

EHB 1747

THE STATE SENATE
Wednesday, April 13, 2005

ENGROSSED

House Bill No. 1747

As Amended

ENGROSSED HOUSE BILL NO. 1747 - By: SULLIVAN, NANCE, SMITHSON and BRANNON of the House and MAZZEI of the Senate.

[counties and county officers - retiring sheriffs and deputies - retain certain status - concealed weapon - 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.

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

4 Section 1289.8

5 CARRYING CONCEALED WEAPON

6 A. Any fire marshal inspector who is retired, state, county, or
7 municipal peace officer of this state who is retired, or any state,
8 county, or municipal peace officer classified as a reserve who is
9 retired, or any federal law enforcement officer who is retired may
10 retain their status as a peace officer, retired, in the State of
11 Oklahoma, and as such may carry a concealed pistol pursuant to the
12 provisions of subsection B of this section. A retired state,
13 county, or municipal peace officer may in times of great emergency
14 or danger serve to enforce the law, keep the peace, or to protect
15 the public in keeping with their availability and ability at the
16 request of the Governor, the sheriff, or the mayor of their
17 retirement jurisdiction. If a retired fire marshal is activated for
18 duty, the peace officer powers of the retired fire marshal are
19 limited to the duties granted prior to retirement.

20 B. The Council on Law Enforcement Education and Training
21 (CLEET) shall issue an identification card to eligible retired
22 federal, state, county and municipal peace officers which authorizes
23 the retired peace officer to carry a concealed pistol in this state.

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

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

20 1. A statement from the appropriate retirement system verifying
21 the status of the person as a retired peace officer of the
22 jurisdiction or, if the retired peace officer does not participate
23 in a retirement system, a statement from the appropriate law

1 enforcement agency verifying the status of the person as a retired
2 peace officer of that jurisdiction, and the reason why the retired
3 peace officer does not participate in a retirement system;

4 2. A notarized statement, signed by the retired peace officer,
5 stating that the officer:

6 a. has not been convicted of and is currently not subject
7 to any pending criminal prosecution for any felony
8 offense, any drug-related offense, aggravated assault
9 and battery, or any offense involving impairment by
10 drugs or alcohol,

11 b. has not been forced into retirement due to any mental
12 disorder, and

13 c. has not suffered any injury or any physical or mental
14 impairment which would render the person unsafe to
15 carry a concealed pistol.

16 D. A retired peace officer, who has made application for the
17 CLEET identification card authorized in subsection B of this
18 section, shall be authorized to carry a concealed firearm as an off-
19 duty peace officer, pursuant to Section 1289.23 of this title, until
20 the authority to carry a concealed firearm as a retired officer is
21 finally approved or denied by CLEET.

1 E. The Council on Law Enforcement Education and Training shall
2 promulgate rules and procedures necessary to implement the
3 provisions of this section.

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-6-05 - DO
10 PASS, As Amended.