

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2636

By: Kern

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2001, Section 1290.8, as amended by Section
9 6, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2007,
10 Section 1290.8), which relates to the Oklahoma Self-
11 Defense Act; providing an exception to certain
12 prohibited act; and providing an effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1290.8, as
15 amended by Section 6, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2007,
16 Section 1290.8), is amended to read as follows:

17 Section 1290.8

18 POSSESSION OF LICENSE REQUIRED

19 NOTIFICATION TO POLICE OF GUN

20 A. Except as otherwise prohibited by law, an eligible person
21 shall have authority to carry a concealed handgun in this state when
22 the person has been issued a handgun license from the Oklahoma State
23 Bureau of Investigation pursuant to the provisions of the Oklahoma
24 Self-Defense Act, provided the person is in compliance with the

1 provisions of the Oklahoma Self-Defense Act, and the license has not
2 expired or been subsequently suspended or revoked. A person in
3 possession of a valid handgun license and in compliance with the
4 provisions of the Oklahoma Self-Defense Act shall be authorized to
5 carry such concealed handgun while bow hunting or fishing.

6 B. The person shall be required to have possession of his or
7 her valid handgun license and a valid Oklahoma driver license or an
8 Oklahoma State photo identification at all times when in possession
9 of an authorized pistol. Any violation of the provisions of this
10 subsection may be punishable as a criminal offense as authorized by
11 Section 1272 of this title or pursuant to any other applicable
12 provision of law. In addition to any criminal prosecution which may
13 result from not carrying the handgun license and the required
14 identification with the authorized pistol as required by the
15 provisions of this subsection, the person may be subject to an
16 administrative fine for violation of the provisions of this
17 subsection. The administrative fine shall be Fifty Dollars (\$50.00)
18 and shall be assessed by the Oklahoma State Bureau of Investigation
19 after a hearing and determination that the licensee is in violation
20 of the provisions of this subsection. Any second or subsequent
21 violation of the provisions of this subsection shall be grounds for
22 the Bureau to suspend the handgun license for a period of six (6)
23 months, in addition to any other penalty imposed.

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1 Upon the arrest of any person for a violation of the provisions
2 of this subsection, the person may show proof to the court that a
3 valid handgun license and the other required identification has been
4 issued to such person and the person may state any reason why the
5 handgun license or the other required identification was not carried
6 by the person as required by the Oklahoma Self-Defense Act. The
7 court shall dismiss an alleged violation of Section 1272 of this
8 title upon payment of court costs, if proof of a valid handgun
9 license and other required identification is shown to the court
10 within ten (10) days of the arrest of the person. The court shall
11 report a dismissal of a charge to the Bureau for consideration of
12 administrative proceedings against the licensee.

13 C. It shall be unlawful for any person to fail or refuse to
14 identify the fact that the person is in actual possession of a
15 concealed handgun pursuant to the authority of the Oklahoma Self-
16 Defense Act when the person first comes into contact with any law
17 enforcement officer of this state or its political subdivisions or a
18 federal law enforcement officer during the course of any arrest,
19 detainment, or routine traffic stop. Any person who is a passenger
20 in a vehicle and in actual possession of a concealed handgun shall
21 not be required to identify himself or herself as a concealed
22 handgun licensee. No person shall be required to identify himself
23 or herself as a concealed handgun licensee when no handgun is in the
24 person's possession or in any vehicle in which the person is driving

1 or is a passenger. Any violation of the provisions of this
2 subsection shall, upon conviction, be a misdemeanor punishable by a
3 fine not exceeding Five Hundred Dollars (\$500.00), by imprisonment
4 in the county jail for a period not to exceed ninety (90) days, or
5 by both such fine and imprisonment. In addition to any criminal
6 prosecution for a violation of the provisions of this subsection,
7 the licensee shall be subject to a six-month suspension of the
8 license and an administrative fine of Fifty Dollars (\$50.00), upon a
9 hearing and determination by the Bureau that the person is in
10 violation of the provisions of this subsection.

11 D. Any law enforcement officer coming in contact with a person
12 whose handgun license is suspended, revoked, or expired, or who is
13 in possession of a handgun license which has not been lawfully
14 issued to that person, shall confiscate the license and return it to
15 the Oklahoma State Bureau of Investigation for appropriate
16 administrative proceedings against the licensee when the license is
17 no longer needed as evidence in any criminal proceeding.

18 E. Nothing in this section shall be construed to authorize a
19 law enforcement officer to inspect any weapon properly concealed
20 without probable cause that a crime has been committed.

21 SECTION 2. This act shall become effective November 1, 2008.

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23 51-2-9478 GRS 12/19/07

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