

EHB 1053

1 THE STATE SENATE  
2 Thursday, March 20, 2003

3 ENGROSSED

4 House Bill No. 1053

5 ENGROSSED HOUSE BILL NO. 1053 - By: BENGE and NANCE of the House and  
6 RILEY of the Senate.

7 An Act relating to crimes and punishments; amending 21 O.S.  
8 2001, Section 1289.8, which relates to carrying concealed  
9 weapons; allowing retired fire marshal inspectors to carry  
10 concealed weapons; clarifying peace officer powers; and  
11 providing an effective date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1289.8, is  
14 amended to read as follows:

15 Section 1289.8

16 CARRYING CONCEALED WEAPON

17 A. Any fire marshal inspector who is retired, state, county, or  
18 municipal peace officer of this state who is retired, or any federal  
19 law enforcement officer who is retired may retain their status as a  
20 peace officer, retired, in the State of Oklahoma, and as such may  
21 carry a concealed pistol pursuant to the provisions of subsection B  
22 of this section. A retired state, county, or municipal peace  
23 officer may in times of great emergency or danger serve to enforce  
24 the law, keep the peace, or to protect the public in keeping with  
25 their availability and ability at the request of the Governor, the  
26 sheriff, or the mayor of their retirement jurisdiction. If a

1 retired fire marshal is activated for duty, the peace officer powers  
2 of the retired fire marshal are limited to the duties granted prior  
3 to retirement.

4 B. The Council on Law Enforcement Education and Training  
5 (CLEET) shall issue an identification card to eligible retired  
6 federal, state, county and municipal peace officers which authorizes  
7 the retired peace officer to carry a concealed pistol in this state.  
8 The identification card shall bear the full name of the retired  
9 officer, the signature of the retired officer, the date of issuance,  
10 and such other information as may be deemed appropriate by CLEET.  
11 The card shall not expire, but may be denied, suspended, or revoked  
12 as provided by the rules promulgated by CLEET or upon the discovery  
13 of any preclusion prescribed in Section 1290.10 or 1290.11 of this  
14 title. The Council on Law Enforcement Education and Training shall  
15 request the Oklahoma State Bureau of Investigation to conduct a  
16 state and national criminal history records search on each retired  
17 peace officer authorized to carry a concealed firearm pursuant to  
18 the provisions of this section every four (4) years, and unless a  
19 preclusion prescribed in Section 1290.10 or 1290.11 of this title is  
20 found to exist, no action shall be necessary. When a preclusion is  
21 discovered, the Council shall notify the retired peace officer and  
22 shall hold a hearing before taking any action to suspend or revoke  
23 the authority to carry a concealed pistol.

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

4 1. A statement from the appropriate retirement system verifying  
5 the status of the person as a retired peace officer of the  
6 jurisdiction or, if the retired peace officer does not participate  
7 in a retirement system, a statement from the appropriate law  
8 enforcement agency verifying the status of the person as a retired  
9 peace officer of that jurisdiction, and the reason why the retired  
10 peace officer does not participate in a retirement system;

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

13 a. has not been convicted of and is currently not subject  
14 to any pending criminal prosecution for any felony  
15 offense, any drug-related offense, aggravated assault  
16 and battery, or any offense involving impairment by  
17 drugs or alcohol,

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

20 c. has not suffered any injury or any physical or mental  
21 impairment which would render the person unsafe to  
22 carry a concealed pistol.

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

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

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

14 SECTION 2. This act shall become effective November 1, 2003.

15 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &  
16 PUBLIC SAFETY, dated 3-17-03 - DO PASS.