officer to carry a firearm anywhere in the State of Oklahoma. The identification card shall bear the full name of the retired officer, the signature of the retired officer, the date of issuance, and such other information as may be deemed appropriate by CLEET. The card shall expire every 10 years and may be denied, suspended or revoked as provided by the rules promulgated by CLEET or upon the discovery of any preclusion prescribed in § 1290.10 or 1290.11 of this title. In order to renew the permit, the Council on Law Enforcement Education and Training shall request, pursuant to § 150.9 of Title 74 of the Oklahoma Statutes, the Oklahoma State Bureau of Investigation to conduct a state and national criminal history records search on each retired peace officer authorized to carry a firearm pursuant to the provisions of this section; and unless a preclusion prescribed in § 1290.10 or 1290.11 of this title is found to exist, no action shall be necessary. A retired peace officer requesting a renewal of his or her permit shall submit to the Council a nonrefundable fee for a national criminal history record with fingerprint analysis, as provided in § 150.9 of Title 74 of the Oklahoma Statutes. When a preclusion is discovered, the Council shall notify the retired peace officer and shall hold a hearing before taking any action to suspend or revoke the authority to carry a firearm.

C. The retired peace officer shall be required to submit the following information to the Council on Law Enforcement Education and Training (CLEET) and any other information requested by CLEET:

1. A statement from the appropriate law enforcement agency verifying the status of the person as a retired peace officer of that jurisdiction; and

2. A notarized statement, signed by the retired peace officer, stating that the officer:

a. has not been convicted of and is currently not subject to any pending criminal prosecution for any preclusion prescribed in § 1290.10 or 1290.11 of this title,

b. has not been forced into retirement due to any mental disorder, and

c. has not suffered any injury or any physical or mental impairment which would render the person unsafe to carry a firearm.

D. A retired peace officer, who has made application for the CLEET identification card authorized in subsection B of this section, shall be authorized to carry a firearm as an off-duty peace officer, pursuant to § 1289.23 of this title, until the authority to carry a firearm as a retired officer is finally approved or denied by CLEET.

E. The Council on Law Enforcement Education and Training shall promulgate rules and procedures necessary to implement the provisions of this section.

F. Any peace officer, retired, who carries any firearm in violation of the provisions of this section shall be deemed to be in violation of § 1272 of this title and may be prosecuted as provided by law for a violation of that section.

§ 1289.9. Carrying Weapon Under the Influence of Alcohol. It shall be unlawful for any person to carry or use shotguns, rifles or pistols in any circumstances while under the influence of beer, intoxicating liquors or any

hallucinogenic, or any unlawful or unprescribed drug, and it shall be unlawful for any person to carry or use shotguns, rifles or pistols when under the influence of any drug prescribed by a licensed physician if the aftereffects of such consumption affect mental, emotional or physical processes to a degree that would result in abnormal behavior. Any person convicted of a violation of the provisions of this section shall be punished as provided in § 1289.15 of this title. Any person convicted of a violation of the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license suspended for a term of 6 months and shall be subject to an administrative fine of \$50, upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

§ 1289.10. Furnishing Firearms to Incompetent Persons. It shall be unlawful for any person to knowingly transmit, transfer, sell, lend or furnish any shotgun, rifle or pistol to any person who is under an adjudication of mental incompetency, or to any person who is mentally deficient or of unsound mind. Any person convicted of a violation of the provisions of this section shall be punished as provided in § 1289.15 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license suspended for a term of 6 months and shall be subject to an administrative fine of \$50, upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

§ 1289.11. Reckless Conduct. It shall be unlawful for any person to engage in reckless conduct while having in his or her possession any shotgun, rifle or pistol, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another, and demonstrating a conscious disregard for the safety of another person. Any person convicted of violating the provisions of this section shall be punished as provided in § 1289.15 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a handgun license pursuant to the Oklahoma Self-Defense Act shall have the license revoked and shall be subject to an administrative fine of \$1,000, upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

§ 1289.12. Giving Firearms to Convicted Persons. It shall be unlawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of rifles, shotguns or pistols to any convicted felon or an adjudicated delinquent, and it shall be unlawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of any shotgun, rifle or pistol to any individual who is under the influence of alcohol or drugs or is mentally or emotionally unbalanced or disturbed. All persons who engage in selling, trading or otherwise transferring firearms will display this section prominently in full view at or near the point of normal firearms sale, trade or transfer. Any person convicted of violating the provisions of this section shall be punished as provided in § 1289.15 of this title.

Any person convicted of a violation of this section after having been issued a handgun license pursuant to the Oklahoma Self-Defense Act shall have the license suspended for 6 months and shall be liable for an administrative fine of \$50, upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this 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 rifle or shotgun may be transported clip or magazine loaded and not chamber loaded when transported 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 § 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 § 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.

§ 1289.13A. Improper Transportation of Firearms

A. Notwithstanding the provisions of § 1272 or 1289.13 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, whether the loaded firearm is concealed or unconcealed in the vehicle, shall be issued a traffic citation in the amount of \$70, 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 carried pursuant to that license 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.

§ 1289.15. Penalty for Firearms Act of 1971. Any person adjudged guilty of violating any provision of § 1289.9, 1289.10, 1289.11, 1289.12 or 1289.13 of this title shall, upon conviction, be punished by a fine of not less than \$50 nor more than \$500, or imprisonment in the county jail for not less than 10 days nor more than 6 months, or by both such fine and imprisonment.

§ 1289.16. Felony Pointing Firearms. It shall be unlawful for any person to willfully or without lawful cause point a shotgun, rifle or pistol, or any deadly weapon, whether loaded or not, at any person or persons for the purpose of threatening or with the intention of discharging the firearm or with any malice or for any purpose of injuring, either through physical injury or mental or emotional intimidation or for purposes of whimsy, humor or prank, or in anger or otherwise, but not to include the pointing of shotguns, rifles or pistols by law enforcement authorities in the performance of their duties, members of the state military forces in the performance of their duties, members of the federal military reserve and active military components in the performance of their duties, or any federal government law enforcement officer in the performance of any duty, or in the performance of a play on stage, rodeo, television or on film, or in defense of any person, one's home or property. Any person convicted of a violation of the provisions of this section shall be punished as provided in § 1289.17 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a handgun license pursuant to the Oklahoma Self-Defense Act shall have the license revoked and shall be subject to an administrative fine of \$1,000, upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

§ 1289.17. Penalties for 1289.16. Any violation of § 1289.16 of this title shall constitute a felony, for which a person convicted thereof shall be sentenced to imprisonment in the State Penitentiary for not less than 1 year nor more than 10 years.

§ 1289.17A. Felony Discharging Firearms. It shall be unlawful for any person to willfully or intentionally discharge any firearm or other deadly weapon at or into any dwelling, or at or into any building used for public or business purposes. Any violation of the provisions of this section shall be a felony punishable by imprisonment in the custody of the Department of Corrections for a term not less than 2 years nor more than 20 years. The provisions of this section shall not apply to any law enforcement officer in the performance of any lawful duty.

§ 1289.18. Definitions—Possession of Sawed-off Shotgun or Sawed-off Rifle—Penalties

A. "Sawed-off shotgun" shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than 18 inches in length, and using either gunpowder, gas or any means of rocket propulsion.

B. "Sawed-off rifle" shall mean any rifle having a barrel or barrels of less than 16 inches in length or any weapon made from a rifle (whether by alteration, modification, or otherwise) if such a weapon as modified has an overall length of less than 26 inches in length, including the stock portion.

C. Every person who has in his possession or under his immediate control a sawed-off shotgun or a sawed-off rifle, whether concealed or not, shall upon conviction be guilty of a felony for the possession of such device, and shall be punishable by a fine not to exceed \$1,000, or imprisonment in the State Penitentiary for a period not to exceed 2 years, or both such fine and imprisonment.

D. It is a defense to prosecution under this section, if the approved application form that authorized the making or transfer of the particular firearm to the defendant, which indicates the registration of the firearm to said defendant pursuant to the National Firearm's Act, is introduced.

§ 1289.19. Restricted Bullet and Body Armor Defined. As used in §§ 1289.20 through 1289.22 of this title and § 2 of this act:

1. "Restricted bullet" means a round or elongated missile with a core of less than 60% lead and having a fluorocarbon coating, which is designed to travel at a high velocity and is capable of penetrating body armor....

§ 1289.20. Manufacture of Restricted Bullets

A. Except for the purpose of public safety or national security, it shall be unlawful to manufacture, cause to be manufactured, import, advertise for sale or sell within this state any restricted bullet as defined in § 1289.19 of this title.

B. Any person convicted of violating subsection A of this section shall be guilty of a felony and shall be punished by a fine of not less than \$500 nor more than \$10,000, or by imprisonment in the State Penitentiary for not more than 10 years, or by both such fine and imprisonment.

§ 1289.21. Possession or Use of Restricted Bullets

A. It shall be unlawful for any person to possess, carry upon his person, use or attempt to use against another person any restricted bullet as defined in § 1289.19 of this title.

B. Any person convicted of violating subsection A of this section shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary for not less than 2 years nor more than 10 years. The sentence so imposed shall not be suspended.

§ 1289.22. Exemptions. The prohibition of possessing or using a restricted bullet shall not apply to law enforcement agencies when such bullet is used for testing, training or demonstration.

§ 1289.23. Concealed Firearm for Off-Duty Police Officer

A. Notwithstanding any provision of law to the contrary, 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 § 3311 of Title 70 of the Oklahoma Statutes, is hereby authorized to carry a weapon approved by the employing agency anywhere in the state of Oklahoma, both while on active duty and during periods when the officer is not on active duty as provided by the provisions of subsection B of this section.

B. When a full-time duly appointed officer carries an approved weapon, the officer shall be wearing the law enforcement uniform prescribed by the employing agency or plainclothes. When not wearing the prescribed law enforcement uniform, the officer shall be required:

1. To have the official peace officers badge, Commission Card and CLEET Certification Card on his or her person at all times when carrying a weapon approved by the employing agency; and

2. To keep the approved weapon concealed or unconcealed at all times, except when the weapon is used within the guidelines established by the employing agency.

C. Nothing in this section shall be construed to alter or amend the provisions of § 1272.1 of this title or expand the duties, authority or jurisdiction of any peace officer.

D. A reserve peace officer who has satisfactorily completed a basic police course of not less than 120 hours of accredited instruction for reserve police officers and reserve deputies from the Council on Law Enforcement Education and Training or a course of study approved by CLEET may carry an approved weapon when such officer is off duty as provided by subsection E of this section, provided:

1. The officer has been granted written authorization signed by the director of the employing agency; and

2. The employing agency shall maintain a current list of any officers authorized to carry an approved weapon while the officers are off duty, and shall provide a copy of such list to the Council on Law Enforcement Education and Training. Any change to the list shall be made in writing and mailed to the Council on Law Enforcement Education and Training within 5 days.

E. When an off-duty reserve peace officer carries an approved weapon, the officer shall be wearing the law enforcement uniform prescribed by the employing agency or when not wearing the prescribed law enforcement uniform, the officer shall be required:

1. To have his or her official peace officer's badge, Commission Card, CLEET Certification Card; and

2. To keep the approved weapon concealed or unconcealed at all times, except when the weapon is used within the guidelines established by the employing agency.

F. Nothing in subsection D of this section shall be construed to alter or amend the provisions of § 1750.2 of Title 59 of the Oklahoma Statutes or expand the duties, jurisdiction or authority of any reserve peace officer.

G. Nothing in this section shall be construed to limit or restrict any peace officer or reserve peace officer from carrying a handgun, concealed or unconcealed, as allowed by the Oklahoma Self-Defense Act after issuance of a valid license. An off-duty, full-time peace officer or reserve peace officer shall be deemed to have elected to carry a handgun under the authority of the Oklahoma Self-Defense Act when the officer:

1. Has been issued a valid handgun license and is carrying a handgun not authorized by the employing agency; or

2. Is carrying a handgun in a manner or in a place not specifically authorized for off-duty carry by the employing agency.

H. Any off-duty peace officer who carries any weapon in violation of the provisions of this section shall be deemed to be in violation of § 1272 of this title and may be prosecuted as provided by law for a violation of that section.

I. On or after November 1, 2004, a reserve or full-time commissioned peace officer may apply to carry a weapon pursuant to the Oklahoma Self-Defense Act as follows:

1. The officer shall apply in writing to the Council on Law Enforcement Education and Training (CLEET) stating that the officer desires to have a handgun license pursuant to the Oklahoma Self-Defense Act and certifying that he or she has no preclusions to having such handgun license. The officer shall submit with the application:

a. an official letter from his or her employing agency confirming the officer's employment and status as a full-time commissioned peace officer or an active reserve peace officer,

b. a fee of \$25 for the handgun license, and

c. two passport-size photographs of the peace officer applicant;

2. Upon receiving the required information, CLEET shall determine whether the peace officer is in good standing, has CLEET certification and training, and is otherwise eligible for a handgun license. Upon verification of the officer's eligibility, CLEET shall send the information to the Oklahoma State Bureau of Investigation (OSBI) and OSBI shall issue a handgun license in the same or similar form as other handgun licenses. All other requirements in § 1290.12 of this title concerning application for a handgun license shall be waived for active duty peace officers except as provided in this subsection including, but not limited to, training, fingerprints and criminal history records checks unless the officer does not have fingerprints on file or a criminal history records background check conducted prior to employment as a peace officer. The OSBI shall not be required to conduct any further investigation into the eligibility of the peace officer applicant and shall not deny a handgun license except when preclusions are found to exist;

3. The term of the handgun license for an active duty reserve or full-time commissioned peace officer pursuant to this section shall be as provided in § 1290.5 of this title, renewable in the same manner provided in this subsection for an

original application by a peace officer. The handgun license shall be valid when the peace officer is in possession of a valid driver license and law enforcement commission card;

4. If the commission card of a law enforcement officer is terminated, revoked or suspended, the handgun license shall be immediately returned to CLEET. When a peace officer in possession of a handgun license pursuant to this subsection changes employment, the person must notify CLEET within 90 days and send a new letter verifying employment and status as a full-time commissioned or reserve peace officer;

5. There shall be no refund of any fee for any unexpired term of any handgun license that is suspended, revoked or voluntarily returned to CLEET, or that is denied, suspended or revoked by the OSBI;

6. CLEET may promulgate any rules, forms or procedures necessary to implement the provisions of this section; and

7. Nothing in this subsection shall be construed to change or amend the application process, eligibility, effective date or fees of any handgun license pending issuance on November 1, 2004, or previously issued to any peace officer prior to November 1, 2004. **§ 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 § 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 of a handgun under the provisions of the Oklahoma Self-Defense Act 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.

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 § 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.

§ 1289.24a. Lawsuits Against Gun Manufacturers

2. The authority to bring suit and right to recover against any firearms or ammunition manufacturer, trade association, or dealer by or on behalf of any governmental unit created by or pursuant to an act of the Legislature or the Constitution, or any department, agency, or authority thereof, for damages, abatement, or injunctive relief resulting from or relating to the lawful design, manufacturing, marketing, or sale of firearms or ammunition to the public shall be reserved exclusively to the state. This paragraph shall not prohibit a political subdivision or local government authority from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the political subdivision or local government authority. This bill shall not be construed to prohibit an individual from bringing a cause of action based upon an existing recognized theory of law.

§ 1289.25. Physical or Deadly Force Against Intruder

A. The Legislature hereby recognizes that the citizens of the State of Oklahoma have a right to expect absolute safety within their own homes or places of business.

B. A person or an owner, manager or employee of a business is presumed to have held a reasonable fear of imminent peril of death or great bodily harm to himself or herself or another when using defensive force that is intended or likely to cause death or great bodily harm to another if:

1. The person against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had unlawfully and forcibly entered, a dwelling, residence, occupied vehicle, or a place of business, or if that person had removed or was attempting to remove another against the will of that person from the dwelling, residence, occupied vehicle, or place of business; and

2. The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred.

C. The presumption set forth in subsection B of this section does not apply if:

1. The person against whom the defensive force is used has the right to be in or is a lawful resident of the dwelling, residence, or vehicle, such as an owner, lessee, or titleholder, and there is not a protective order from domestic violence in effect or a written pretrial supervision order of no contact against that person;

2. The person or persons sought to be removed are children or grandchildren, or are otherwise in the lawful custody or under the lawful guardianship of, the person against whom the defensive force is used; or

3. The person who uses defensive force is engaged in an unlawful activity or is using the dwelling, residence, occupied vehicle, or place of business to further an unlawful activity.

D. A person who is not engaged in an unlawful activity and who is attacked in any other place where he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force, if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony.

E. A person who unlawfully and by force enters or attempts to enter the dwelling, residence, occupied vehicle of another person, or a place of business is presumed to be doing so with the intent to commit an unlawful act involving force or violence.

F. A person who uses force, as permitted pursuant to the provisions of subsections B and D of this section, is justified in using such force and is immune from criminal prosecution and civil action for the use of such force. As used in this subsection, the term "criminal prosecution" includes charging or prosecuting the defendant.

G. A law enforcement agency may use standard procedures for investigating the use of force, but the law enforcement agency may not arrest the person for using force unless it determines that there is probable cause that the force that was used was unlawful.

H. The court shall award reasonable attorney fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant is immune from prosecution as provided in subsection F of this section.

I. The provisions of this section and the provisions of the Oklahoma Self-Defense Act shall not be construed to require any person using a pistol pursuant to the provisions of this section to be licensed in any manner.

J. As used in this section:

1. "Dwelling" means a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people;

2. "Residence" means a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest; and

3. "Vehicle" means a conveyance of any kind, whether or not motorized, which is designed to transport people or property.

§ 1289.27. Prohibiting Firearm Inquiry by Employer

A. It shall be unlawful for any private employer doing business in this state to ask any applicant for employment information about whether the applicant owns or possesses a firearm. Any private employer who violates the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than \$1,000.

B. All public employers and public officials within this state shall be prohibited from asking any applicant for employment information about whether the applicant owns or possesses a firearm. Any public employer or public official who violates the provisions of this subsection shall be deemed to be acting outside the scope of their employment and shall be barred from seeking statutory immunity from any exemption or provision of The Governmental Tort Claims Act.

C. As used in this section:

1. "Private employer" means any individual, partnership, firm, association, corporation or nonprofit organization that employs or offers to employ one or more persons in this state;

2. "Public employer" means the State of Oklahoma or any political subdivision thereof, including any department, agency, board, commission, institution, authority, public trust, municipality, county, district or instrumentalities thereof; and

3. "Public official" means any elected or appointed official in the executive, legislative or judicial branch of a political subdivision of the state.

§ 1289.28. Unlawful Actions Related to Licensed Dealers and Private Sellers of Firearms—Penalty

A. For purposes of this section:

1. "Licensed dealer" means a person who is licensed pursuant to 18 U.S.C., § 923 and pursuant to any laws of this state and engages in the business of dealing in firearms;

2. "Private seller" means a person who sells or offers for sale any firearm, as defined by the laws of this state, or ammunition;

3. "Ammunition" means any cartridge, shell, or projectile designed for use in a firearm; and

4. "Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal.

B. Any person, who knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this state or the United States is guilty of a felony.

C. Any person who provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition is guilty of a felony.

D. Any person who willfully procures another to engage in conduct prohibited by this section shall be held accountable as

a principal.

E. This section does not apply to a law enforcement officer acting in his or her official capacity or to a person acting at the direction of such law enforcement officer.

F. A violation of this section is punishable by a fine not to exceed \$5,000, a term of imprisonment in the custody of the Department of Corrections not to exceed 5 years, or by both fine and imprisonment.

§ 1289.29. US Attorney or Assistant US Attorney—Carrying Firearms. Any United States Attorney or Assistant United States Attorney may carry a firearm on his or her person anywhere in the State of Oklahoma if the person has successfully completed a handgun qualification course for court officials developed by the Council on Law Enforcement Education and Training. The Council on Law Enforcement Education and Training may provide for an identification card to be issued to the United States Attorney or Assistant United States Attorney and may provide application forms. If the person issued an identification card is no longer eligible, that person shall immediately return the identification card to the Council on Law Enforcement Education and Training.

§ 1289.30. Certification of Transfer or Making of Firearm—Appeal

A. When certification by a chief law enforcement officer is required by federal law or regulation for the transfer or making of a firearm, the chief law enforcement officer shall, within 15 days of receipt of a request for certification, provide such certification if the applicant is not prohibited by law from receiving the firearm or the applicant is not the subject of a proceeding that could result in the applicant being prohibited by law from receiving the firearm. If the applicant is prohibited by law from receiving the firearm or the applicant is the subject of a proceeding that could result in such prohibition, the chief law enforcement officer shall provide written notification to the applicant that certification has been denied and state the reasons for such findings.

B. An applicant whose request for certification is denied may appeal the decision of the chief law enforcement officer to the district court that is located in the county in which the applicant resides. The court shall review the decision of the chief law enforcement officer to deny the certification de novo. If the court finds that the applicant is not prohibited by law from receiving the firearm or the applicant is not the subject of a proceeding that could result in such prohibition, the court shall order the chief law enforcement officer to issue the certification and shall award court costs and reasonable attorney fees to the applicant.

C. For purposes of this section:

1. "Certification" means the participation and assent of the chief law enforcement officer necessary under federal law for the approval of the application to transfer or make a firearm;

2. "Chief law enforcement officer" means any official that the Bureau of Alcohol, Tobacco, Firearms and Explosives, or any successor agency, identifies by regulation or otherwise as eligible to provide any required certification for applications to transfer or make a firearm; and

3. "Firearm" shall have the same meaning as provided for in the National Firearms Act, subsection a. of § 5845 of Title 26 of the United States Code.

Oklahoma Self-Defense Act

§ 1290.2. Definitions

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

1. "**Concealed handgun**" means a loaded or unloaded pistol, the presence of which is not openly discernible to the ordinary observation of a reasonable person;

2. "**Unconcealed handgun**" means a loaded or unloaded pistol carried upon the person in a belt holster or shoulder holster that is wholly or partially visible, or carried upon the person in a scabbard or case designed for carrying firearms that is wholly or partially visible; and

3. "**Pistol**" means any derringer, revolver or semiautomatic firearm which:

a. has an overall length of less than 16 inches,

b. is capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury,

c. is designed to be held and fired by the use of a single hand, and

d. uses either gunpowder, gas or any means of rocket propulsion to discharge the projectile.

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

§ 1290.3. Authority to Issue License. The Oklahoma State Bureau of Investigation is hereby authorized to license an eligible person to carry a concealed or unconcealed handgun as provided by the provisions of the Oklahoma Self-Defense Act. The authority of the Bureau shall be limited to the provisions specifically provided in the Oklahoma Self-Defense Act. The Bureau shall promulgate rules, forms and procedures necessary to implement the provisions of the Oklahoma Self-Defense Act.

§ 1290.4. Unlawful Carry. As provided by § 1272 of this title, it is unlawful for any person to carry a concealed or unconcealed handgun in this state, except as hereby authorized by the provisions of the Oklahoma Self-Defense Act or as may otherwise be provided by law.

§ 1290.5. Term of License and Renewal

A. A handgun license when issued shall authorize the person to whom the license is issued to carry a loaded or unloaded handgun, concealed or unconcealed, as authorized by the provisions of the Oklahoma Self-Defense Act, and any future modifications thereto. The license shall be valid in this state for a period of 5 or 10 years, unless subsequently surrendered, suspended or revoked as provided by law. The person shall have no authority to continue to carry a concealed or unconcealed handgun in this state pursuant to the Oklahoma Self-Defense Act when a license is expired or when a license has been voluntarily surrendered or suspended or revoked for any reason.

B. A license may be renewed any time within 90 days prior to the expiration date as provided in this subsection. The Bureau shall send a renewal application to each eligible licensee with a return address requested. There shall be a 90-day grace period on license renewals beginning on the date of expiration, thereafter the license is considered expired. However, any applicant shall have 3 years from the expiration of the license to comply with the renewal requirements of this section.

1. To renew a handgun license, the licensee must first obtain a renewal form from the Oklahoma State Bureau of Investigation.

2. The applicant must complete the renewal form, attach 2 current passport size photographs of the applicant, and submit a renewal fee in the amount of \$85 to the Bureau. The renewal fee may be paid with a nationally recognized credit card as provided in subparagraph b of paragraph 4 of subsection A of § 1290.12 of this title, by electronic funds transfer, or by a cashier's check or money order made payable to the Oklahoma State Bureau of Investigation.

3. Upon receipt of the renewal application, photographs and fee, the Bureau will conduct a criminal history records name search, an investigation of medical records or other records or information deemed by the Bureau to be relevant to the renewal application. If the applicant appears not to have any prohibition to renewing the handgun license, the Bureau shall issue the renewed license for a period of 5 or 10 years.

C. Any person making application for a handgun license or any licensee seeking to renew a handgun license shall have the option to request that said license be valid for a period of 10 years. The fee for any handgun license issued for a period of 10 years shall be double the amount of the fee provided for in paragraph 4 of subsection A of § 1290.12 of this title. The renewal fee for a handgun license issued for a period of 10 years shall be double the amount of the fee provided for in paragraph 2 of subsection B of this section.

§ 1290.6. Prohibited Ammunition. Any concealed or unconcealed handgun when carried in a manner authorized by the provisions of the Oklahoma Self-Defense Act and when loaded with any ammunition which is either a restricted bullet as defined by § 1289.19 of this title or is larger than .45 caliber or is otherwise prohibited by law shall be deemed a prohibited weapon for purposes of the Oklahoma Self-Defense Act. Any person violating the provisions of this section shall be punished for a criminal offense as provided by § 1272 of this title or any other applicable provision of law. In addition to any criminal prosecution for a violation of the provisions of this section, the licensee shall be subject to an administrative fine of \$500, upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

§ 1290.7. Construing Authority of License. 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 § 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.

§ 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 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. A person in possession of a valid handgun license and in compliance with the provisions of the Oklahoma Self-Defense Act shall be authorized to carry such concealed or unconcealed handgun while bow hunting or fishing.

B. The person shall be required to have possession of his or her valid handgun license 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 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 in response to that demand. Any violation of the provisions of this subsection may be punishable as a criminal offense as authorized by § 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 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 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 § 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 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.

C. 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 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 the first opportunity. 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 of the provisions of this subsection shall, upon conviction, be a misdemeanor punishable by a fine not exceeding \$100.

D. 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.

E. 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.

§ 1290.9. Eligibility. The following requirements shall apply to any person making application to the Oklahoma State Bureau of Investigation for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. The person must:

1. Be a citizen of the United States;
2. Establish a residency in the State of Oklahoma. For purposes of the Oklahoma Self-Defense Act, the term "residency" shall apply to any person who either possesses a valid Oklahoma driver license or state photo identification card, and physically maintains a residence in this state or to any person, including the spouse of such person, who has permanent military orders within this state and possesses a valid driver license from another state where such person and spouse of such person claim residency;
3. Be at least 21 years of age;
4. Complete a firearms safety and training course and demonstrate competence and qualifications with the type of pistol to be carried by the person as provided in § 1290.14 of this title, and submit proof of training and qualification or an exemption for training and qualification as authorized by § 1290.14 of this title;
5. Submit the required fee and complete the application process as provided in § 1290.12 of this title; and
6. Comply in good faith with the provisions of the Oklahoma Self-Defense Act.

§ 1290.10. Mandatory Preclusions. In addition to the requirements stated in § 1290.9 of this title, the conditions stated in this section shall preclude a person from eligibility for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. The occurrence of any one of the following conditions shall deny the person the right to have a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. Prohibited conditions are:

1. Ineligible to possess a pistol due to any felony conviction or adjudication as a delinquent as provided by § 1283 of this title, except as provided in subsection B of § 1283 of this title;
2. Any felony conviction pursuant to any law of another state, a felony conviction pursuant to any provision of the United States Code, or any conviction pursuant to the laws of any foreign country, provided such foreign conviction would constitute a felony offense in this state if the offense had been committed in this state, except as provided in subsection B of § 1283 of this title;
3. Adjudication as a mentally incompetent person pursuant to the provisions of the Oklahoma Mental Health Law, or an adjudication of incompetency entered in another state pursuant to any provision of law of that state, unless the person has been granted relief from the disqualifying disability pursuant to § 1290.27 of this title;
4. Any false or misleading statement on the application for a handgun license as provided by paragraph 5 of subsection A of § 1290.12 of this title;
5. Conviction of any one of the following misdemeanor offenses in this state or in any other state:
 - a. any assault and battery which caused serious physical injury to the victim, or any second or subsequent assault and battery conviction,
 - b. any aggravated assault and battery,
 - c. any stalking pursuant to § 1173 of this title, or a similar law of another state,
 - d. a violation relating to the Protection from Domestic Abuse Act or any violation of a victim protection order of another state,
 - e. any conviction relating to illegal drug use or possession, or
 - f. an act of domestic abuse as defined by § 644 of this title or an act of domestic assault and battery or any comparable acts under the laws of another state.

The preclusive period for a misdemeanor conviction related to illegal drug use or possession shall be 10 years from the date of completion of a sentence. For purposes of this subsection, "date of completion of a sentence" shall mean the day

an offender completes all incarceration, probation, and parole pertaining to such sentence;

6. An attempted suicide or other condition relating to or indicating mental instability or an unsound mind which occurred within the preceding 10-year period from the date of the application for a license to carry a concealed firearm or that occurs during the period of licensure;

7. Currently undergoing treatment for a mental illness, condition, or disorder. For purposes of this paragraph, "currently undergoing treatment for a mental illness, condition, or disorder" means the person has been diagnosed by a licensed physician as being afflicted with a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life;

8. Significant character defects of the applicant as evidenced by a misdemeanor criminal record indicating habitual criminal activity;

9. Ineligible to possess a pistol due to any provision of law of this state or the United States Code, except as provided in subsection B of § 1283 of this title;

10. Failure to pay an assessed fine or surrender the handgun license as required by a decision by the administrative hearing examiner pursuant to authority of the Oklahoma Self-Defense Act;

11. Being subject to an outstanding felony warrant issued in this state or another state or the United States; or

12. Adjudication as a delinquent as provided by § 1283 of this title, except as provided in subsection B of § 1283 of this title.

§ 1290.11. Other Preclusions

A. The following conditions shall preclude a person from being eligible for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act for a period of time as prescribed in each of the following paragraphs:

1. An arrest for an alleged commission of a felony offense or a felony charge pending in this state, another state or pursuant to the United States Code. The preclusive period shall be until the final determination of the matter;

2. The person is subject to the provisions of a deferred sentence or deferred prosecution in this state or another state or pursuant to federal authority for the commission of a felony offense. The preclusive period shall be 3 years and shall begin upon the final determination of the matter;

3. Any involuntary commitment for a mental illness, condition, or disorder pursuant to the provisions of § 5-410 of Title 43A of the Oklahoma Statutes or any involuntary commitment in another state pursuant to any provisions of law of that state. The preclusive period shall be permanent as provided by Title 18 of the United States Code § 922(g)(4) unless the person has been granted relief from the disqualifying disability pursuant to § 3 of this act;

4. The person has previously undergone treatment for a mental illness, condition, or disorder which required medication or supervision as defined by paragraph 7 of § 1290.10 of this title. The preclusive period shall be 3 years from the last date of treatment or upon presentation of a certified statement from a licensed physician stating that the person is either no longer disabled by any mental or psychiatric illness, condition, or disorder or that the person has been stabilized on medication for 10 years or more;

5. Inpatient treatment for substance abuse. The preclusive period shall be 3 years from the last date of treatment or upon presentation of a certified statement from a licensed physician stating that the person has been free from substance use for 12 months or more preceding the filing of an application for a handgun license;

6. Two or more convictions of public intoxication pursuant to § 8 of Title 37 of the Oklahoma Statutes, or a similar law of another state. The preclusive period shall be 3 years from the date of the completion of the last sentence;

7. Two or more misdemeanor convictions relating to intoxication or driving under the influence of an intoxicating substance or alcohol. The preclusive period shall be 3 years from the date of the completion of the last sentence or shall require a certified statement from a licensed physician stating that the person is not in need of substance abuse treatment;

8. A court order for a final Victim Protection Order against the applicant, as authorized by the Protection from Domestic Abuse Act, or any court order granting a final victim protection order against the applicant from another state. The preclusive period shall be 3 years from the date of the entry of the final court order, or 60 days from the date an order was vacated, canceled or withdrawn;

9. An adjudicated delinquent or convicted felon residing in the residence of the applicant which may be a violation of § 1283 of this title. The preclusive period shall be 30 days from the date the person no longer resides in the same residence as the applicant; or

10. An arrest for an alleged commission of, a charge pending for, or the person is subject to the provisions of a deferred prosecution for any one or more of the following misdemeanor offenses in this state or another state:

a. any assault and battery which caused serious physical injury to the victim or any second or subsequent assault and battery,

b. any aggravated assault and battery,

c. any stalking pursuant to § 1173 of this title, or a similar law of another state,

d. any violation of the Protection from Domestic Abuse Act or any violation of a victim protection order of another state,

e. any violation relating to illegal drug use or possession, or

f. an act of domestic abuse as defined by § 644 of this title or an act of domestic assault and battery or any comparable acts under the law of another state.

The preclusive period shall be until the final determination of the matter. The preclusive period for a person subject to the provisions of a deferred sentence for the offenses mentioned in this paragraph shall be 3 years and shall begin upon the final determination of the matter.

B. Nothing in this section shall be construed to require a full investigation of the applicant by the Oklahoma State Bureau of Investigation.

§ 1290.12. Procedure for Application [Effective November 1, 2016]

A. Except as provided in paragraph 11 of this subsection, the procedure for applying for a handgun license and processing the application shall be as follows:

1. An eligible person may request an application packet for a handgun license from the Oklahoma State Bureau of Investigation or the county sheriff's office either in person or by mail. The Bureau may provide application packets to each sheriff not exceeding 200 packets per request. The Bureau shall provide the following information in the application packet:

- a. an application form,
- b. procedures to follow to process the application form, and
- c. a copy of the Oklahoma Self-Defense Act with any modifications thereto;

2. The person shall be required to successfully complete a firearms safety and training course from a firearms instructor who is approved and registered in this state as provided in § 1290.14 of this title or from an interactive online firearms safety and training course available electronically via the Internet which has been approved as to curriculum by the Council on Law Enforcement Education and Training, and the person shall be required to demonstrate competency and qualification with a pistol authorized for concealed or unconcealed carry by the Oklahoma Self-Defense Act. The original certificate of successful completion of a firearms safety and training course and an original certificate of successful demonstration of competency and qualification to carry and handle a pistol shall be submitted with the application for a handgun license. No duplicate, copy, facsimile or other reproduction of the certificate of training, certificate of competency and qualification or exemption from training shall be acceptable as proof of training as required by the provisions of the Oklahoma Self-Defense Act. A person exempt from the training requirements as provided in § 1290.15 of this title must show the required proof of such exemption to the firearms instructor to receive an exemption certificate. The original exemption certificate must be submitted with the application for a handgun license when the person claims an exemption from training and qualification;

3. The application form shall be completed and delivered by the applicant, in person, to the sheriff of the county wherein the applicant resides;

4. The person shall deliver to the sheriff at the time of delivery of the completed application form a fee of \$100 for processing the application through the Oklahoma State Bureau of Investigation and processing the required fingerprints through the Federal Bureau of Investigation. The processing fee shall be in the form of:

- a. a money order or a cashier's check made payable to the Oklahoma State Bureau of Investigation,
- b. a nationally recognized credit card issued to the applicant. For purposes of this paragraph, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by the issuer for the use of the cardholder in obtaining goods, services, or anything else of value on credit which is accepted by over one thousand merchants in the state. The Oklahoma State Bureau of Investigation shall determine which nationally recognized credit cards will be accepted by the Bureau, or
- c. electronic funds transfer.

Any person paying application fees to the Oklahoma State Bureau of Investigation by means of a nationally recognized credit card or by means of an electronic funds transfer shall be required to complete and submit his or her application through the online application process of the Bureau.

The processing fee shall not be refundable in the event of a denial of a handgun license or any suspension or revocation subsequent to the issuance of a license. Persons making application for a firearms instructor shall not be required to pay the application fee as provided in this section, but shall be required to pay the costs provided in paragraphs 6 and 8 of this subsection;

5. The completed application form shall be signed by the applicant in person before the sheriff. The signature shall be given voluntarily upon a sworn oath that the person knows the contents of the application and that the information contained in the application is true and correct. Any person making any false or misleading statement on an application for a handgun license shall, upon conviction, be guilty of perjury as defined by § 491 of this title. Any conviction shall be punished as provided in § 500 of this title. In addition to a criminal conviction, the person shall be denied the right to have a handgun license pursuant to the provisions of § 1290.10 of this title and the Oklahoma State Bureau of Investigation shall revoke the handgun license, if issued;

6. Two passport size photographs of the applicant shall be submitted with the completed application. The cost of the photographs shall be the responsibility of the applicant. The sheriff is authorized to take the photograph of the applicant for purposes of the Oklahoma Self-Defense Act and, if such photographs are taken by the sheriff the cost of the photographs shall not exceed \$10 for the 2 photos. All money received by the sheriff from photographing applicants pursuant to the provisions of this paragraph shall be retained by the sheriff and deposited into the Sheriff's Service Fee Account;

7. The sheriff shall witness the signature of the applicant and review or take the photographs of the applicant and shall verify that the person making application for a handgun license is the same person in the photographs submitted and the

same person who signed the application form. Proof of a valid Oklahoma driver license with a photograph of the applicant or an Oklahoma State photo identification for the applicant shall be required to be presented by the applicant to the sheriff for verification of the person's identity;

8. Upon verification of the identity of the applicant, the sheriff shall take 2 complete sets of fingerprints of the applicant. Both sets of fingerprints shall be submitted by the sheriff with the completed application, certificate of training or an exemption certificate, photographs and processing fee to the Oklahoma State Bureau of Investigation within 14 days of taking the fingerprints. The cost of the fingerprints shall be paid by the applicant and shall not exceed \$25 for the 2 sets. All fees collected by the sheriff from taking fingerprints pursuant to the provisions of this paragraph shall be retained by the sheriff and deposited into the Sheriff's Service Fee Account;

9. The sheriff shall submit to the Oklahoma State Bureau of Investigation within the 14-day period, together with the completed application, including the certificate of training or exemption certificate, photographs, processing fee and legible fingerprints meeting the Oklahoma State Bureau of Investigation's Automated Fingerprint Identification System (AFIS) submission standards, and a report of information deemed pertinent to an investigation of the applicant for a handgun license. The sheriff shall make a preliminary investigation of pertinent information about the applicant and the court clerk shall assist the sheriff in locating pertinent information in court records for this purpose. If no pertinent information is found to exist either for or against the applicant, the sheriff shall so indicate in the report;

10. The Oklahoma State Bureau of Investigation, upon receipt of the application and required information from the sheriff, shall forward 1 full set of fingerprints of the applicant to the Federal Bureau of Investigation for a national criminal history records search. The cost of processing the fingerprints nationally shall be paid from the processing fee collected by the Oklahoma State Bureau of Investigation;

11. Notwithstanding the provisions of the Oklahoma Self-Defense Act, or any other provisions of law, any person who has been granted a permanent victim protective order by the court, as provided for in the Protection from Domestic Abuse Act, may be issued a temporary handgun license for a period not to exceed 6 months. A temporary handgun license may be issued if the person has successfully passed the required weapons course, completed the application process for the handgun license, passed the preliminary investigation of the person by the sheriff and court clerk, and provided the sheriff proof of a certified permanent victim protective order and a valid Oklahoma state photo identification card or driver license. The sheriff shall issue a temporary handgun license on a form approved by the Oklahoma State Bureau of Investigation, at no cost. Any person who has been issued a temporary license shall carry the temporary handgun license and a valid Oklahoma state photo identification on his or her person at all times, and shall be subject to all the requirements of the Oklahoma Self-Defense Act when carrying a handgun. The person may proceed with the handgun licensing process. In the event the victim protective order is no longer enforceable, the temporary handgun license shall cease to be valid;

12. The Oklahoma State Bureau of Investigation shall make a reasonable effort to investigate the information submitted by the applicant and the sheriff, to ascertain whether or not the issuance of a handgun license would be in violation of the provisions of the Oklahoma Self-Defense Act. The investigation by the Bureau of an applicant shall include, but shall not be limited to: a statewide criminal history records search, a national criminal history records search, a Federal Bureau of Investigation fingerprint search, and if applicable, an investigation of medical records or other records or information deemed by the Bureau to be relevant to the application.

a. In the course of the investigation by the Bureau, it shall present the name of the applicant along with any known aliases, the address of the applicant and the social security number of the applicant to the Department of Mental Health and Substance Abuse Services. The Department of Mental Health and Substance Abuse Services shall respond within 10 days of receiving such information to the Bureau as follows:

(1) with a "Yes" answer, if the records of the Department indicate that the person was involuntarily committed to a mental institution in Oklahoma,

(2) with a "No" answer, if there are no records indicating the name of the person as a person involuntarily committed to a mental institution in Oklahoma, or

(3) with an "Inconclusive" answer if the records of the Department suggest the applicant may be a formerly committed person. In the case of an inconclusive answer, the Bureau shall ask the applicant whether he or she was involuntarily committed. If the applicant states under penalty of perjury that he or she has not been involuntarily committed, the Bureau shall continue processing the application for a license.

b. In the course of the investigation by the Bureau, it shall check the name of any applicant who is 28 years of age or younger along with any known aliases, the address of the applicant and the social security number of the applicant against the records in the Juvenile Online Tracking System (JOLTS) of the Office of Juvenile Affairs. The Office of Juvenile Affairs shall provide the Bureau direct access to check the applicant against the records available on JOLTS:

(1) if the Bureau finds a record on the JOLTS that indicates the person was adjudicated a delinquent for an offense that would constitute a felony offense if committed by an adult within the last 10 years the Bureau shall deny the license,

(2) if the Bureau finds no record on the JOLTS indicating the named person was adjudicated delinquent for an offense that would constitute a felony offense if committed by an adult within the last 10 years, or

(3) if the records suggest the applicant may have been adjudicated delinquent for an offense that would constitute a felony offense if committed by an adult but such record is inconclusive, the Bureau shall ask the applicant whether he or she was adjudicated a delinquent for an offense that would constitute a felony offense if committed by an adult within the last 10 years. If the applicant states under penalty of perjury that he or she was not adjudicated a delinquent within 10 years, the Bureau shall continue processing the application for a license; and

13. If the background check set forth in paragraph 12 of this subsection reveals no records pertaining to the applicant, the Oklahoma State Bureau of Investigation shall either issue a handgun license or deny the application within 60 days of the date of receipt of the applicant's completed application and the required information from the sheriff. In all other cases, the Oklahoma State Bureau of Investigation shall either issue a handgun license or deny the application within 90 days of the date of the receipt of the applicant's completed application and the required information from the sheriff. The Bureau shall approve an applicant who appears to be in full compliance with the provisions of the Oklahoma Self-Defense Act, if completion of the federal fingerprint search is the only reason for delay of the issuance of the handgun license to that applicant. Upon receipt of the federal fingerprint search information, if the Bureau receives information which precludes the person from having a handgun license, the Bureau shall revoke the handgun license previously issued to the applicant. The Bureau shall deny a license when the applicant fails to properly complete the application form or application process or is determined not to be eligible as specified by the provisions of § 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall approve an application in all other cases. If an application is denied, the Bureau shall notify the applicant in writing of its decision. The notification shall state the grounds for the denial and inform the applicant of the right to an appeal as may be provided by the provisions of the Administrative Procedures Act. All notices of denial shall be mailed by first-class mail to the address of the applicant listed in the application. Within 60 calendar days from the date of mailing a denial of application to an applicant, the applicant shall notify the Bureau in writing of the intent to appeal the decision of denial or the right of the applicant to appeal shall be deemed waived. Any administrative hearing on a denial which may be provided shall be conducted by a hearing examiner appointed by the Bureau. The decision of the hearing examiner shall be a final decision appealable to a district court in accordance with the Administrative Procedures Act. When an application is approved, the Bureau shall issue the license and shall mail the license by first-class mail to the address of the applicant listed in the application.

B. Nothing contained in any provision of the Oklahoma Self-Defense Act shall be construed to require or authorize the registration, documentation or providing of serial numbers with regard to any firearm. For purposes of the Oklahoma Self-Defense Act, the sheriff may designate a person to receive, fingerprint, photograph or otherwise process applications for handgun licenses.

§ 1290.13. Automatic Listing of Licenses. The Oklahoma State Bureau of Investigation shall maintain an automated listing of all persons issued a handgun license in this state pursuant to the provisions of the Oklahoma Self-Defense Act and all subsequent suspended or revoked licenses. Information from the automated listing shall only be available to a law enforcement officer or law enforcement agency upon request for law enforcement purposes. The Bureau shall also maintain for each applicant the original application or a copy of the original application form and any subsequent renewal application forms together with the photographs, fingerprints and other pertinent information on the applicant which shall be confidential, except to law enforcement officers or law enforcement agencies in the performance of their duties. The Bureau may release a copy of fingerprints of a deceased applicant maintained by the Bureau due to an application for a handgun license pursuant to the Oklahoma Self-Defense Act. Provided, however, the Bureau may release a copy of fingerprints of a deceased applicant only to an immediate family member upon written request. Such request shall be accompanied by a payment of \$15, which shall be deposited into the OSBI Revolving Fund. For purposes of this section, "immediate family member" shall mean the spouse, a child by birth or adoption, a stepchild, a parent by birth or adoption, a stepparent, a grandparent, a grandchild, a sibling, a stepsibling or the spouse of any immediate family member. To facilitate the Bureau's administration of the Oklahoma Self-Defense Act, all licensees shall maintain a current mailing address where the licensee may receive certified mail. The licensee shall within 30 days of a change of name or address inform the Bureau of such change.

§ 1290.14. Safety and Training Course

A. Each applicant for a license to carry a concealed or unconcealed handgun pursuant to the Oklahoma Self-Defense Act must successfully complete a firearms safety and training course in this state conducted by a registered and approved firearms instructor as provided by the provisions of this section or from an interactive online firearms safety and training course available electronically via the Internet approved and certified by the Council on Law Enforcement Education and Training. The applicant must further demonstrate competence and qualification with an authorized pistol of the type or types that the applicant desires to carry as a concealed or unconcealed handgun pursuant to the provisions of the Oklahoma Self-Defense Act, except certain persons may be exempt from such training requirement as provided by the provisions of § 1290.15 of this title.

B. The Council on Law Enforcement Education and Training (CLEET) shall establish criteria for approving firearms instructors and interactive online firearms safety and training courses available electronically via the Internet for purposes of training and qualifying individuals for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. Prior to submitting an application for CLEET approval as a firearms instructor, applicants shall attend a firearms instructor school, meeting the following minimum requirements:

1. Firearms instructor training conducted by one of the following entities:
 - a. Council on Law Enforcement Education and Training,
 - b. National Rifle Association,
 - c. Oklahoma Rifle Association,
 - d. federal law enforcement agencies, or
 - e. other professionally recognized organizations;

2. The course shall be at least 16 hours in length;
3. Upon completion of the course, the applicant shall be qualified to provide instruction on revolvers, semiautomatic pistols, or both; and
4. Receive a course completion certificate.

All firearms instructors shall be required to meet the eligibility requirements for a handgun license as provided in §§ 1290.9, 1290.10, and 1290.11 of this title and the application shall be processed as provided for applicants in § 1290.12 of this title, including the state and national criminal history records search and fingerprint search. A firearms instructor shall be required to pay a fee of \$100 to the Council on Law Enforcement Education and Training (CLEET) each time the person makes application for CLEET approval as a firearms instructor pursuant to the provisions of the Oklahoma Self-Defense Act. ... CLEET shall periodically review each approved instructor during a training and qualification course to assure compliance with the rules and course contents. Any violation of the rules may result in the revocation or suspension of CLEET and Oklahoma State Bureau of Investigation approval. Unless the approval has been revoked or suspended, a firearms instructor's CLEET approval shall be for a term of 5 years. Beginning on July 1, 2003, any firearms instructor who has been issued a 4-year CLEET approval shall not be eligible for the 5-year approval until the expiration of the approval previously issued. CLEET shall be responsible for notifying all approved firearms instructors of statutory and policy changes related to the Oklahoma Self-Defense Act. A firearms instructor shall not be required to submit his or her fingerprints for a fingerprint search when renewing a firearms instructor's CLEET approval.

C. 1. All firearms instructors approved by CLEET to train and qualify individuals for a handgun license shall be required to apply for registration with the Oklahoma State Bureau of Investigation after receiving CLEET approval. All firearms instructors teaching the approved course for a handgun license must display their registration certificate during each training and qualification course. Each approved firearms instructor shall complete a registration form provided by the Bureau and shall have the option to pay a registration fee of either \$100 for a 5-year registration certificate or \$200 for a 10-year registration certificate to the Bureau at the time of each application for registration, except as provided in paragraph 2 of this subsection. Registration certificates issued by the Bureau shall be valid for a period of 5 years or 10 years from the date of issuance. The Bureau shall issue a 5-year or 10-year handgun license to an approved firearms instructor at the time of issuance of a registration certificate and no additional fee shall be required or charged. The Bureau shall maintain a current listing of all registered firearms instructors in this state. Nothing in this paragraph shall be construed to eliminate the requirement for registration and training with CLEET as provided in subsection B of this section. Failure to register or be trained as required shall result in a revocation or suspension of the instructor certificate by the Bureau.

2. On or after July 1, 2003, the registered instructors listed in subparagraphs a and b of this paragraph shall not be required to renew the firearms instructor registration certificate with the Oklahoma State Bureau of Investigation at the expiration of the registration term, provided the instructor is not subject to any suspension or revocation of the firearms instructor certificate. The firearms instructor registration with the Oklahoma State Bureau of Investigation shall automatically renew together with the handgun license authorized in paragraph 1 of this subsection for an additional 5-year term and no additional cost or fee may be charged for the following individuals:

- a. an active duty law enforcement officer of this state or any of its political subdivisions or of the federal government who has a valid CLEET approval as a firearms instructor pursuant to the Oklahoma Self-Defense Act, and
- b. a retired law enforcement officer authorized to carry a firearm pursuant to § 1289.8 of this title who has a valid CLEET approval as a firearms instructor pursuant to the Oklahoma Self-Defense Act.

D. The Oklahoma State Bureau of Investigation shall approve registration for a firearms instructor applicant who is in full compliance with CLEET rules regarding firearms instructors and the provisions of subsection B of this section, if completion of the federal fingerprint search is the only reason for delay of registration of that firearms instructor applicant. Upon receipt of the federal fingerprint search information, if the Bureau receives information which precludes the person from having a handgun license, the Bureau shall revoke both the registration and the handgun license previously issued to the firearms instructor.

E. The required firearms safety and training course and the actual demonstration of competency and qualification required of the applicant shall be designed and conducted in such a manner that the course can be reasonably completed by the applicant within an 8-hour period. CLEET shall establish the course content and promulgate rules, procedures and forms necessary to implement the provisions of this subsection. For the training and qualification course, an applicant may be charged a fee which shall be determined by the instructor or entity that is conducting the course. The maximum class size shall be determined by the instructor conducting the course; provided, however, practice shooting sessions shall not have more than 10 participating students at one time. CLEET may establish criteria for assistant instructors and any other requirements deemed necessary to conduct a safe and effective training and qualification course. The course content shall include a safety inspection of the firearm to be used by the applicant in the training course; instruction on pistol handling, safety and storage; dynamics of ammunition and firing; methods or positions for firing a pistol; information about the criminal provisions of the Oklahoma law relating to firearms; the requirements of the Oklahoma Self-Defense Act as it relates to the applicant; self-defense and the use of appropriate force; a practice shooting session; and a familiarization course. The firearms instructor shall refuse to train or qualify any person when the pistol to be used or carried by the person is either deemed unsafe or unfit for firing or is a weapon not authorized by the Oklahoma Self-Defense Act. The course shall provide an opportunity for the applicant to qualify himself or herself on either a derringer, a revolver, a semiautomatic pistol or any combination of a derringer, a revolver and a semiautomatic pistol, provided no pistol shall be

capable of firing larger than .45 caliber ammunition. Any applicant who successfully trains and qualifies himself or herself with a semiautomatic pistol may be approved by the firearms instructor on the training certificate for a semiautomatic pistol, a revolver and a derringer upon request of the applicant. Any person who qualifies on a derringer or revolver shall not be eligible for a semiautomatic rating until the person has demonstrated competence and qualifications on a semiautomatic pistol. Upon successful completion of the training and qualification course, a certificate of training and a certificate of competency and qualification shall be issued to each applicant who successfully completes the course. The certificate of training and certificate of competency and qualification shall comply with the forms established by CLEET and shall be submitted with an application for a handgun license pursuant to the provisions of paragraph 2 of subsection A of § 1290.12 of this title. The certificate of training and certificate of competency and qualification issued to an applicant shall be valid for a period of 3 years.

G. Firearms instructors shall keep on file for a period of not less than 3 years a roster of each training class, the safety test score of each individual, the caliber and type of weapon each individual used when qualifying and whether or not each individual successfully completed the training course. Firearms instructors shall be authorized to destroy all training documents and records upon expiration of the three-year time period.

§ 1290.15. Persons Exempt from Training Courses

A. The following individuals may be exempt from all or part of the required training and qualification course established pursuant to the provisions of § 1290.14 of this title:

1. A firearms instructor registered with the Oklahoma State Bureau of Investigation for purposes of the Oklahoma Self-Defense Act;
2. An active duty law enforcement officer of this state or any of its political subdivisions or of the federal government;
3. A retired law enforcement officer authorized by this state pursuant to § 1289.8 of this title to carry a firearm;
4. A CLEET-certified armed security officer, armed guard, correctional officer, or any other person having a CLEET certification to carry a firearm in the course of their employment;
5. A person on active military duty, National Guard duty or regular military reserve duty who is a legal resident of this state and who is trained and qualified in the use of handguns;
6. A person honorably discharged from active military duty, National Guard duty or military reserves within 20 years preceding the date of the application for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, who is a legal resident of this state, and who has been trained and qualified in the use of handguns;
7. A person retired as a peace officer in good standing from a law enforcement agency located in another state, who is a legal resident of this state, and who has received training equivalent to the training required for CLEET certification in this state; and
8. Any person who is otherwise deemed qualified for a training exemption by CLEET.

Provided, however, persons applying for an exemption pursuant to paragraph 3, 4, 5, 6 or 7 of this subsection may be required to successfully complete the classroom portion of the training course. The fee for the classroom portion of the training course shall be determined by the instructor or entity that is conducting the course.

B. CLEET shall establish criteria for providing proof of an exemption. Before any person shall be considered exempt from all or part of the required training and qualification pursuant to the provisions of the Oklahoma Self-Defense Act, the person shall present the required proof of exemption to a registered firearms instructor. Each person determined to be exempt from training or qualification as provided in this subsection shall receive an exemption certificate from the registered firearms instructor. The rules promulgated by CLEET to implement the provisions of this section and § 1290.14 of this title may require that a fee not to exceed \$5 be charged for processing an exemption certificate. The original exemption certificate must be submitted with an application for a handgun license as provided in paragraph 2 of § 1290.12 of this title. No person who is determined to be exempt from training or qualification may carry a concealed or unconcealed firearm pursuant to the authority of the Oklahoma Self-Defense Act until issued a valid handgun license.

C. Nothing contained in any provision of the Oklahoma Self-Defense Act shall be construed to alter, amend, or modify the authority of any active duty law enforcement officer, or any person certified by the Council on Law Enforcement Education and Training to carry a pistol during the course of their employment, to carry any pistol in any manner authorized by law or authorized by the employing agency.

§ 1290.17. Suspension and Revocation of License

A. The Oklahoma State Bureau of Investigation shall have authority pursuant to the provisions of the Oklahoma Self-Defense Act and any other provision of law to suspend or revoke any handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act. A person whose license has been suspended or revoked or against whom a fine has been assessed shall be entitled to an appeal through a hearing in accordance with the Administrative Procedures Act. Any administrative hearing on suspensions, revocations or fines shall be conducted by a hearing examiner appointed by the Bureau. The hearing examiner's decision shall be a final decision appealable to a district court in accordance with the Administrative Procedures Act. After a handgun license has been issued, the discovery of or the occurrence of any condition which directly affects a person's eligibility for a handgun license as provided by the provisions of § 1290.9 or 1290.10 of this title shall require a revocation of the license by the Bureau. The discovery of or the occurrence of any condition pursuant to § 1290.11 of this title, after a license has been issued, shall cause a suspension of the handgun license for a period of time as prescribed for the condition. Any provision of law that requires a revocation of a handgun license upon a conviction shall cause the Bureau to suspend the handgun license upon the discovery of the arrest of the

person for such offense until a determination of the criminal case at which time the Bureau shall proceed with the appropriate administrative action. A licensee may voluntarily surrender a license to the Oklahoma State Bureau of Investigation at any time. Such surrender of a handgun license will render the license invalid. Nothing in this section may be interpreted to prevent a subsequent new application for a license. The licensee shall be informed and acknowledge in writing as follows:

1. The licensee understands that the voluntary surrender of the license will not be deemed a suspension or revocation by the Bureau;

2. A voluntary surrender of a license will not be reviewable by a hearing examiner or subject to judicial review under the Administrative Procedures Act; and

3. By surrendering the license, the licensee shall forfeit all fees paid to date.

B. Any handgun license which is subsequently suspended or revoked shall be immediately returned to the Oklahoma State Bureau of Investigation upon notification. Any person refusing or failing to return a license after notification of its suspension or revocation shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not exceeding \$500, by imprisonment in the county jail for not exceeding 6 months, or by both such fine and imprisonment. In addition, the person shall be subject to an administrative fine of \$500, upon a hearing and determination by the Bureau that the person is in violation of the provisions of this subsection.

C. Any law enforcement officer of this state shall confiscate a handgun license in the possession of any person 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, as follows:

1. Upon the arrest of the person for any felony offense;

2. Upon the arrest of the person for any misdemeanor offense enumerated as a preclusion to a handgun license;

3. For any violation of the provisions of the Oklahoma Self-Defense Act;

4. When the officer has been called to assist or is investigating any situation which would be a preclusion to having a handgun license; or

5. As provided in subsection D of § 1290.8 of this title.

D. Any administrative fine assessed in accordance with the provisions of the Oklahoma Self-Defense Act shall be paid in full within 30 days of assessment. The Oklahoma State Bureau of Investigation shall, without a hearing, suspend the handgun license of any person who fails to pay in full any administrative fine assessed against the person in accordance with the provisions of this subsection. The suspension of any handgun license shall be automatic and shall begin 30 days from the date of the assessment of the administrative fine. The suspension shall be removed and the handgun license returned to its prior standing upon payment of the administrative fine being paid in full to the Bureau.

E. Whenever a handgun license has been suspended in accordance with the provisions of this act or the administrative rules of the Bureau promulgated for purposes of this act, the license shall remain under suspension and shall not be reinstated until:

1. The person whose license has been suspended applies for reinstatement in accordance with the administrative rules of the Bureau. The Bureau shall not charge any fee in conjunction with an application for a license reinstatement. The person whose license has been suspended must demonstrate that the condition or preclusion which was the basis for the suspension has lapsed and is no longer in effect; and

2. Any and all administrative fines assessed against the person have been paid in full.

In the event a handgun license expires during the term of the suspension, the person shall be required to apply for renewal of the license in accordance with § 1290.5 of this title.

§ 1290.18. Application Form Contents. The application shall be completed upon the sworn oath of the applicant as provided in paragraph 5 of § 1290.12 of this title. The application form shall be provided by the Oklahoma State Bureau of Investigation and shall contain the following information in addition to any other information deemed relevant by the Bureau:

1. Applicant's full legal name;

2. Applicant's birth name, alias names or nicknames;

3. Maiden name, if applicable;

4. County of residence;

5. Length of residency at the current address;

6. Previous addresses for the preceding 3 years;

7. Place of birth;

8. Date of birth;

9. Declaration of citizenship and date United States citizenship was acquired, if applicable;

10. Race;

11. Weight;

12. Height;

13. Sex;

14. Color of eyes;

15. Current driver license number;

16. Military service number, if applicable;

17. Law enforcement identification numbers, if applicable;

18. Current occupation;
 19. Authorized type or types of pistol for which the applicant qualified as stated on the certificate of training or exemption of training which shall be stated as either derringer, revolver, semiautomatic pistol, or some combination of derringer, revolver and semiautomatic pistol and the maximum ammunition capacity of the firearm shall be .45 caliber;
 20. An acknowledgment that the applicant desires a handgun license as a means of lawful self-defense and self-protection and for no other intent or purpose;
 21. A statement that the applicant has never been convicted of any felony offense in this state, another state or pursuant to any federal offense;
 22. A statement that the applicant has none of the conditions which would preclude the issuing of a handgun license pursuant to any of the provisions of §§ 1290.10 and 1290.11 of this title and that the applicant further meets all of the eligibility criteria required by § 1290.9 of this title;
 23. An authorization for the Oklahoma State Bureau of Investigation to investigate the applicant and any or all records relating to the applicant for purposes of approving or denying a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act;
 24. An acknowledgment that the applicant has been furnished a copy of the Oklahoma Self-Defense Act and is knowledgeable about its provisions;
 25. A statement that the applicant is the identical person who completed the firearms training course for which the original training certificate is submitted as part of the application or a statement that the applicant is the identical person who is exempt from firearms training for which the original exemption certificate is submitted as part of the application, whichever is applicable to the applicant;
 26. A conspicuous warning that the application is executed upon the sworn oath of the applicant and that any false or misleading answer to any question or the submission of any false information or documentation by the applicant is punishable by criminal penalty as provided in paragraph 5 of § 1290.12 of this title;
 27. A signed verification that the contents of the application are known to the applicant and are true and correct;
 28. Two separate places for the original signature of the applicant;
 29. A place for attachment of a passport size photograph of the applicant; and
 30. A place for the signature and verification of the identity of the applicant by the sheriff or the sheriff's designee.
- Information provided by the person on an application for a handgun license shall be confidential except to law enforcement officers or law enforcement agencies.

§ 1290.19. License Form. The handgun license shall be on a form prescribed by the Oklahoma State Bureau of Investigation and shall contain the following information in addition to any other information deemed relevant by the Bureau:

1. The full name of the person;
2. Current address;
3. County of residence;
4. Date of birth;
5. Weight;
6. Height;
7. Sex;
8. Race;
9. Color of eyes;
10. Handgun license identification number;
11. Expiration date of the handgun license; and
12. Authorized pistol to be either: (D) derringer, (R) revolver, (S) semiautomatic pistol, or some combination of derringer, revolver and semiautomatic pistol as may be authorized by the Oklahoma Self-Defense Act for which the person demonstrated qualification pursuant to the certificate of training or an exemption certificate.

§ 1290.20. Penalty for Refusal to Submit or Falsification. It shall be unlawful for any sheriff or designee to fail or refuse to accept an application for a handgun license as authorized by the provisions of the Oklahoma Self-Defense Act or to fail or refuse to process or submit the completed application to the Oklahoma State Bureau of Investigation within the time prescribed by paragraph 8 of § 1290.12 of this title, or to falsify or knowingly allow any person to falsify any information, documentation, fingerprint or photograph submitted with a handgun application. Any violation shall, upon conviction, be a misdemeanor. There is a presumption that the sheriff has acted in good faith to comply with the provisions of the Oklahoma Self-Defense Act and any alleged violation of the provisions of this section shall require proof beyond a reasonable doubt.

§ 1290.21. Replacement License

A. In the event a handgun license becomes missing, lost, stolen or destroyed, the license shall be invalid, and the person to whom the license was issued shall notify the Oklahoma State Bureau of Investigation within 30 days of the discovery of the fact that the license is not in the possession of the licensee. The person may obtain a substitute license upon furnishing a notarized statement to the Bureau that the license is missing, lost, stolen or destroyed and paying a fifteen-dollar replacement fee. During any period when a license is missing, lost, stolen or destroyed, the person shall have no authority to carry a concealed or unconcealed handgun pursuant to the provisions of the Oklahoma Self-Defense Act. The

Bureau shall, upon receipt of the notarized statement and fee from the licensee, issue a substitute license with the same expiration date within 10 days of the receipt of the notarized statement and fee.

B. Any person who knowingly or intentionally carries a concealed or unconcealed handgun pursuant to a handgun license authorized and issued pursuant to the provisions of the Oklahoma Self-Defense Act which is stolen shall, upon conviction, be guilty of a felony punishable by a fine of \$5,000.

C. Any person having a valid handgun license pursuant to the Oklahoma Self-Defense Act may carry any make or model of an authorized pistol listed on the license, provided the type of pistol shall not be other than the type or types listed on the license. A person may complete additional firearms training for an additional type of pistol during any license period and upon successful completion of the training may request the additional type of pistol be included on the license. The person shall submit to the Bureau a \$15 replacement fee, the original certificate of training and qualification for the additional type of firearm, and a statement requesting the license be updated to include the additional type of pistol. The Bureau shall issue an updated license with the same expiration date within 10 days of the receipt of the request. The person shall have no authority to carry any additional type of pistol pursuant to the provisions of the Oklahoma Self-Defense Act until the updated license has been received by the licensee. The original license shall be destroyed upon receipt of an updated handgun license.

D. A person may request during any license period an update for a change of address or change of name by submitting to the Bureau a \$15 replacement fee, and a notarized statement that the address or name of the licensee has changed. The Bureau shall issue an updated license with the same expiration date within 10 days of receipt of the request. The original license shall be destroyed upon the receipt of the updated handgun license.

§ 1290.22. Business Owner's Rights [Effective November 1, 2016]

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 § 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 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 to leave the property and a peace officer is summoned, the person may be issued a citation for an amount not to exceed \$250.

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 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 on the property. 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 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.

§ 1290.24. Immunity [Effective November 1, 2016]

A. The state or any political subdivision of the state as defined in § 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 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;
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.

§ 1290.25. Legislative Intent. The Legislature does not delegate to the Oklahoma State Bureau of Investigation any authority to regulate or restrict the issuing of handgun licenses except as provided by the provisions of this act. Subjective or arbitrary actions or rules which encumber the issuing process by placing burdens on the applicant beyond those requirements detailed in the provisions of the Oklahoma Self-Defense Act or which create restrictions beyond those specified in this act are deemed to be in conflict with the intent of this act and are hereby prohibited. The Oklahoma Self-Defense Act shall be liberally construed to carry out the constitutional right to bear arms for self-defense and self-protection. The provisions of the Oklahoma Self-Defense Act are cumulative to existing rights to bear arms and nothing in the Oklahoma Self-Defense Act shall impair or diminish those rights.

§ 1290.26. Reciprocal Agreement Authority. The State of Oklahoma hereby recognizes any valid concealed or unconcealed carry weapons permit or license issued by another state, or if the state is a nonpermitting carry state, this state shall reciprocate under the permitting law of that state.

A. Any person entering this state in possession of a firearm authorized for concealed or unconcealed carry upon the authority and license of another state is authorized to continue to carry a concealed or unconcealed firearm and license in this state; provided the license from the other state remains valid. The firearm must either be carried unconcealed or concealed from detection and view, and upon coming in contact with any peace officer of this state, the person must disclose the fact that he or she is in possession of a concealed or unconcealed firearm pursuant to a valid concealed or unconcealed carry weapons permit or license issued in another state.

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

C. Any person who is 21 years of age or older having a valid firearm license from another state may apply for a handgun license in this state immediately upon establishing a residence in this state.

§ 1290.27. Court Orders Regarding Involuntary Commitment and Mental Incompetence—Inclusion in National Instant Background Check System—Petition to Remove Disability

A. When a court adjudicates a person mentally incompetent or orders the involuntary commitment of a person due to a mental illness, condition or disorder under the laws of this state by which a person becomes subject to the provisions of § 922(d)(4) and (g)(4) of Title 18 of the United States Code, the clerk of the court shall forward a certified copy of the order or adjudication to the Federal Bureau of Investigation or its successor agency for the sole purpose of inclusion in the National Instant Criminal Background Check System database and to the Oklahoma State Bureau of Investigation. The clerk of the court shall also notify the person of the prohibitions contained within the provisions of § 922(d)(4) and (g)(4) of Title 18 of the United States Code, paragraph 3 of § 1290.10 or paragraph 3 of subsection A of § 1290.11 of Title 21 of the Oklahoma Statutes.

B. When a court adjudicates a person mentally incompetent or orders the involuntary commitment of a person due to a mental illness, condition or disorder under the laws of this state by which a person becomes subject to the provisions of § 922(d)(4) and (g)(4) of Title 18 of the United States Code, paragraph 3 of § 1290.10 or paragraph 3 of subsection A of § 1290.11 of Title 21 of the Oklahoma Statutes, or when a person is otherwise disqualified from eligibility for a handgun license under paragraph 6 or 7 of § 1290.10 of Title 21 of the Oklahoma Statutes or paragraph 4 of subsection A of §

1290.11 of Title 21 of the Oklahoma Statutes, the person may petition the court in which the adjudication or commitment proceedings occurred or the district court of the county in which the person currently resides to remove the disability.

C. On filing of the petition, the court shall set a hearing. Not less than 30 days prior to a hearing on the matter, a copy of the petition for relief shall be served upon the district attorney for that county. The court shall receive and consider evidence in a closed hearing.

D. The court shall receive evidence on and consider the following before granting or denying the petition:

1. Psychological or psychiatric evidence from the petitioner and in support of the petition;
2. The circumstances that resulted in the firearm disabilities;
3. The petitioner's criminal history records provided by the state, if any;
4. The petitioner's mental health records;
5. The reputation of the petitioner based on character witness statements, testimony or other character evidence;
6. Whether the petitioner is a danger to self or others;
7. Changes in the condition or circumstances of the petitioner since the original adjudication of mental incompetency or involuntary commitment for a mental illness, condition or disorder relevant to the relief sought; and
8. Any other evidence deemed admissible by the court.

E. The court shall grant the relief requested if the petitioner proves by clear and convincing evidence that:

1. The petitioner is not likely to act in a manner that is dangerous to the public safety; and
2. Granting the relief requested is not contrary to the public interest.

F. At the conclusion of the hearing, the court shall issue findings of fact and conclusions of law. A record shall be kept of the proceedings, but shall remain confidential and be disclosed only to a court or the parties. No records of the proceedings pursuant to this subsection shall be open to public inspection except by order of the court or to a person's attorney of record. The petitioner may appeal a denial of the requested relief, and review on appeal shall be de novo.

G. If the court grants the petition for relief, the original adjudication of mental incompetency or order of involuntary commitment due to a mental illness, condition or disorder of the petitioner is deemed not to have occurred for purposes of applying § 922(d)(4) and (g)(4) of Title 18 of the United States Code, paragraph 3, 6 or 7 of § 1290.10, or paragraph 3 or 4 of subsection A of § 1290.11 of Title 21 of the Oklahoma Statutes.

H. The clerk of the court shall promptly forward to the Federal Bureau of Investigation or its successor agency for the sole purpose of inclusion in the National Instant Criminal Background Check System database and the Department of Mental Health and Substance Abuse Services and the Oklahoma State Bureau of Investigation, a certified copy of the order granting relief under this section. The Department of Mental Health and Substance Abuse Services and the Oklahoma State Bureau of Investigation shall as soon thereafter as is practicable, but in no case later than 10 business days, update, correct, modify, or remove the record of the person in any databases that these agencies use or refer to for the purposes of handgun licensing, or make available to the National Instant Criminal Background Check System and notify the United States Attorney that the basis for such record being made available no longer applies.

Chapter 55. Other Crimes against Public Peace

Miscellaneous Provisions

§ 1364. Discharging Firearm. Every person who willfully discharges any pistol, rifle, shotgun, airgun or other weapon, or throws any other missile in any public place, or in any place where there is any person to be endangered thereby, although no injury to any person shall ensue, is guilty of a misdemeanor. Any person convicted of a violation of the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license suspended for a period of 6 months and shall be subject to an administrative fine of \$50, upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.