ENGROSSED HOUSE
BILL NO. 1747

By: Sullivan, Nance, Smithson and Brannon of the House

and

Mazzei of the Senate

An Act relating to counties and county officers; amending 19 O.S. 2001, Section 553, which relates to retiring sheriffs and deputies; adding reserve deputies to those able to retain certain status; providing method for a surviving spouse to retain badge and firearm; amending 21 O.S. 2001, Section 1289.8, as amended by Section 1, Chapter 54, O.S.L. 2003 (21 O.S. Supp. 2004, Section 1289.8), which relates to carrying concealed weapons; providing for retention of status as a peace officer for certain persons; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 553, is amended to read as follows:

Section 553. A. Sheriffs and their deputies, retiring under the provisions of Sections 951 et seq. of Title 19 of the Oklahoma Statutes, or Sections 901 et seq. of Title 74 of the Oklahoma Statutes, or reserve deputies may retain their status as peace officers of the State of Oklahoma, retired, and as such may retain the right to keep their county-issued firearm and badge, and bear firearms as provided by Sections 554 and 555 of this title.

B. Upon the death of a sheriff, or deputy, or reserve deputy, the surviving spouse may request to retain the badge and firearm of the deceased spouse. The sheriff's office may grant the request in accordance with their policy, if any.

SECTION 2. AMENDATORY 21 O.S. 2001, Section 1289.8, as amended by Section 1, Chapter 54, O.S.L. 2003 (21 O.S. Supp. 2004, Section 1289.8), is amended to read as follows:

Section 1289.8

CARRYING CONCEALED 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 concealed pistol 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 concealed pistol in this state. 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 not expire, but 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. The Council on Law Enforcement Education and Training shall request 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 concealed firearm pursuant to the provisions of this section every four (4) years, and unless a preclusion prescribed in Section 1290.10 or 1290.11 of this title is

found to exist, no action shall be necessary. 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 concealed pistol.

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 retirement system verifying the status of the person as a retired peace officer of the jurisdiction or, if the retired peace officer does not participate in a retirement system, a statement from the appropriate law enforcement agency verifying the status of the person as a retired peace officer of that jurisdiction, and the reason why the retired peace officer does not participate in a retirement system;

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 felony offense, any drug-related offense, aggravated assault and battery, or any offense involving impairment by drugs or alcohol,

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 concealed pistol.

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 concealed firearm as an off-duty peace officer, pursuant to Section 1289.23 of this title, until the authority to carry a concealed 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 pistol 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.

SECTION 3. This act shall become effective November 1, 2005.

Passed the House of Representatives the 22nd day of February, 2005.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2005.

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Presiding Officer of the Senate