

<p1=
14>

SHORT TITLE: Firearms; prohibiting transport of a chamber loaded
firearm in vehicle. Effective date. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1049

By: Shurden

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 1991, Section 1289.13, as amended by Section 51, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1997, Section 1289.13), which relates to transporting firearms in vehicle; deleting language; defining term; criminalizing failure to inform a peace officer of a firearm; repealing 21 O.S. 1991, Section 1289.7, as last amended by Section 1, Chapter 190, O.S.L. 1996 (21 O.S. Supp. 1997, Section 1289.7), which relates to transporting unloaded firearms in vehicle; 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 1289.13, as amended by Section 51, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1997, Section 1289.13), is amended to read as follows:

Section 1289.13

TRANSPORTING A LOADED FIREARM

A. Except as otherwise provided by the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through 25 of this act,~~ or another provision of law of this state, it shall be unlawful to transport a chamber loaded pistol, rifle or shotgun, whether concealed or open, in a landborne motor vehicle over a public

highway or roadway. ~~However, a rifle or shotgun may be transported when clip or magazine loaded and not chamber loaded when transported in an exterior locked compartment of the vehicle or trunk of the vehicle.~~ For purposes of this section, "chamber loaded" means the clip or magazine is fully or partially loaded and is attached to the firearm making ammunition aligned in the firing chamber of the firearm, or, in the case of a revolver, the ammunition cylinder is fully or partially loaded with ammunition aligned in the firing chamber of the firearm.

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

C. 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, ~~Sections 1 through 25 of this act,~~ to carry a concealed handgun and is carrying a chamber loaded concealed handgun or has concealed the chamber loaded handgun in such vehicle, shall not be deemed in violation of the provisions of this section provided the licensee is in or near the vehicle.

D. Any person carrying any firearm in a vehicle, whether concealed or open, shall upon detention by any peace officer immediately state that a firearm is in the vehicle and state its location. Willful failure to inform a peace officer of a firearm shall be deemed a violation of the provisions of this section.

SECTION 2. REPEALER 21 O.S. 1991, Section 1289.7, as last amended by Section 1, Chapter 190, O.S.L. 1996 (21 O.S. Supp. 1997, Section 1289.7), is hereby repealed.

SECTION 3. This act shall become effective July 1, 1998.

SECTION 4. 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.

46-2-1942

NP