

# **2020**

## **OKLAHOMA**

### **SELF-DEFENSE ACT**

**TITLE 21, OKLAHOMA STATUTES,  
SECTION 1290.1 *et seq.***

*Revised November 1, 2020*



**OKLAHOMA STATE BUREAU OF INVESTIGATION**

**SELF-DEFENSE ACT LICENSING UNIT  
6600 N HARVEY PLACE  
OKLAHOMA CITY, OK 73116  
[www.osbi.ok.gov/handgun-licensing](http://www.osbi.ok.gov/handgun-licensing)**

**405-879-2690  
1-800-207-6724  
TDD 405-843-7303**

# OKLAHOMA SELF-DEFENSE ACT

**TITLE 21, OKLAHOMA STATUTES,  
SECTION 1290.1 *et seq.*  
and related statutes.**

*All statutory provisions are effective  
November 1, 2020*

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# TABLE OF CONTENTS

TITLE 21 § 1290.1	OKLAHOMA SELF-DEFENSE ACT.....	1
TITLE 21 § 1290.2	DEFINITIONS .....	1
TITLE 21 § 1290.3	AUTHORITY TO ISSUE LICENSE .....	1
TITLE 21 § 1290.4	UNLAWFUL CARRY .....	1
TITLE 21 § 1290.5	TERM OF LICENSE AND RENEWAL.....	1
TITLE 21 § 1290.6	PROHIBITED AMMUNITION .....	2
TITLE 21 § 1290.7	CONSTRUING AUTHORITY OF LICENSE.....	2
TITLE 21 § 1290.8	POSSESSION OF LICENSE REQUIRED-NOTIFICATION TO POLICE OF GUN...3	3
TITLE 21 § 1290.9	ELIGIBILITY .....	4
TITLE 21 § 1290.10	MANDATORY PRECLUSIONS.....	4
TITLE 21 § 1290.11	OTHER PRECLUSIONS .....	5
TITLE 21 § 1290.12	PROCEDURE FOR APPLICATION.....	7
TITLE 21 § 1290.13	AUTOMATIC LISTING OF LICENSES .....	10
TITLE 21 § 1290.14	SAFETY AND TRAINING COURSE.....	10
TITLE 21 § 1290.15	PERSONS EXEMPT FROM TRAINING COURSE.....	13
TITLE 21 § 1290.16	STATISTICAL REPORT.....	14
TITLE 21 § 1290.17	SUSPENSION AND REVOCATION OF LICENSE.....	14
TITLE 21 § 1290.18	APPLICATION FORM CONTENTS .....	15
TITLE 21 § 1290.19	LICENSE FORM.....	16
TITLE 21 § 1290.20	PENALTY FOR REFUSAL TO SUBMIT OR FALSIFICATION .....	17
TITLE 21 § 1290.21	REPLACEMENT LICENSE.....	17
TITLE 21 § 1290.22	BUSINESS OWNER'S RIGHTS.....	18
TITLE 21 § 1290.23	DEPOSIT OF FEES BY OSBI.....	19
TITLE 21 § 1290.24	IMMUNITY.....	19
TITLE 21 § 1290.25	LEGISLATIVE INTENT .....	19
TITLE 21 § 1290.26	RECIPROCAL AGREEMENT AUTHORITY .....	20
TITLE 21 § 1290.27	PERSONS MENTALLY INCOMPETENT OR INVOLUNTARILY COMMITTED ...	20
TITLE 21 § 1272	UNLAWFUL CARRY.....	22
TITLE 21 § 1272.1	CARRYING FIREARMS WHERE LIQUOR IS CONSUMED.....	23
TITLE 21 § 1272.2	PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT .....	23
TITLE 21 § 1273	ALLOWING MINORS TO POSSESS FIREARMS.....	23
TITLE 21 § 1276	PENALTY FOR 1272 AND 1273.....	24

TITLE 21 § 1277	UNLAWFUL CARRY IN CERTAIN PLACES .....	24
TITLE 21 § 1278	UNLAWFUL INTENT TO CARRY.....	27
TITLE 21 § 1279	MISDEMEANOR POINTING A FIREARM.....	27
TITLE 21 § 1280	PENALTY FOR 1279.....	27
TITLE 21 § 1280.1	POSSESSION OF FIREARM ON SCHOOL PROPERTY .....	28
TITLE 21 § 1283	CONVICTED FELONS AND DELINQUENTS .....	29
TITLE 21 § 1284	PENALTY FOR 1283.....	30
TITLE 21 § 1287	USE OF FIREARM WHILE COMMITTING A FELONY.....	30
TITLE 21 § 1287.1	PENALTY ENHANCEMENT FOR WEAPON POSSESSION .....	31
TITLE 21 § 1289.1	OKLAHOMA FIREARMS ACT OF 1971 .....	31
TITLE 21 § 1289.2	LEGISLATIVE FINDINGS FOR FIREARMS ACT .....	31
TITLE 21 § 1289.3	DEFINITIONS FOR FIREARMS ACT .....	31
TITLE 21 § 1289.4	DEFINITIONS FOR FIREARMS ACT .....	31
TITLE 21 § 1289.5	DEFINITIONS FOR FIREARMS ACT .....	32
TITLE 21 § 1289.6	CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED.....	32
TITLE 21 § 1289.7	FIREARMS IN VEHICLES.....	32
TITLE 21 § 1289.7a	TRANSPORTING OR STORING FIREARMS IN LOCKED MOTOR VEHICLE ON PRIVATE PREMISES – PROHIBITION PROSCRIBED – LIABILITY ENFORCEMENT .....	33
TITLE 21 § 1289.8	CARRYING WEAPON.....	33
TITLE 21 § 1289.9	CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL .....	34
TITLE 21 § 1289.10	FURNISHING FIREARMS TO INCOMPETENT PERSONS .....	34
TITLE 21 § 1289.11	RECKLESS CONDUCT .....	35
TITLE 21 § 1289.12	GIVING FIREARMS TO CONVICTED PERSONS .....	35
TITLE 21 § 1289.13	TRANSPORTING A LOADED FIREARM.....	35
TITLE 21 § 1289.13A	IMPROPER TRANSPORTATION OF FIREARM .....	35
TITLE 21 § 1289.15	PENALTY FOR FIREARMS ACT OF 1971 .....	36
TITLE 21 § 1289.16	FELONY POINTING FIREARMS .....	36
TITLE 21 § 1289.17	PENALTIES FOR 1289.16 .....	36
TITLE 21 § 1289.17A	FELONY DISCHARGING FIREARMS.....	36
TITLE 21 § 1289.18	DEFINITIONS .....	37
TITLE 21 § 1289.19	RESTRICTED BULLET AND BODY ARMOR DEFINED.....	37
TITLE 21 § 1289.20	MANUFACTURE OF RESTRICTED BULLETS .....	37
TITLE 21 § 1289.21	POSSESSION OR USE OF RESTRICTED BULLETS .....	37
TITLE 21 § 1289.22	EXEMPTIONS.....	38
TITLE 21 § 1289.23	CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER.....	38

TITLE 21 § 1289.24	FIREARM REGULATION – STATE PREEMPTION .....	40
TITLE 21 § 1289.25	PHYSICAL OR DEADLY FORCE AGAINST INTRUDER.....	40
TITLE 21 § 1289.27	PROHIBITING FIREARM INQUIRY BY EMPLOYER .....	42
TITLE 21 § 1289.29	US ATTORNEY OR ASSISTANT US ATTORNEY – CARRYING FIREARMS.....	42
TITLE 21 § 1364	DISCHARGING FIREARM .....	42
TITLE 21 § 1901	BUS PASSENGER SAFETY ACT .....	43
TITLE 21 § 1902	DEFINITIONS. ....	43
TITLE 21 § 1903	SEIZURE OF BUS ASSAULT OR BATTERY USE OF DANGEROUS WEAPON CONCEALED WEAPON DISCHARGING FIREARM OR HURLING MISSILE AT BUS.....	43
TITLE 57 § 21	BRINGING OR POSSESSING CONTRABAND IN JAIL OR PENAL INSTITUTION PENALTIES .....	44
TITLE 63 § 4210.3	TRANSPORTING WEAPON IN OR DISCHARGING WEAPON FROM VESSEL	45
TITLE 18 U.S.C. §922	UNLAWFUL ACTS (FEDERAL FIREARMS POSSESSION PROHIBITION) .....	45
TITLE 21 § 644	ASSAULT - ASSAULT AND BATTERY - DOMESTIC ABUSE.....	46
18 USC §921 (a)(33)	MISDEMEANOR CRIME OF DOMESTIC VIOLENCE .....	47
FBI Privacy Act Statement and Applicant Notification.....		52
FBI Applicant Record Challenge.....		52

## **OKLAHOMA CONSTITUTION**

### **ARTICLE 2 § 26. BEARING ARMS - CARRYING WEAPONS.**

The right of a citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power, when thereunto legally summoned, shall never be prohibited; but nothing herein contained shall prevent the Legislature from regulating the carrying of weapons.

# OKLAHOMA SELF-DEFENSE ACT

## TITLE 21 § 1290.1 SHORT TITLE

Sections 1 through 27 of this act shall be known and may be cited as the "Oklahoma Self-Defense Act".

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## TITLE 21 § 1290.2 DEFINITIONS

- A. As used in the Oklahoma Self-Defense Act:
1. "Concealed handgun" means a loaded or unloaded pistol or handgun not openly visible to the ordinary observation of a reasonable person;
  2. "Unconcealed handgun" or "open carry" means a loaded or unloaded pistol or handgun carried upon the person in a holster where the firearm is visible, or carried upon the person using a scabbard, sling or case designed for carrying firearms; and
  3. "Pistol" or "handgun" shall have the same definition as provided in the Oklahoma Firearms Act of 1971, defined in Section 1289.3 of this title.
- B. The definition of pistol or handgun for purposes of the Oklahoma Self-Defense Act shall not apply to imitation pistols, flare guns, underwater fishing guns or blank pistols.
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## TITLE 21 § 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.

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## TITLE 21 § 1290.4 UNLAWFUL CARRY

As provided by Section 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.

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## TITLE 21 § 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 five (5) or ten (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 ninety (90) days prior to the expiration date as provided in this subsection. The Bureau may notify each eligible licensee with an email address on file at least ninety (90) days prior to the expiration of the license. There shall be a ninety-day grace period on license renewals beginning on

the date of expiration; thereafter the license is considered expired. However, any applicant shall have three (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 two current passport size photographs of the applicant, and submit a renewal fee in the amount of Eighty-five Dollars (\$85.00) 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 Section 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 five (5) or ten (10) years.
- C. Beginning November 1, 2007, 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 ten (10) years. The fee for any handgun license issued for a period of ten (10) years shall be double the amount of the fee provided for in paragraph 4 of subsection A of Section 1290.12 of this title. The renewal fee for a handgun license issued for a period of ten (10) years shall be double the amount of the fee provided for in paragraph 2 of subsection B of this section.

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## **TITLE 21 § 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 Section 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 Section 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 Five Hundred Dollars (\$500.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

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## **TITLE 21 § 1290.7 CONSTRUING AUTHORITY OF LICENSE**

- A. The authority to carry a concealed or unconcealed handgun pursuant to a valid handgun license as authorized by the provisions of the Oklahoma Self-Defense Act shall not be construed to authorize any person to:
1. Carry or possess any weapon other than an authorized pistol as defined by the provisions of Section 1290.2 of this title;
  2. Carry or possess any pistol in any manner or in any place otherwise prohibited by law;
  3. Carry or possess any prohibited ammunition or any illegal, imitation or homemade pistol;
  4. Carry or possess any pistol when the person is prohibited by state or federal law from carrying or possessing any firearm; or
  5. Point, discharge or use the pistol in any manner not otherwise authorized by law.
- B. The availability of a license to carry pursuant to the provisions of the Oklahoma Self-Defense Act shall not be construed to prohibit the lawful transport or carrying of a handgun or pistol in a vehicle or on or about the person whether concealed or unconcealed, loaded or unloaded, and without a valid handgun license as permitted by law.

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## TITLE 21 § 1290.8 POSSESSION OF LICENSE REQUIRED-NOTIFICATION TO POLICE OF GUN

- A. Except as otherwise prohibited by law, an eligible person shall have authority to carry a concealed or unconcealed handgun in this state when:
1. The person has been issued a handgun license from the Oklahoma State Bureau of Investigation pursuant to the provisions of the Oklahoma Self-Defense Act provided the person is in compliance with the provisions of the Oklahoma Self-Defense Act, and the license has not expired or been subsequently suspended or revoked.
  2. The person is twenty-one(21) years of age or older, and is either:
    - a. active military, or
    - b. a member of the Reserve or National Guard to include Drill Status Guard and Reserve, Active Guard Reserves or Military Technicians,and presents a valid military identification card that shall be considered a valid handgun license issued pursuant to the Oklahoma Self-Defense Act.
- B. A person in possession of a valid handgun license or who meets the criteria and presents a valid military identification card as provided for in this section and in compliance with the provisions of the Oklahoma Self-Defense Act shall be authorized to carry such concealed or unconcealed handgun while scouting as it relates to hunting or fishing or while hunting or fishing.
- C. The person shall be required to have possession of his or her valid handgun license or valid military identification card as provided for qualified persons in this section and a valid driver license or state photo identification at all times when in possession of an authorized pistol. The person shall display the handgun license or a valid military identification card as provided for qualified persons in this section on demand of a law enforcement officer; provided, however, that in the absence of reasonable and articulable suspicion of other criminal activity, an individual carrying an unconcealed or concealed handgun shall not be disarmed or physically restrained unless the individual fails to display a valid handgun license or a valid military identification card as provided for qualified persons in this section in response to that demand. Any violation of the provisions of this subsection may be punishable as a criminal offense as authorized by Section 1272 of this title or pursuant to any other applicable provision of law.
- Upon the arrest of any person for a violation of the provisions of this subsection, the person may show proof to the court that a valid handgun license and the other required identification has been issued to such person and the person may state any reason why the handgun license, a valid military identification card as provided for qualified persons in this section or the other required identification was not carried by the person as required by the Oklahoma Self-Defense Act. The court shall dismiss an alleged violation of Section 1272 of this title upon payment of court costs, if proof of a valid handgun license and other required identification is shown to the court within ten (10) days of the arrest of the person. The court shall report a dismissal of a charge to the Bureau for consideration of administrative proceedings against the licensee.
- D. It shall be unlawful for any person to fail or refuse to identify the fact that the person is in actual possession of a concealed or unconcealed firearm pursuant to the authority of the Oklahoma Self-Defense Act during the course of any arrest, detention, or routine traffic stop. Said identification to the law enforcement officer shall be required upon the demand of the law enforcement officer. No person shall be required to identify himself or herself as a handgun licensee or as lawfully in possession of any other firearm if the law enforcement officer does not demand the information. No person shall be required to identify himself or herself as a handgun licensee when no handgun is in the possession of the person or in any vehicle in which the person is driving or is a passenger. Any violator of the provisions of this subsection may be issued a citation for an amount not exceeding One Hundred Dollars (\$100.00).
- E. Any law enforcement officer coming in contact with a person whose handgun license is suspended, revoked, or expired, or who is in possession of a handgun license which has not been lawfully issued to that person, shall



confiscate the license and return it to the Oklahoma State Bureau of Investigation for appropriate administrative proceedings against the licensee when the license is no longer needed as evidence in any criminal proceeding.

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

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## **TITLE 21 § 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. Be a lawful permanent resident in the United States and have established residency in the State of Oklahoma.

For purposes of the Oklahoma Self-Defense Act:

- a. 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, and
  - b. the term "lawful permanent resident" shall mean a noncitizen who is lawfully authorized to live permanently within the United States;
3. Be at least:
    - a. twenty-one (21) years of age, or
    - b. eighteen (18) years of age but not yet twenty-one (21) years of age and the person is a member or veteran of the United States Armed Forces, the Reserves or National Guard, or the person was discharged under honorable conditions from the United States Armed Forces, Reserves or National Guard;
  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 Section 1290.14 of this title, and submit proof of training and qualification or an exemption for training and qualification as authorized by Section 1290.14 of this title;
  5. Submit the required fee and complete the application process as provided in Section 1290.12 of this title; and
  6. Comply in good faith with the provisions of the Oklahoma Self-Defense Act.

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## **TITLE 21 § 1290.10 MANDATORY PRECLUSIONS**

In addition to the requirements stated in Section 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 Section 1283 of this title, except as provided in subsection B of Section 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 Section 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 Section 1290.27 of this title;
4. Any false or misleading statement on the application for a handgun license as provided by paragraph 5 of Section 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 Section 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 Section 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 ten (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 ten-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 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 Section 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 Section 1283 of this title, except as provided in subsection B of Section 1283 of this title.

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## TITLE 21 § 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 three (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 Section 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 Section 922(g)(4) unless the person has been granted relief from the disqualifying disability pursuant to Section 1290.27 of this title;
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 Section 1290.10 of this title. The preclusive period shall be three (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 ten (10) years or more;
5. Inpatient treatment for substance abuse. The preclusive period shall be three (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 twelve (12) months or more preceding the filing of an application for a handgun license;
6. Two or more convictions of public intoxication pursuant to Section 8 of Title 37 of the Oklahoma Statutes, or a similar law of another state. The preclusive period shall be three (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 three (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 sixty (60) days from the date an order was vacated, canceled, withdrawn or otherwise no longer in effect;
9. An adjudicated delinquent or convicted felon residing in the residence of the applicant which may be a violation of Section 1283 of this title. The preclusive period shall be thirty (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 Section 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 Section 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 three (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.
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## TITLE 21 § 1290.12 PROCEDURE FOR APPLICATION

- 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 two hundred 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 Section 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;
  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 One Hundred Dollars (\$100.00) 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 Section 491 of this title. Any conviction shall be punished as provided in Section 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 Section 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 Ten Dollars (\$10.00) for the two 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 two 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 fourteen (14) days of taking the fingerprints. The cost of the fingerprints shall be paid by the applicant. The sheriff may charge a fee of up to Twenty-five Dollars (\$25.00) for the two sets of fingerprints. 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; verification of the identity of the applicant, the sheriff shall take two 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 fourteen (14) days of taking the fingerprints. The cost of the fingerprints shall be paid by the applicant. The sheriff may charge a fee of up to Twenty-five Dollars (\$25.00) for the two sets of fingerprints. 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 fourteen-day period, together with the completed application, including the certificate of training, certificate of competency and qualification, 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 one 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 six (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, a check of the National Instant Criminal Background Check System (NICS) 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 ten (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 twenty-eight (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 ten (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 ten (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 ten (10) years. If the applicant states under penalty of perjury that he or she was not adjudicated a delinquent within ten (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 sixty (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 ninety (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 Section 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 sixty (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.

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## **TITLE 21 § 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 Fifteen Dollars (\$15.00), 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 thirty (30) days of a change of name or address inform the Bureau of such change.

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## **TITLE 21 § 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 Section 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 sixteen (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 Sections 1290.9, 1290.10, and 1290.11 of this title and the application shall be processed as provided for applicants in Section 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 One Hundred Dollars (\$100.00) 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. The fee shall be retained by CLEET and shall be deposited into the Firearms Instructors Revolving Fund. CLEET shall promulgate the rules, forms and procedures necessary to implement the approval of firearms instructors as authorized by the provisions of this subsection. 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 five (5) years. Beginning on July 1, 2003, any firearms instructor who has been issued a four-year CLEET approval shall not be eligible for the five-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.

- 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 One Hundred Dollars (\$100.00) for a five-year registration certificate or Two Hundred Dollars (\$200.00) for a ten-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 five (5) years or ten (10) years from the date of issuance. The Bureau shall issue a five-year or ten-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 five-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 Section 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 concealed 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 eight-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 ten 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. 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 Section 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 three (3) years.
- F. There is hereby created a revolving fund for the Council on Law Enforcement Education and Training (CLEET), to be designated the "Firearms Instructors Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all funds received for approval of firearms instructors for purposes of

the Oklahoma Self-Defense Act. All funds received shall be deposited to the fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Council on Law Enforcement Education and Training, for implementation of the training and qualification course contents, approval of firearms instructors and any other CLEET requirement pursuant to the provisions of the Oklahoma Self-Defense Act or as may otherwise be deemed appropriate by CLEET. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of Office of Management and Enterprise Services for approval and payment.

- G. Firearms instructors shall keep on file for a period of not less than three (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.

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## **TITLE 21 § 1290.15 PERSONS EXEMPT FROM TRAINING COURSE**

- A. The following individuals may be exempt from all or part of the required training and qualification course established pursuant to the provisions of Section 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 or reserve 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 Section 1289.8 of this title to carry a firearm;
  4. A Council on Law Enforcement Education and Training (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 twenty (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.
- B. 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 or possesses a valid military identification card as provided for qualified persons in Section 1290.8 of this title.
- 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.

## **TITLE 21 § 1290.16 STATISTICAL REPORT**

By January 15, 1997, and by January 15 of each year thereafter, the Bureau shall submit a statistical report for the preceding calendar year to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives, including, but not limited to, data on the numbers of handgun licenses approved and issued and the numbers of licenses suspended, revoked or denied in the following categories: age, sex, race, county and any other category deemed relevant by the Bureau.

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## **TITLE 21 § 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 Section 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 Section 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 Five Hundred Dollars (\$500.00), by imprisonment in the county jail for not exceeding six (6) months, or by both such fine and imprisonment. In addition, the person shall be subject to an administrative fine of Five Hundred Dollars (\$500.00), 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 Section 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 thirty (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 thirty (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 suspension, the person shall be required to apply for renewal of the license in accordance with Section 1290.5 of this title.

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## **TITLE 21 § 1290.18 APPLICATION FORM CONTENTS**

The application shall be completed upon the sworn oath of the applicant as provided in paragraph 5 of Section 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 three (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 Sections 1290.10 and 1290.11 of this title and that the applicant further meets all of the eligibility criteria required by Section 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 provision 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 Section 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.

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## **TITLE 21 § 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.

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## **TITLE 21 § 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 Section 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.

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## **TITLE 21 § 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 thirty (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 (\$15.00) 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 ten (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. The fine for a violation of this subsection shall be Five Thousand Dollars (\$5000.00).
- 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 fifteen-dollar (\$15.00) 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 ten (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 fifteen-dollar (\$15.00) 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 ten (10) days of receipt of the request. The original license shall be destroyed upon the receipt of the updated handgun license.
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## **TITLE 21 § 1290.22 BUSINESS OWNER'S RIGHTS**

- A. Except as provided in subsections B, C and D of this section, nothing contained in any provision of the Oklahoma Self-Defense Act shall be construed to limit, restrict or prohibit in any manner the existing rights of any person, property owner, tenant, employer, place of worship or business entity to control the possession of weapons on any property owned or controlled by the person or business entity.
- B. No person, property owner, tenant, employer, holder of an event permit, place of worship or business entity shall be permitted to establish any policy or rule that has the effect of prohibiting any person, except a convicted felon, from transporting and storing firearms in a locked vehicle on any property set aside for any vehicle.
- C. A property owner, tenant, employer, place of worship or business entity may prohibit any person from carrying a concealed or unconcealed firearm on the property. If the building or property is open to the public, the property owner, tenant, employer, place of worship or business entity shall post signs on or about the property stating such prohibition.
- D. No person, property owner, tenant, employer, holder of an event permit, place of worship or business entity shall be permitted to establish any policy or rule that has the effect of prohibiting any person from carrying a concealed or unconcealed firearm on property within the specific exclusion provided for in paragraph 4 of subsection B of Section 1277 of this title; provided that carrying a concealed or unconcealed firearm may be prohibited in the following places:
1. The portion of a public property structure or building during an event authorized by the city, town, county, state or federal governmental authority owning or controlling such building or structure;
  2. Any public property sports field, including any adjacent seating or adjacent area set aside for viewing a sporting event, where an elementary or secondary school, collegiate, or professional sporting event or an International Olympic Committee or organization or any committee subordinate to the International Olympic Committee event is being held;
  3. The fairgrounds during the Oklahoma State Fair or the Tulsa State Fair; and
  4. The portion of a public property structure or building that is leased or under contract to a business or not-for-profit entity or group for offices.
- E. The otherwise lawful carrying of a concealed or unconcealed firearm by a person on property that has signs prohibiting the carrying of firearms shall subject the person to being denied entrance onto the property or removed from the property. If the person:
1. Has been informed by the property owner, business entity or manager of the business that the person is in violation of a policy that prohibits firearms on the property; and
  2. Refuses to leave the property and a peace officer is summoned, the person may be punished as provided in Section 1276 of this title.
- F. A person, property owner, tenant, employer, holder of an event permit, place of worship or business entity that does or does not prohibit any individual, except a convicted felon, from carrying a loaded or unloaded, concealed or unconcealed weapon on property that the person, property owner, tenant, employer, holder of an event permit, place of worship or business entity owns, or has legal control of, is immune from any liability arising from that decision. Except for acts of gross negligence or willful or wanton misconduct, an employer who does or does not prohibit his or her employees from carrying a concealed or unconcealed weapon is immune from any liability

arising from that decision. A person, property owner, tenant, employer, holder of an event permit, place of worship or business entity that does not prohibit persons from carrying a concealed or unconcealed weapon pursuant to subsection D of this section shall be immune from any liability arising from the carrying of a concealed or unconcealed weapon, while in the scope of employment, on the property or in or about a business entity vehicle. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

- G. It shall not be considered part of an employee's job description or within the employee's scope of employment if an employee is allowed to carry or discharge a weapon pursuant to this section.
- H. Nothing in subsections F and G of this section shall prevent an employer, employee or person who has suffered loss resulting from the discharge of a weapon to seek redress or damages of the person who discharged the weapon or used the weapon outside the provisions of the Oklahoma Self-Defense Act.

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## **TITLE 21 § 1290.23 DEPOSIT OF FEES BY OSBI**

All money submitted by the sheriffs to the Oklahoma State Bureau of Investigation as processing fees for applications submitted for handgun licenses shall be deposited in the Oklahoma State Bureau of Investigation Revolving fund and shall be expended for purposes of implementing the provisions of the Oklahoma Self-Defense act or as otherwise provided by law.

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## **TITLE 21 § 1290.24 IMMUNITY**

- A. The state or any political subdivision of the state as defined in Section 152 of Title 51 of the Oklahoma Statutes, and its officers, agents and employees shall be immune from liability resulting or arising from:
  - 1. Failure to prevent the licensing of an individual for whom the receipt of the license is unlawful pursuant to the provisions of the Oklahoma Self-Defense Act or any other provision of law of this state;
  - 2. Any action or misconduct with a firearm committed by a person pursuant to the provisions of the Oklahoma Self-Defense Act or by any person who obtains a firearm;
  - 3. Any injury to any person during a handgun 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.

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## **TITLE 21 § 1290.25 LEGISLATIVE INTENT**

The Legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed or unconcealed handguns for lawful self-defense and self-protection, and further finds it necessary to occupy the field of regulation of the bearing of concealed or unconcealed handguns to ensure that no honest, law-abiding citizen who qualifies pursuant to the provisions of the Oklahoma Self-Defense Act is subjectively or arbitrarily denied his or her rights. The Legislature does not delegate to the Oklahoma State Bureau of Investigation any authority to



regulate or restrict the issuing of handgun licenses except as provided by the provisions of this act. 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.

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

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## **TITLE 21 § 1290.26 RECIPROCAL AGREEMENT AUTHORITY**

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

- A. Any person entering this state in possession of a firearm authorized for concealed or unconcealed carry upon the authority and license of another state or a valid military identification card as provided for qualified persons in Section 1290.8 of this title is authorized to continue to carry a concealed or unconcealed firearm and license in this state; provided the license from the other state or valid military identification card as provided for qualified persons in Section 1290.8 of this title remains valid. The firearm must either be carried unconcealed or concealed, and upon coming in contact with any peace officer of this state, the person must disclose the fact that he or she is in possession of a concealed or unconcealed firearm pursuant to a valid concealed or unconcealed carry weapons permit, license or a valid military identification card as provided for qualified persons in Section 1290.8 of this title issued in another state.
- B. 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 or unconcealed firearm in this state. The firearm must be carried fully concealed, or unconcealed 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 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 twenty-one (21) years of age or older having a valid firearm license from another state may apply for a handgun license in this state immediately upon establishing a residence in this state.

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## **TITLE 21 § 1290.27 PERSONS MENTALLY INCOMPETENT OR INVOLUNTARILY COMMITTED**

- 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 Section 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 Section 922(d)(4) and (g)(4) of Title 18 of the United States Code, paragraph 3 of Section 1290.10 or paragraph 3 of subsection A of Section 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 Section 922(d)(4) and (g)(4) of Title 18 of the United States Code, paragraph 3 of Section 1290.10 or paragraph 3 of subsection A of Section 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 Section 1290.10 of Title 21 of the Oklahoma Statutes or paragraph 4 of subsection A of Section 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 thirty (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 Section 922(d)(4) and (g)(4) of Title 18 of the United States Code, paragraph 3, 6 or 7 of Section 1290.10, or paragraph 3 or 4 of subsection A of Section 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 ten (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.

- I. In lieu of sending a certified copy of a court order or document, the court clerk may transmit the information required by this section by using an electronic method or data exchange which is authorized by the Federal Bureau of Investigation, the Department of Mental Health and Substance Abuse Services and the Oklahoma State Bureau of Investigation.
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## **TITLE 21 § 1272 UNLAWFUL CARRY**

- A. Notwithstanding any other provision of law, it shall be unlawful for any person to carry upon or about his or her person, or in a purse or other container belonging to the person, any pistol, revolver, shotgun or rifle whether loaded or unloaded or any blackjack, loaded cane, hand chain, metal knuckles, or any other offensive weapon, whether such weapon be concealed or unconcealed, except this section shall not prohibit:
  1. The proper use of guns and knives for self-defense, hunting, fishing, educational or recreational purposes;
  2. The carrying or use of weapons in a manner otherwise permitted by statute or authorized by the Oklahoma Self-Defense Act;
  3. The carrying, possession and use of any weapon by a peace officer or other person authorized by law to carry a weapon in the performance of official duties and in compliance with the rules of the employing agency;
  4. The carrying or use of weapons in a courthouse by a district judge, associate district judge or special district judge within this state, who is in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose name appears on a list maintained by the Administrative Director or the Courts;
  5. The carrying and use of firearms and other weapons provided in this subsection when used for the purpose of living history reenactment. For purposes of this paragraph, "living history reenactment" means depiction of historical characters, scenes, historical life or events for entertainment, education, or historical documentation through the wearing or use of period, historical, antique or vintage clothing, accessories, firearms, weapons, and other implements of the historical period; or
  6. The carrying of a firearm, concealed or unconcealed, loaded or unloaded, by a person who is twenty-one (21) years of age or older or by a person who is eighteen (18) years of age but not yet twenty-one (21) years of age and the person is a member or veteran of the United States Armed Forces, Reserves or National Guard or was discharged under honorable conditions from the United States Armed Forces, Reserves or National Guard, and the person is otherwise not disqualified from the possession or purchase of a firearm under state or federal law and is not carrying the firearm in furtherance of a crime.

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

- a. assault and battery pursuant to the provisions of Section 644 of this title which caused serious physical injury to the victim,
- b. aggravated assault and battery pursuant to the provisions of Section 646 of this title,
- c. assault and battery that qualifies as domestic abuse as defined in Section 644 of this title,
- d. stalking pursuant to the provisions of Section 1173 of this title,
- e. a violation of an order issued under the Protection from Domestic Abuse Act or a domestic abuse protection order issued by another state, or
- f. a violation relating to illegal drug use or possession under the provisions of the Uniform Controlled Dangerous Substances Act,

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

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

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## **TITLE 21 § 1272.1 CARRYING FIREARMS WHERE LIQUOR IS CONSUMED**

- A. It shall be unlawful for any person to carry or possess any weapon designated in Section 1272 of this title in any establishment where low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or alcoholic beverages, as defined by Section 506 of Title 37 of the Oklahoma Statutes, are consumed. This provision shall not apply to a peace officer, as defined in Section 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 Section 1272.2 of this title.

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## **TITLE 21 § 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 Section 1272.1 of this title, shall, upon conviction, be guilty of a felony punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or imprisonment in the custody of the Department of Corrections for a period not to exceed two (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 Section 1272.1 of this title.

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## **TITLE 21 § 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 Section 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 Section 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 Section 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 Section 1283 of this title.
- D. Any person violating the provisions of this section shall, upon conviction, be punished as provided in Section 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 Section 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 Section 1276 of this title.
- E. As used in this section, "child" means a person under eighteen (18) years of age.

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## **TITLE 21 § 1276 PENALTY FOR 1272 AND 1273**

Any person violating the provisions of Section 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 One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00), or by imprisonment in the county jail for a period not to exceed thirty (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 Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not less than thirty (30) days nor more than three (3) months, or by both such fine and imprisonment.

Any person convicted of violating the provisions of Section 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 six (6) months and shall be liable for an administrative fine of Fifty Dollars (\$50.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

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## **TITLE 21 § 1277 UNLAWFUL CARRY IN CERTAIN PLACES**

- A. It shall be unlawful for any person, including a person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry any concealed or unconcealed handgun into any of the following places:
  - 1. Any structure, building, or office space which is owned or leased by a city, town, county, state or federal governmental authority for the purpose of conducting business with the public;
  - 2. Any courthouse, courtroom, prison, jail, detention facility or any facility used to process, hold or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent, except as provided in [Section 21 of Title 57](#) of the Oklahoma Statutes;
  - 3. Any public or private elementary or public or private secondary school, except as provided in subsections C and D of this section;
  - 4. Any publicly owned or operated sports arena or venue during a professional sporting event, unless allowed by the event holder;

5. Any place where gambling is authorized by law, unless allowed by the property owner; and
  6. Any other place specifically prohibited by law.
- B. For purposes of subsection A of this section, the prohibited place does not include and specifically excludes the following property:
1. Any property set aside for the use or parking of any vehicle, whether attended or unattended, by a city, town, county, state or federal governmental authority;
  2. Any property set aside for the use or parking of any vehicle, whether attended or unattended, which is open to the public, or by any entity engaged in gambling authorized by law;
  3. Any property adjacent to a structure, building or office space in which concealed or unconcealed weapons are prohibited by the provisions of this section;
  4. Any property designated by a city, town, county or state governmental authority as a park, recreational area, wildlife refuge, wildlife management area or fairgrounds; provided, nothing in this paragraph shall be construed to authorize any entry by a person in possession of a concealed or unconcealed firearm into any structure, building or office space which is specifically prohibited by the provisions of subsection A of this section; and
  5. Any property set aside by a public or private elementary or secondary school for the use or parking of any vehicle, whether attended or unattended; provided, however, the firearm shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property.

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

- C. A concealed or unconcealed weapon may be carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the carrying and possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.
- D. Notwithstanding paragraph 3 of subsection A of this section, a board of education of a school district may adopt a policy pursuant to [Section 5-149.2 of Title 70](#) of the Oklahoma Statutes to authorize the carrying of a handgun onto school property by school personnel specifically designated by the board of education, provided such personnel either:
1. Possess a valid armed security guard license as provided for in [Section 1750.1 et seq. of Title 59](#) of the Oklahoma Statutes; or
  2. Hold a valid reserve peace officer certification as provided for in [Section 3311 of Title 70](#) of the Oklahoma Statutes.

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

- E. In any municipal zoo or park of any size that is owned, leased, operated or managed by:
1. A public trust created pursuant to the provisions of [Section 176 of Title 60](#) of the Oklahoma Statutes; or

2. A nonprofit entity, an individual shall be allowed to carry a concealed handgun but not openly carry a handgun on the property.
- F. Any person violating the provisions of paragraph 2 or 3 of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00). A person violating any other provision of subsection A of this section may be denied entrance onto the property or removed from the property. If the person refuses to leave the property and a peace officer is summoned, the person may be issued a citation for an amount not to exceed Two Hundred Fifty Dollars (\$250.00).
- G. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act or who is carrying or in possession of a firearm as otherwise permitted by law or who is carrying or in possession of a machete, blackjack, loaded cane, hand chain or metal knuckles shall be authorized to carry the firearm, machete, blackjack, loaded cane, hand chain or metal knuckles into or upon any college, university or technology center school property, except as provided in this subsection. For purposes of this subsection, the following property shall not be construed to be college, university or technology center school property:
1. Any property set aside for the use or parking of any motor vehicle, whether attended or unattended, provided the firearm, machete, blackjack, loaded cane, hand chain or metal knuckles are carried or stored as required by law and the firearm, machete, blackjack, loaded cane, hand chain or metal knuckles are not removed from the motor 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 firearms, machetes, blackjacks, loaded canes, hand chains or metal knuckles by college, university or technology center school policy; and
  3. Any property authorized by the written consent of the college or university president or technology center school administrator, provided the written consent is carried with the firearm, machete, blackjack, loaded cane, hand chain or metal knuckles and the valid handgun license while on college, university or technology center school property.

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

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

- H. The provisions of this section shall not apply to the following:
1. Any peace officer or any person authorized by law to carry a firearm in the course of employment;
  2. District judges, associate district judges and special district judges, who are in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose names appear on a list maintained by the Administrative Director of the Courts, when acting in the course and scope of employment within the courthouses of this state;
  3. Private investigators with a firearms authorization when acting in the course and scope of employment;
  4. Elected officials of a county, who are in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, may carry a concealed handgun when acting in the

performance of their duties within the courthouses of the county in which he or she was elected. The provisions of this paragraph shall not allow the elected county official to carry the handgun into a courtroom;

5. The sheriff of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment within the courthouses in the county in which the person is employed. Nothing in the Oklahoma Self-Defense Act shall prohibit the sheriff from requiring additional instruction or training before receiving authorization to carry a concealed handgun within the courthouse. The provisions of this paragraph and of paragraph 6 of this subsection shall not allow the county employee to carry the handgun into a courtroom, sheriff's office, adult or juvenile jail or any other prisoner detention area; and
  6. The board of county commissioners of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment on county annex facilities or grounds surrounding the county courthouse.
- I. For the purposes of this section, "motor vehicle" means any automobile, truck, minivan, sports utility vehicle or motorcycle as defined in Section 1-135 of Title 47 of the Oklahoma Statutes, equipped with a locked accessory container within or affixed to the motorcycle.

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## **TITLE 21 § 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. The fine for a violation of this section shall not exceed Five Thousand Dollars (\$5,000.00), by imprisonment in the custody of the Department of Corrections for a period not exceeding two (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 One Thousand Dollars (\$1,000.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

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## **TITLE 21 § 1279 MISDEMEANOR POINTING A FIREARM**

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 Section 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 Section 1280 of this title.

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## **TITLE 21 § 1280 PENALTY FOR 1279**

Any person violating the provisions of Section 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 One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and shall be imprisoned in the county jail for a period not less than three (3) nor more than twelve (12) months. Any person convicted of violating the provisions of Section 1279 of this title after having been issued a handgun



license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 26 of this act, shall have the handgun license permanently revoked and shall be liable for an administrative fine of Fifty Dollars (\$50.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

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## **TITLE 21 § 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 Section 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 twelve 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 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 private school property, a school bus or vehicles used the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provision of this subsection 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 Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes, or
  - b. hold a valid reserve peace officer certification as provided for in Section 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 not to exceed Two Hundred Fifty Dollars (\$250.00).

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## **TITLE 21 § 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 or as otherwise permitted by law, and the right to perform the duties of a peace officer, gunsmith, and for firearms repair.
- C. It shall be unlawful for any person serving a term of probation for any felony in any court of this state or of another state or of the United States or under the jurisdiction of any alternative court program to have in his or her possession or under his or her immediate control, or at his or her residence, or in any passenger vehicle which the person is operating or is riding as a passenger, any pistol, shotgun or rifle, including any imitation or homemade pistol, altered air or toy pistol, shotgun or rifle, while such person is subject to supervision, probation, parole or inmate status.
- D. It shall be unlawful for any person previously adjudicated as a delinquent child or a youthful offender for the commission of an offense, which would have constituted a felony offense if committed by an adult, to have in the possession of the person or under the immediate control of the person, or have in any vehicle which he or she is driving or in which the person is riding as a passenger, or at the residence of the person, any pistol, imitation or homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm within ten (10) years after such adjudication; provided, that nothing in this subsection shall be construed to prohibit the placement of the person in a home with a full-time duly appointed peace officer who is certified by the Council on Law Enforcement Education and Training (CLEET) pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes.

- E. It shall be unlawful for any person who is an alien illegally or unlawfully in the United States to have in the possession of the person or under the immediate control of the person, or in any vehicle the person is operating, or at the residence where the person resides, any pistol, imitation or homemade pistol, altered air or toy pistol, shotgun, rifle or any other dangerous or deadly firearm; provided, that nothing in this subsection applies to prohibit the transport or detention of the person by law enforcement officers or federal immigration authorities. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of a misdemeanor punishable by a fine of Two Hundred Fifty Dollars (\$250.00).
  - F. Any person having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act and who thereafter knowingly or intentionally allows a convicted felon or adjudicated delinquent or a youthful offender as prohibited by the provisions of subsection A, C, or D of this section to possess or have control of any pistol authorized by the Oklahoma Self-Defense Act shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00). In addition, the person shall have the handgun license revoked by the Oklahoma State Bureau of Investigation after a hearing and determination that the person has violated the provisions of this section.
  - G. Any convicted or adjudicated person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable as provided in Section 1284 of this title.
  - H. For purposes of this section, "sawed-off shotgun or rifle" shall mean any shotgun or rifle which has been shortened to any length.
  - I. For purposes of this section, "altered toy pistol" shall mean any toy weapon which has been altered from its original manufactured state to resemble a real weapon.
  - J. For purposes of this section, "altered air pistol" shall mean any air pistol manufactured to propel projectiles by air pressure which has been altered from its original manufactured state.
  - K. For purposes of this section, "alternative court program" shall mean any drug court, Anna McBride or mental health court, DUI court or veterans court.
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#### **TITLE 21 § 1284 PENALTY FOR 1283**

Any previously convicted or adjudicated person who violates any provision of Section 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 one (1) year nor more than ten (10) years.

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#### **TITLE 21 § 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, or who possesses an air gun or carbon dioxide or other gas-filled weapon, electronic dart gun, conductive energy weapon, knife, dagger, dirk, switchblade knife, blackjack, ax, loaded cane, billy, hand chain or metal knuckles, 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 two (2) years nor for more than ten (10) years for the first offense, and for a period of not less than ten (10) years nor more than thirty (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 One Thousand Dollars (\$1,000.00) 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 by air pressure which has been altered from its original manufactured state.
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## **TITLE 21 § 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 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 ten (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.

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# **OKLAHOMA FIREARMS ACT OF 1971**

## **TITLE 21 § 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".

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## **TITLE 21 § 1289.2 LEGISLATIVE FINDINGS FOR FIREARMS ACT**

The Legislature finds as a matter of public policy and fact that it is necessary for the safe and lawful use of firearms to curb and prevent crime wherein weapons are used by enacting legislation having the purpose of controlling the use of firearms, and of prevention of their use without unnecessarily denying their lawful use in defense of life, home and property, and their use by the United States or state military organizations and as may otherwise be provided by law, including their use and transportation for lawful purposes.

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## **TITLE 21 § 1289.3 DEFINITIONS FOR FIREARMS ACT**

"Pistols" or "handguns" as used in the Oklahoma Firearms Act of 1971 and the Oklahoma Self-Defense Act shall mean any firearm capable of discharging single or multiple projectiles from a single round of ammunition composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than sixteen (16) inches in length, and using a combustible propellant charge, but not to include any firearm with an overall length of twenty-six (26) inches or more, flare guns, underwater fishing guns or blank pistols.

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## **TITLE 21 § 1289.4 DEFINITIONS FOR FIREARMS ACT**

"Rifles" as used in the Oklahoma Firearms Act of 1971, Sections 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 sixteen (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".

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## **TITLE 21 § 1289.5 DEFINITIONS FOR FIREARMS ACT**

"Shotguns" as used in the Oklahoma Firearms Act of 1971, 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 eighteen (18) inches in length, and using a combustible propellant charge, but not to include any weapon so designed with a barrel less than eighteen (18) inches in length unless the overall length of the firearm is twenty-six (26) inches or more. 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".

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## **TITLE 21 § 1289.6 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED**

- A. A person shall be permitted to carry loaded or unloaded shotguns, rifles and pistols 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. As provided for in subsection A of Section 1272 of this title; or
  7. For lawful self-defense and self-protection or any other legitimate purpose not in violation of any legislative enactment regarding the use, carrying, ownership and control of firearms.
- B. A person shall be permitted to carry unloaded shotguns, rifles and pistols without a handgun license as authorized by the Oklahoma Self-Defense Act and when going to or from the person's private residence or vehicle
- 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.
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## **TITLE 21 § 1289.7 FIREARMS IN VEHICLES**

- A. Any person who is not otherwise prohibited by law from possessing a firearm may transport in a motor vehicle a pistol or handgun, loaded or unloaded, at any time.
- B. Any person who is not otherwise prohibited by law from possessing a firearm may transport in a motor vehicle a rifle or shotgun open or concealed, provided the rifle or shotgun is transported pursuant to the requirements of Section 1289.13 of this title.
- C. Any person who is the operator of a motor vehicle or is a passenger in any motor vehicle wherein another person who is licensed pursuant to the Oklahoma Self-Defense Act or is otherwise permitted by law to carry a handgun, concealed or unconcealed, and is carrying a handgun or has the handgun in such vehicle, shall not be deemed

in violation of the provisions of this section provided the licensee or person permitted by law is in or near the motor vehicle.

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

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**TITLE 21 § 1289.7a    TRANSPORTING OR STORING FIREARMS IN LOCKED MOTOR VEHICLE ON PRIVATE PREMISES – PROHIBITION PROSCRIBED – LIABILITY ENFORCEMENT**

- 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.

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**TITLE 21 § 1289.8    CARRYING WEAPON**

- 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 throughout 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 ten (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 Section 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 Section 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 Section 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 Section 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 Section 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 Section 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 Section 1272 of this title and may be prosecuted as provided by law for a violation of that section.
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## **TITLE 21 § 1289.9 CARRYING WEAPONS UNDER 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 after effects 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 Section 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 six (6) months and shall be subject to an administrative fine of Fifty Dollars (\$50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

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## **TITLE 21 § 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 Section 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 six (6) months and shall be subject to an administrative fine of Fifty Dollars (\$50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

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## **TITLE 21 § 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 Section 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 One Thousand Dollars (\$1,000.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

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## **TITLE 21 § 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 Section 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 six (6) months and shall be liable for an administrative fine of Fifty Dollars (\$50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

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## **TITLE 21 § 1289.13 TRANSPORTING A LOADED FIREARM**

Except as otherwise provided by law, it shall be unlawful to transport a loaded rifle or shotgun in a landborne motor vehicle over a public highway or roadway unless the rifle or shotgun is transported clip- or magazine-loaded, not chamber-loaded, and in an exterior locked compartment of the vehicle or trunk of the vehicle or in the interior compartment of the vehicle.

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

Any person who is the operator of a vehicle or is a passenger in any vehicle wherein another person who is licensed pursuant to the Oklahoma Self-Defense Act to carry a handgun, concealed or unconcealed, and has a 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.

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## **TITLE 21 § 1289.13A IMPROPER TRANSPORTATION OF FIREARM**

- A. Notwithstanding the provisions of 1272 or 1289.7 of this title, any person stopped pursuant to a moving traffic violation who is transporting a loaded pistol in the motor vehicle without a valid handgun license authorized by the Oklahoma Self-Defense Act or valid license from another state, or in violation of any law related to the carrying or transporting of firearms, whether the loaded firearm is concealed or unconcealed in the vehicle, may be issued a traffic citation in the amount of Seventy Dollars (\$70.00), plus court costs for transporting a firearm improperly. In addition to the traffic citation provided in this section, the person may also be arrested for any other violation of law.
- B. Any firearm lawfully carried or transported as permitted pursuant to state law shall not be confiscated, unless:



1. The person is arrested for violating another provision of law other than a violation of subsection A of this section; provided, however, if the person is never charged with an offense pursuant to this paragraph or if the charges are dismissed or the person is acquitted, the weapon shall be returned to the person; or
  2. The officer has probable cause to believe the weapon is:
    - a. contraband, or
    - b. a firearm used in the commission of a crime other than a violation of subsection A of this section.
- C. Nothing in this section shall be construed to require confiscation of any firearm.

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## **TITLE 21 § 1289.15 PENALTY FOR FIREARMS ACT OF 1971**

Any person adjudged guilty of violating any provision of Section 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 Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or imprisonment in the county jail for not less than ten (10) days nor more than six (6) months, or by both such fine and imprisonment.

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## **TITLE 21 § 1289.16 FELONY POINTING FIREARMS**

Except for an act of self-defense, 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, armed security guards licensed by the Council on Law Enforcement Education and Training pursuant to the Oklahoma Security Guard and Private Investigator Act 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 Section 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 One Thousand Dollars (\$1,000.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

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## **TITLE 21 § 1289.17 PENALTIES FOR 1289.16**

Any violation of Section 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 one (1) year nor more than ten (10) years.

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## **TITLE 21 § 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 two (2) years nor more than twenty (20) years. The provisions of this section shall not apply to any law enforcement officer in the performance of any lawful duty. 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 two (2) years nor more than twenty (20) years. The provisions of this section shall not apply to any law enforcement officer in the performance of any lawful duty.

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## TITLE 21 § 1289.18 DEFINITIONS

- 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 eighteen (18) inches in length, and using a combustible propellant charge, but does not include any weapon so designed with a barrel less than eighteen (18) inches in length, provided it has an overall length of twenty-six (26) inches or more.
- B. "Sawed-off rifle" shall mean any rifle having a barrel or barrels of less than sixteen (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 twenty-six (26) inches in length, including the stock portion.
- C. Every person who knowingly 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 One Thousand Dollars (\$1,000.00), or imprisonment in the State Penitentiary for a period not to exceed two (2) years, or both such fine and imprisonment.
- D. This section shall not apply to any firearm that is lawfully possessed under federal law or that is otherwise not regulated as a "firearm" pursuant to the National Firearms Act.
- E. The term "firearm" as used in this section and in the Oklahoma Firearms Act of 1971, shall not include an "antique firearm" as defined in 18 U.S.C., Section 921 (2006).

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## TITLE 21 § 1289.19 RESTRICTED BULLET AND BODY ARMOR DEFINED

As used in Sections 1289.20 through 1289.22 of this title and Section 2 of this act:

- 1. "Restricted bullet" means a round or elongated missile with a core of less than sixty percent (60%) lead and having a fluorocarbon coating, which is designed to travel at a high velocity and is capable of penetrating body armor; and
- 2. "Body armor" means a vest or shirt of ten (10) plies or more of bullet resistant material as defined by the Office of Development, Testing and Dissemination, a division of the United States Department of Justice.

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## TITLE 21 § 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 Section 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 Five Hundred Dollars (\$500.00) nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the State Penitentiary for not more than ten (10) years, or by both such fine and imprisonment.

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## TITLE 21 § 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 Section 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 two (2) years nor more than ten (10) years. The sentence so imposed shall not be suspended.

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## TITLE 21 § 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.

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## TITLE 21 § 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 Section 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 on his or her person 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 Section 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 one hundred twenty (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 five (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 on his or her person 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 Section 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 Section 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 Twenty-five Dollars (\$25.00) 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 Section 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 conduct a check of the National Instant Criminal Background Check System (NICS) prior to the issuance of a handgun license. 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 Section 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 ninety (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.

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## **TITLE 21 § 1289.24 FIREARM REGULATION – STATE PREEMPTION**

- A. 1. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way firearms, knives, components, ammunition, and supplies to the complete exclusion of any order, ordinance, or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances, or regulations in this field, except as provided for in paragraph 2 of this subsection and subsection C of this section, are null and void.
- 2. A municipality may adopt any ordinance:
  - a. relating to the discharge of firearms within the jurisdiction of the municipality, and
  - b. allowing the municipality to issue a traffic citation for transporting a firearm improperly as provided for in Section 1289.13A of this title, provided however, as 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 carrying or possession of a firearm under the provisions of Chapter 53 of this title shall not be punishable by any municipality or other political subdivision of this state as disorderly conduct, disturbing the peace or similar offense against public order.
- 4. A public or private school may create a policy regulating the possession of knives on school property or in any school bus or vehicle used by the school for purposes of transportation.
- B. No municipality or other political subdivision of this state shall adopt any order, ordinance, or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, carrying, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes, or other controls on firearms, knives, components, ammunition, and supplies.
- C. Except as hereinafter provided, this section shall not prohibit any order, ordinance, or regulation by any municipality concerning the confiscation of property used in violation of the ordinances of the municipality as provided for in Section 28-121 of Title 11 of the Oklahoma Statutes. Provided, however, no municipal ordinance relating to transporting a firearm or knife improperly may include a provision for confiscation of property.
- D. When a person's rights pursuant to the protection of the preemption provisions of this section have been violated, the person shall have the right to bring a civil action against the persons, municipality, and political subdivision jointly and severally for injunctive relief or monetary damages or both.

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## **TITLE 21 § 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, places of business or places of worship and have the right to establish policies regarding the possession of weapons on property pursuant to the provisions of Section 1290.22 of this title.
- B. A person, regardless of official capacity or lack of official capacity, within a place of worship or a person, 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. a. 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, place of business or place of worship, or if that person had removed or was attempting to remove another against the will of that person from the dwelling, residence, occupied vehicle, place of business or place of worship.

- b. 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; or
- 2. The person who uses defensive force knew or had a reasonable belief that the person against whom the defensive force was used entered or was attempting to enter into a dwelling, residence, occupied vehicle, place of business or place of worship for the purpose of committing a forcible felony, as defined in Section 733 of this title, and that the defensive force was necessary to prevent the commission of the forcible felony.
- 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, place of business or place of worship 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, place of business or place of worship is presumed to be doing so with the intent to commit an unlawful act involving force or violence.
- F. A person who uses defensive force, as permitted pursuant to the provisions of subsections A, B, D and E of this section, is justified in using such defensive force and is immune from criminal prosecution and civil action for the use of such defensive 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 defensive force, but the law enforcement agency may not arrest the person for using defensive force unless it determines that there is probable cause that the defensive 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 weapon pursuant to the provisions of this section to be licensed in any manner.
- J. A person pointing a weapon at a perpetrator in self-defense or in order to thwart, stop or deter a forcible felony or attempted forcible felony shall not be deemed guilty of committing a criminal act.
- K. As used in this section:
  - 1. "Defensive force" includes, but shall not be limited to, pointing a weapon at a perpetrator in self-defense or in order to thwart, stop or deter a forcible felony or attempted forcible felony;
  - 2. "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;
  - 3. "Place of worship" means:

- a. any permanent building, structure, facility or office space owned, leased, rented or borrowed, on a full-time basis, when used for worship services, activities and business of the congregation, which may include, but not be limited to, churches, temples, synagogues and mosques, and
  - b. any permanent building, structure, facility or office space owned, leased, rented or borrowed for use on a temporary basis, when used for worship services, activities and business of the congregation including, but not limited to, churches, temples, synagogues and mosques;
4. "Residence" means a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest; and
  5. "Vehicle" means a conveyance of any kind, whether or not motorized, which is designed to transport people or property.
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## **TITLE 21 § 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 One Thousand Dollars (\$1,000.00).
  - 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.
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## **TITLE 21 § 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.

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## **TITLE 21 § 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 six (6) months and shall be subject to an administrative fine of Fifty Dollars (\$50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

## BUS PASSENGER SAFETY ACT

### **TITLE 21 § 1901    SHORT TITLE.**

This act may be cited as the "Bus Passenger Safety Act".

### **TITLE 21 § 1902    DEFINITIONS.**

As used in the Bus Passenger Safety Act:

1. "Bus" means a vehicle designed to carry passengers that is part of a network of passenger vehicles for use by the public, running on regular schedule of routes, times and fares;
2. "Bus transportation company" or "company" means any person or governmental entity providing for-hire transport to passengers by bus upon the roads, streets, highways and turnpikes of this state;
3. "Deadly or dangerous weapon" means all weapons listed in section 1287 of this title, and any other weapon capable of inflicting serious bodily injury, except for a weapon carried for lawful self-defense in compliance under the Oklahoma Self-Defense Act;
4. "Passenger" means any person served by the bus transportation company; and
5. "Terminal" means a bus station or depot or any facility operated or leased by or operated on behalf of a bus transportation company. This term shall include a reasonable area immediately adjacent to any designated stop along the route traveled by any bus operated by a bus transportation company and parking lots or parking areas adjacent to a terminal.

### **TITLE 21 § 1903    SEIZURE OF BUS ASSAULT OR BATTERY USE OF DANGEROUS WEAPON CONCEALED WEAPON DISCHARGING FIREARM OR HURLING MISSILE AT BUS.**

- A. No person shall by force or violence, or threat of force or violence, seize or exercise control of any bus. Any person violating this subsection shall be guilty of a felony and shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not more than twenty (20) years, or by a fine of not more than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment.
- B. In addition, no person shall intimidate, threaten, assault or batter any driver, attendant, guard or passenger of any bus with intent to violate subsection A of this section. Any person violating this subsection shall be guilty of a felony and shall, upon conviction, be punished by imprisonment in the custody of the Department for not more than ten (10) years, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.
- C. In addition, any person violating subsection A or B of this section using a dangerous or deadly weapon shall be guilty of a felony, and shall, upon conviction, be punished by imprisonment in the custody of the Department for not more than twenty (20) years, or by a fine of not more than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment.
- D. It shall be unlawful for any person to discharge any firearm into or within any bus, terminal or other transportation facility, unless such action is determined to have been in defensive force resulting from reasonable fear of imminent peril of death or great bodily harm to himself or herself or another. Such person shall, upon conviction,



be guilty of a felony punishable by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than five (5) years, or both.

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**TITLE 57 § 21 BRINGING OR POSSESSING CONTRABAND IN JAIL OR PENAL INSTITUTION PENALTIES**

- A. Any person who, without authority, brings into or has in his or her possession in any jail or state penal institution or other place where prisoners are located, any gun, knife, bomb or other dangerous instrument, any controlled dangerous substance as defined by Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, any intoxicating beverage or low-point beer as defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma Statutes, money, or financial documents for a person other than the inmate or a spouse of the inmate, including but not limited to tax returns, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than five (5) years, or by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. Provided, the provisions of this subsection shall not prohibit any Department of Corrections employee who has a valid handgun license pursuant to the Oklahoma Self-Defense Act to keep a firearm in a vehicle on any property set aside for the parking of any vehicle, whether occupied or unoccupied, at any state-owned prison facility, provided the employee has provided annual notification to the Department of Corrections of the brand name, model, serial number, and owner identification information of the firearm, and the firearm is secured and stored in a locked metal storage container located in a locked vehicle. The storage container will be secured in the vehicle by a lockable chain or cable or by utilizing hardware provided by the manufacturer.
- B. If an inmate is found to be in possession of any item prohibited by this section, upon conviction, such inmate shall be guilty of a felony and shall be punished by imprisonment for a term of not less than five (5) years nor more than twenty (20) years in the custody of the Department of Corrections.
- C. If the person found to be in possession of any item prohibited by this section has committed, prior to the commission of an offense in violation of this section, two or more felony offenses, and the possession of contraband in violation of this section is within ten (10) years of the completion of the execution of the sentence for any prior offense, such person, upon conviction, shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not less than twenty (20) years. Felony offenses relied upon shall not have arisen out of the same transaction or occurrence or series of events closely related in time and location.
- D. Any person who, without authority, brings into or has in his or her possession in any jail or state penal institution or other place where prisoners are located, cigarettes, cigars, snuff, chewing tobacco, or any other form of tobacco product shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed one (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.
- E. Any person who knowingly, willfully and without authority brings into or has in his or her possession in any secure area of a jail or state penal institution or other secure place where prisoners are located any cellular phone or electronic device capable of sending or receiving any electronic communication shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding two (2) years, or by a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.
- F. Any electronic communication device which has no identifiable owner and which is seized as a result of a violation of this section may be disposed of or sold by the agency that seized the device.
- G. "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature transmitted in whole or part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system, and includes, but is not limited to, the transfer of that communication through the Internet.

### **TITLE 63 § 4210.3 TRANSPORTING WEAPON IN OR DISCHARGING WEAPON FROM VESSEL**

It shall be unlawful to transport a shotgun, rifle or pistol in or to discharge such weapons from a vessel, except for the purposes of hunting animals or fowl, and in compliance with existing state and federal laws. Anyone violating the provisions of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for not less than ten (10) days and not more than six (6) months, or by both such fine and imprisonment. Any person in possession of a valid handgun license from this state or a reciprocal state authorized by the Oklahoma Self-Defense Act shall not be deemed guilty of transporting a pistol in violation of this section when a handgun is carried concealed or unconcealed upon or about their person in compliance with the provisions of the Oklahoma Self-Defense Act.

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### **TITLE 11 § 22-139 DESIGNATION OF PERSONNEL TO ATTEND ARMED SECURITY GUARD OR RESERVE PEACE OFFICER TRAINING**

- A. The city council or board of trustees for a city or municipality may, through a majority vote of the council or board, designate city or municipality personnel who have been issued a handgun license pursuant to the Oklahoma Self-Defense Act to attend an armed security guard training program, as provided for in Section 1750.5 of Title 59 of the Oklahoma Statutes, or a reserve peace officer certification program, as provided for in Section 3311 of Title 70 of the Oklahoma Statutes, provided and developed by the Council on Law Enforcement Education and Training (CLEET). Nothing in this section shall be construed to prohibit or limit the city council or board of trustees of a city or municipality from requiring ongoing education and training.
  - B. Participation in either the armed security guard training program or the reserve peace officer certification program shall be voluntary and shall not in any way be considered a requirement for continued employment with the city or municipality. The city council or board of trustees of a city or municipality shall have the final authority to determine and designate personnel who will be authorized to obtain and use an armed security guard license or reserve peace officer certification in conjunction with their employment as city or municipality personnel.
  - C. The city council or board of trustees of a city or municipality that authorizes personnel to participate in either the armed security guard program or the reserve peace officer program may pay all necessary training, meal and lodging expenses associated with the training.
  - D. When carrying a firearm pursuant to this act, the person shall at all times carry the firearm on his or her person or the firearm shall be stored in a locked and secure location.
  - E. Any city or municipality personnel who have successfully completed either training and while acting in a reasonable and prudent manner shall be immune from civil and criminal liability for any injury resulting from the carrying of a handgun onto city or municipality property as provided in this act. Any municipality, city council, board of trustees or participating local law enforcement agency shall be immune from civil and criminal liability for any injury resulting from any act committed by the city or municipality personnel who are designated to carry a concealed handgun on public city or municipality property pursuant to the provisions of this act.
  - F. In order to carry out the provisions of this section, the city council or board of trustees of a city or municipality is authorized to enter into a memorandum of understanding with local law enforcement entities.
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### **TITLE 18 U.S.C. §922 UNLAWFUL ACTS (FEDERAL FIREARMS POSSESSION PROHIBITION)**

(g) It shall be unlawful for any person—

- (1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
- (2) who is a fugitive from justice;
- (3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

- (4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
- (5) who, being an alien—
  - (A) is illegally or unlawfully in the United States; or
  - (B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(26)));
- (6) who has been discharged from the Armed Forces under dishonorable conditions;
- (7) who, having been a citizen of the United States, has renounced his citizenship;
- (8) who is subject to a court order that—
  - (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
  - (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
  - (C)
    - (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
    - (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;
- (9) who has been convicted in any court of a misdemeanor crime of domestic violence,

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

(n) It shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

## DOMESTIC VIOLENCE DEFINED

### OKLAHOMA DEFINITION

#### **TITLE 21 § 644      ASSAULT - ASSAULT AND BATTERY - DOMESTIC ABUSE**

C. Any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall be guilty of domestic abuse. Upon conviction, the defendant shall be punished by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Upon conviction for a second or subsequent offense, the person shall be punished by imprisonment in the custody of the Department of Corrections for not more than four (4) years, or by a fine not exceeding Five Thousand Dollars

(\$5,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall not apply to any second or subsequent offense.

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## **FEDERAL DEFINITION**

### **18 USC §921 (a)(33) MISDEMEANOR CRIME OF DOMESTIC VIOLENCE**

(A) Except as provided in subparagraph (C),<sup>[2]</sup> the term "misdemeanor crime of domestic violence" means an offense that—

(i) is a misdemeanor under Federal, State, or Tribal <sup>[3]</sup> law; and

(ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

**SDA  
Application  
Page 1  
Sample**

**SDA  
Application  
Page 2  
sample**

**SDA  
Application  
Page 3  
sample**

**SDA  
Application  
Page 4  
Sample**



## FBI Privacy Act Statement and Applicant Notification

**Authority:** The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Public Law 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

**Principal Purpose:** Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or other responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

**Routine Uses:** During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

### FBI Applicant Record Challenge

**Applicant Record Challenge:** Before a final decision is made, you have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedure for obtaining a change, correction, or updating an FBI identification record is set forth in Title 28, CFR 16.34. For information on updating the national criminal history record, visit [www.FBI.gov](http://www.FBI.gov) or <https://www.fbi.gov/cjis/identity-history-summary-checks#challenge-of-an-identity-history-summary>.

If certified documents are obtained for the purpose of updating your criminal history record, the documents should be forwarded to the FBI and to the repository in the state where the arrest occurred.