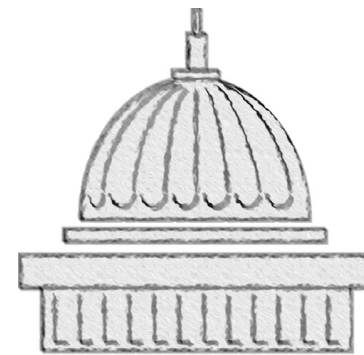


NRA / ILA Firearms Laws for

OKLAHOMA

(As of May, 2009)



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A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

QUICK REFERENCE CHART

Rifles and

Shotguns

Permit to Purchase

Registration of Firearms

Licensing of Owner

Permit to Carry

Handguns

No

No

No

No

No

No

No

Yes

STATE CONSTITUTIONAL PROVISION

“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.”
Article 2, Section 26.

PURCHASE/TRANSFER

No state permit is required for the purchase of a rifle, shotgun or handgun. Residents may purchase legal firearms and ammunition from contiguous states, and residents of contiguous states may purchase firearms and ammunition in Oklahoma.

It is unlawful to sell or give any firearm to any person under 18 years of age, except a rifle or shotgun given by a parent to a child for education, hunting, or sport. It is unlawful for any parent or guardian to permit his or her child to possess any firearm if aware of a substantial risk that the child will use the weapon in a crime or if the child has been adjudicated a delinquent or convicted as an adult of any criminal offense.

It is unlawful for any person to knowingly furnish any firearm to any person who is a felon, a delinquent,

under the influence of alcohol or drugs, or is mentally or emotionally unbalanced or disturbed.

POSSESSION

No state permit is required to possess a rifle, shotgun or handgun.

It is unlawful for any person under 18 years of age to possess any weapon, except rifles or shotguns used in education, hunting, or sport. Any firearm confiscated from a person under 18 by law enforcement upon arrest or detention is subject to forfeiture.

It is unlawful for a felon to possess any firearm or to have a firearm in any vehicle. This same prohibition applies to anyone adjudicated a delinquent child for an offense which would have constituted a felony if committed by an adult, for ten years after such adjudication.

It is unlawful for any person under the supervision of the Department of Corrections to possess or control a firearm, or have one in any vehicle or residence. It is unlawful for any unauthorized person to possess a firearm on any school property or vehicle, except for education, hunting, or sport, and those firearms legally carried in a vehicle, provided the vehicle transports a student to or from school and does not remain on school property.

CARRYING

It is unlawful for any person, except for peace officers on duty, to carry a firearm upon or about his person, or in any container, except for purposes of hunting, fishing, education or recreation or by a valid Concealed Carry License (“CCL”).

A person is permitted to carry firearms open and not concealed when hunting, during safety class, target shooting, for a military function, for a police function, or for entertainment events or historical reenactments.

A person is permitted to carry unloaded firearms open and not concealed when going to or from the person's private residence or vehicle, or to a gun shop, gun show, or hunting, target shooting, or other sporting activity.

A person may transport an unloaded firearm openly in a motor vehicle at any time. It is unlawful to carry a loaded firearm in a vehicle, though there are some exceptions for firearms carried by those with a concealed carry license.

It is unlawful for any person other than the owner, proprietor, or a peace officer to possess a firearm in any establishment where alcoholic beverages are consumed. A person with a valid CCL may carry a firearm onto premises where alcohol is sold, provided that the sale of alcohol is not the primary business.

It is unlawful to carry a firearm for the purpose of unlawfully injuring another person.

It is unlawful to carry or use firearms while under the influence of alcohol, any un-prescribed drug, or any prescribed drug that could cause abnormal behavior.

The Oklahoma State Bureau of Investigation ("OSBI") is authorized to issue a Concealed Carry License ("CCL").

To apply for a concealed carry license a person must be a U.S. citizen, an Oklahoma resident, 21 years old, have completed a firearms safety and training course and submit all necessary forms and fees.

Disqualifications for eligibility for a CCL are:

- any felony conviction or adjudication as a delinquent
- adjudication as a mentally incompetent person; any involuntary commitment for mental illness, condition, or disorder
- any false or misleading statement on the application for a handgun license
- conviction of any of the following misdemeanor offenses in any state: assault and battery causing serious physical injury, aggravated assault and battery, or a second assault and battery conviction, stalking, a violation relating to a protection from domestic abuse law, illegal drug use or possession
- any attempted suicide or other condition relating to or indicating mental instability
- current treatment for a mental illness
- habitual misdemeanor criminal activity
- an outstanding felony warrant

The following are disqualifications for a period of three years:

- subject to the provisions of a deferred sentence or deferred prosecution for a felony offense
- treatment for a mental illness, condition or disorder which required medication or supervision;
- inpatient treatment for substance abuse;
- two or more convictions of public intoxication;
- two or more misdemeanor convictions relating to

intoxication or driving under the influence

- arrest for an alleged commission of, a charge pending for, or subject to the provisions of a deferred sentence or deferred prosecution for any one or more of the following misdemeanor offenses: any assault and battery which caused serious physical injury, any second or subsequent assault and battery, any aggravated assault and battery, stalking, any violation of a protection from domestic abuse law, or any violation relating to illegal drug use or possession.
- Additional temporary disqualifications:
- a felony charge pending disqualifies until the final determination of the matter
 - any victim protection order disqualifies for three years from the date of entry of the order or sixty days from the date an order was vacated, canceled, or withdrawn
 - a delinquent or felon residing in the residence of the applicant disqualifies for thirty days from the date the person no longer resides with the applicant.

Applications are available from the county sheriff or by mail from the OSBI. The application must be made under oath and signed in person before the sheriff of the county where applicant resides. The non-refundable fee of \$100.00, two passport size photographs, and the original certificate of training or exemption certificate must also be submitted. Applicant must show a valid photo ID. The sheriff will take two complete sets of fingerprints, charging the applicant no more than \$25.00. The sheriff will make a preliminary investigation and submit the application with any relevant information to the OSBI within 14 days. The OSBI will conduct a state and federal criminal background search, a federal fingerprint search, and any other relevant checks before issuing or denying the CCL within 90 days of receipt of the application. Any denial may be appealed within 60 days.

Licensees' application materials remain available to law enforcement personnel for law enforcement purposed only.

The safety and training course must be reasonably able to be completed in eight hours and cost no more than \$60.00. Authorization for one or more type of pistol (derringer, revolver, or semiautomatic pistol) requires training and demonstration of competency under an approved firearms instructor. Any applicant who trains with a semiautomatic may also be approved, upon request, for revolver and derringer, but qualification with revolver or derringer requires separate qualification for semiautomatic firearms. The firearm instructor shall refuse to train or qualify any person whose handgun presented is deemed unsafe or not a gun authorized under the law.

It is prohibited to carry any concealed handgun larger than .45 caliber.

The CCL is valid for 5 years. The CCL may be renewed within 90 days of expiring by submitting a renewal application, two recent passport-sized photos, and \$85.00 to the OSBI. If license is missing, lost, stolen, or destroyed, the licensee shall notify the OSBI within 30 days and will not have authority to carry a concealed handgun until the CCL is replaced. There is a \$15.00 replacement fee.

Whenever carrying a concealed handgun, the licensee must also carry the CCL and a valid Oklahoma driver's license or other identification.

A licensee must inform a police officer that the licensee is in actual possession of a concealed handgun when the licensee first comes into contact with any law enforcement officer during the course of any arrest, detention or routine traffic stop.

It is unlawful for any person having a CCL to carry a concealed handgun into any: government building; meeting of any elected or appointed government officials; prison or detention center; elementary, secondary, or vocational-technical school property; sports arena during a professional sporting event; any place where pari-mutuel wagering is authorized; college or university property and any other place specifically prohibited by law. Except for any elementary, secondary, or vocational-technical school property, these prohibitions do not apply to parking lots.

The State of Oklahoma recognizes any valid concealed carry weapons permit or license issued by another state.

ANTIQUES/REPLICAS

Oklahoma statutes are silent on antique and replica firearms. They are treated as ordinary firearms for possession and carrying purposes.

MACHINE GUNS

It is unlawful to possess, purchase, or sell a machine gun, except in compliance with all federal laws and regulations. It is unlawful to possess a sawed-off shotgun or rifle without a federal license

MISCELLANEOUS

Oklahoma law preempts the entire field of legislation relating to firearms, components, ammunition, and

supplies. There are some exceptions to this preemption, including municipal law relating to discharge of firearms, confiscation of property used unlawfully, and certain penalty provisions. Municipalities may also issue traffic tickets for the improper transport of firearms.

Oklahoma law preempts lawsuits against gun manufacturers for damages arising from the lawful sale, marketing, design, or manufacture of any firearm, and finds that those activities are not unreasonably dangerous and do not constitute a nuisance.

Except for an act of self-defense, it is unlawful to point any firearm, whether loaded or not, at any other person.

Any person issued a CCL who knowingly or intentionally allows a felon or delinquent to possess or control any pistol shall be guilty of a felony.

It is unlawful to transport or discharge a shotgun, rifle, or pistol from a boat under sail, except for the purposes of hunting animals or fowl.

It is unlawful to willingly or maliciously disturb the peace and quiet by shooting or brandishing a firearm.

It is a felony to fire a firearm at or into a residence, or a public or commercial building.

No persons may shoot game while riding in or on any motor driven land, air, or water conveyance, except a non-ambulatory person may hunt from such with written permission of the Oklahoma Wildlife Conservation Director.

No person may hunt, pursue game or use firearms within 440 yards of a church, schoolhouse, or other public place where people may assemble, so as to disturb such assemblage.

No person may shoot at wildlife from or across a public road or highway, or railroad right of way.

It is unlawful to manufacture, sell, or possess, carry upon the person, use or attempt to use against another person any round or elongated missile with a core of less than 60% lead and having a fluorocarbon coating which is designed to travel at a high velocity and is capable of penetrating body armor.

SOURCES

Oklahoma Statutes, Title 21, Title 29

CAUTION: Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

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