

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 1943

BY: HAGER

AS INTRODUCED

AN ACT RELATING TO CRIMES AND PUNISHMENTS; AMENDING
21 O.S. 1991, SECTIONS 1272 AND 1289.8, WHICH
RELATE TO THE CARRYING OF CERTAIN WEAPONS;
PROVIDING EXCEPTIONS; AUTHORIZING CLEET TO CERTIFY
CERTAIN PERSONS TO CARRY CONCEALED WEAPONS;
PROVIDING CERTAIN CONDITIONS FOR SUCH
CERTIFICATION; AUTHORIZING CLEET TO DENY OR REVOKE
SUCH CERTIFICATION; REQUIRING THE DEPARTMENT OF
PUBLIC SAFETY TO BE NOTIFIED OF SUCH CERTIFICATION
AND REVOCATION OF SUCH CERTIFICATION; REQUIRING THE
DEPARTMENT TO ISSUE CERTAIN STICKERS; SPECIFYING
SUCH STICKERS; REQUIRING THE REMOVAL AND RETURN OF
SUCH STICKERS UNDER CERTAIN CONDITIONS; PROVIDING
FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND
DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1272, is
amended to read as follows:

Section 1272. ~~It~~ Except as otherwise provided by law, it shall be unlawful for any person to carry upon or about his person, or in his portfolio or purse, any pistol, revolver, dagger, bowie knife, dirk knife, switchblade knife, spring-type knife, sword cane, knife having a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, blackjack, loaded cane, billy, hand chain, metal knuckles, or any other offensive weapon, except as in this article provided. Provided further, that this section shall not prohibit the proper use of guns and knives for hunting, fishing or recreational purposes, nor shall this section be construed to prohibit any use of weapons in a manner otherwise permitted by statute. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1289.8, is amended to read as follows:

Section 1289.8 ~~It~~ Except as otherwise provided by law, it shall be unlawful for any person, except a law enforcement officer, a registered security officer or a person employed by an armored car firm licensed by the Corporation Commission, to carry a concealed weapon other than permitted by this act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1289.8a of Title 21, unless there is created a duplication in numbering, reads as follows:

A. The Council on Law Enforcement Education and Training (CLEET) may certify a person to carry a concealed weapon pursuant to the following conditions:

1. The person applying for the certification must:
 - a. provide proof to CLEET that due to such person's employment, it is necessary to carry a concealed weapon for protection against potential deadly force from others,

- b. provide CLEET with an affidavit from a physician or osteopathic physician licensed in this state that the person is of sound body and an affidavit from a psychiatrist licensed as a physician or osteopathic physician in this state that the person is of sound mind. A handicapped person shall not be considered "not of sound body" because of such handicap unless others would be put at great risk from that person using a concealed weapon,
- c. provide CLEET with proof that the person is qualified to use the weapon which the person is applying for certification to carry,
- d. pass an examination provided by CLEET indicating that the person has knowledge of the deadly force laws in this state, and
- e. provide CLEET with sufficient proof that the person is bonded or insured for not less than One Hundred Thousand Dollars (\$100,000.00) to cover any liability resulting from the use of the concealed weapon;

2. The person applying for certification shall not have been convicted of any felony or any misdemeanor involving violence of any type, or involving alcohol or controlled substances; and

3. The person applying for certification may only be certified to carry one concealed weapon and that weapon shall be registered with CLEET.

B. CLEET may deny certification to any person who does not meet the conditions established in subsection A of this section and may deny certification for any other just cause. CLEET may revoke the certification of any person certified pursuant to this section for conviction of a misdemeanor or a felony involving any type of violence, or involving alcohol or controlled substances, or for any other just cause. For purposes of this section, "just cause" may

include, but not be limited to, any kind of behavior or conditions which might put others at risk.

C. CLEET shall inform the Department of Public Safety of persons certified to carry concealed weapons and shall provide a copy of such certification to the Department. CLEET shall also notify the Department of Public Safety of persons who have had such certification revoked and shall provide a copy of the revocation document to the Department. The Department of Public Safety shall issue a sticker to be placed on the operators license or license for identification only for those persons certified by CLEET to carry a concealed weapon. Such sticker shall not be attached in such a way as to conceal the organ donor notice on such license. Upon revocation of certification, the sticker shall be immediately removed from the license by the person and immediately tendered to the Department of Public Safety.

SECTION 4. This act shall become effective July 1, 1992.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-2-6962

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