

THE HOUSE OF REPRESENTATIVES
Monday, March 1, 2010

Committee Substitute for
House Bill No. 2538

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2538 - By: TIBBS AND SMITHSON of the House.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1289.7, which relates to firearms in vehicles; clarifying circumstances in which firearms may be transported in vehicles; authorizing certain persons to transport certain firearms open and loaded; providing penalty; defining term; amending 21 O.S. 2001, Sections 1290.10 and 1290.26, as amended by Section 9, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2009, Section 1290.26), which relate to the Oklahoma Self-Defense Act; providing exception to the list of mandatory preclusions; modifying scope of reciprocal agreement authority; repealing 21 O.S. 2001, Section 1289.13, as last amended by Section 1, Chapter 549, O.S.L. 2004 (21 O.S. Supp. 2009, Section 1289.13), which relates to transporting a loaded firearm; and providing an effective date.

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

1 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1289.7, is amended to read
2 as follows:

3 Section 1289.7

4 FIREARMS IN VEHICLES

5 A. Any person, except a convicted felon, may transport in a motor vehicle a rifle,
6 shotgun or pistol, ~~open and unloaded,~~ at any time. ~~For purposes of this section "open"~~
7 ~~means the~~ if the firearm is unloaded and is:

8 1. firearm is transported ~~Transported~~ in plain view, ~~in;~~

1 2. In a case designed for carrying firearms, which case is wholly or partially visible,
2 ~~in;~~

3 3. In a gun rack mounted in the vehicle,~~in;~~

4 4. In an exterior locked compartment or a trunk of a vehicle

5 ~~Any person, except a convicted felon, may transport in a motor vehicle a rifle or~~
6 ~~shotgun concealed behind a seat of the vehicle or;~~ or

7 5. Concealed within the interior of the vehicle ~~provided the rifle or shotgun is not~~
8 ~~clip, magazine or chamber loaded. The authority to transport a clip or magazine loaded~~

9 B. A rifle or, shotgun shall, or pistol may be pursuant to Section 1289.13 of this
10 ~~title~~ transported clip or magazine loaded and not chamber loaded when transported in an
11 exterior locked compartment of the vehicle or trunk of the vehicle.

12 C. Any person who is the operator of a vehicle or is a passenger in any vehicle
13 wherein another person who is licensed pursuant to the Oklahoma Self-Defense Act,
14 ~~Sections 1290.1 through 1290.25 of Title 21 of the Oklahoma Statutes,~~ to carry a
15 concealed handgun and is carrying a concealed handgun or has concealed the handgun in
16 such vehicle, shall not be deemed in violation of the provisions of this section provided
17 the licensee is in or near the vehicle.

18 D. Any person who is licensed pursuant to the Oklahoma Self-Defense Act to carry
19 a concealed handgun may transport in the interior of a motor vehicle a rifle, shotgun or
20 pistol, open and loaded, at any time.

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 Statutes or an adjudication of incompetency entered in another state pursuant to any
2 provision of law of that state;

3 4. Any false or misleading statement on the application for a handgun license as
4 provided by paragraph 5 of Section 1290.12 of this title; provided, failure to disclose a
5 previous arrest for a crime on the application for a handgun license shall not
6 automatically preclude the issuance of a handgun license unless such arrest would have
7 been grounds for denial pursuant to the provisions of this section or Section 1290.11 of
8 this title;

9 5. Conviction of any one of the following misdemeanor offenses in this state or in
10 any other state:

- 11 a. any assault and battery which caused serious physical injury to the
12 victim, or any second or subsequent assault and battery conviction,
- 13 b. any aggravated assault and battery,
- 14 c. any stalking pursuant to Section 1173 of this title, or a similar law of
15 another state,
- 16 d. a violation relating to the Protection from Domestic Abuse Act, Section
17 60 et seq. of Title 22 of the Oklahoma Statutes, or any violation of a
18 victim protection order of another state,
- 19 e. any conviction relating to illegal drug use or possession; or
- 20 f. an act of domestic abuse as defined by Section 644 of this title or an act
21 of domestic assault and battery or any comparable acts under the laws
22 of another state;

1 6. An attempted suicide or other condition relating to or indicating mental
2 instability or an unsound mind which occurred within the preceding ten-year period from
3 the date of the application for a license to carry a concealed firearm or that occurs during
4 the period of licensure;

5 7. Currently undergoing treatment for a mental illness, condition, or disorder. For
6 purposes of this paragraph, "currently undergoing treatment for a mental illness,
7 condition, or disorder" means the person has been diagnosed by a licensed physician as
8 being afflicted with a substantial disorder of thought, mood, perception, psychological
9 orientation, or memory that significantly impairs judgment, behavior, capacity to
10 recognize reality, or ability to meet the ordinary demands of life;

11 8. Significant character defects of the applicant as evidenced by a misdemeanor
12 criminal record indicating habitual criminal activity;

13 9. Ineligible to possess a pistol due to any provision of law of this state or the
14 United States Code, except as provided in subsection B of Section 1283 of this title;

15 10. Failure to pay an assessed fine or surrender the handgun license as required by
16 a decision by the administrative hearing examiner pursuant to authority of the
17 Oklahoma Self-Defense Act;

18 11. Being subject to an outstanding felony warrant issued in this state or another
19 state or the United States; or

20 12. Adjudication as a delinquent as provided by Section 1283 of this title, except as
21 provided in subsection B of Section 1283 of this title.

1 SECTION 3. AMENDATORY 21 O.S. 2001, Section 1290.26, as amended by
2 Section 9, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2009, Section 1290.26), is amended to
3 read as follows:

4 Section 1290.26

5 RECIPROCAL AGREEMENT AUTHORITY

6 The State of Oklahoma hereby recognizes any valid concealed carry weapons permit
7 or license issued by another state. Any person entering this state in possession of a
8 firearm authorized for concealed carry upon the authority and license of another state is
9 authorized to continue to carry a concealed firearm and license in this state; provided the
10 license from the other state remains valid. The firearm must be carried fully concealed
11 from detection and view, and upon coming in contact with any peace officer of this state,
12 the person must disclose the fact that ~~he or she~~ the person is in possession of a concealed
13 firearm pursuant to a valid concealed carry weapons permit or license issued in another
14 state. Any person who is twenty-one (21) years of age or older having a valid firearm
15 license from another state ~~may~~ shall apply for a concealed handgun license in this state
16 ~~immediately~~ within one (1) year upon establishing a residence in this state. The firearm
17 license issued from another state shall cease to be valid in Oklahoma once the person has
18 established residency in this state and has been issued a concealed handgun license
19 pursuant to the provisions of the Oklahoma Self-Defense Act.

20 SECTION 4. REPEALER 21 O.S. 2001, Section 1289.13, as last amended by
21 Section 1, Chapter 549, O.S.L. 2004 (21 O.S. Supp. 2009, Section 1289.13), is hereby
22 repealed.

1 SECTION 5. This act shall become effective November 1, 2010.
2 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-25-10 - DO
3 PASS, As Amended and Coauthored.