

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 2522

By: Martin (Steve), Bennett,
Johnson, Cockroft, Hickman,
Ritze, McCullough, Newell
and Kern of the House

and

Treat of the Senate

An Act relating to firearms; amending 21 O.S. 2011,
Sections 1272, 1272.1, 1272.2, 1273, 1276, 1277,
1278, 1280.1, 1283 and 1287, which relate to the
carrying, use and possession of firearms; modifying
*** deleting certain statutory references; amending
21 O.S. 2011, Sections 1289.6, 1289.7, 1289.7a, ***
modifying and deleting certain statutory references;
defining term; modifying certain definition;
modifying handgun license notification procedure;
modifying issuance procedure; modifying certain
penalty; modifying description of handgun licenses;
*** amending 63 O.S. 2011, Section 2-110, which
relates to the Uniform Controlled Dangerous
Substances Act; modifying manner in which weapons may
be carried by attorneys of the Oklahoma State Bureau
of Narcotics and Dangerous Drugs Control; amending 63
O.S. 2011, Section 4210.3, which relates to the
Oklahoma Boating Safety Regulation Act; modifying
scope of certain prohibited act; and providing an
effective date.

AUTHORS: Add the following Senate Coauthors: Shortey, Sykes and
Russell

AUTHORS: Add the following House Coauthors: Moore, Russ, Mulready
and Faught

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

1 "[Oklahoma Firearms Act of 1971 - adding condition
2 for carrying a firearm - effective date]

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

4 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.6, is
5 amended to read as follows:

6 Section 1289.6

7 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

8 A. A person shall be permitted to carry loaded and unloaded
9 shotguns, rifles and pistols, open and not concealed and without a
10 handgun license as authorized by the Oklahoma Self-Defense Act,
11 ~~Sections 1 through 25 of this act,~~ pursuant to the following
12 conditions:

13 1. When hunting animals or fowl;

14 2. During competition in or practicing in a safety or hunter
15 safety class, target shooting, skeet, trap or other recognized
16 sporting events;

17 3. During participation in or in preparation for a military
18 function of the state military forces to be defined as the Oklahoma
19 Army or Air National Guard, Federal Military Reserve and active
20 military forces;

21 4. During participation in or in preparation for a recognized
22 police function of either a municipal, county or state government as
23 functioning police officials;

1 5. During a practice for or a performance for entertainment
2 purposes; ~~or~~

3 6. For lawful self-defense and self-protection or any other
4 legitimate purpose in or on property that is owned, leased, rented,
5 or otherwise legally controlled by the person; or

6 7. For any legitimate purpose not in violation of the Oklahoma
7 Firearms Act of 1971, ~~Sections 1289.1 through 1289.17 of this title~~
8 or any legislative enactment regarding the use, ownership and
9 control of firearms.

10 B. A person shall be permitted to carry unloaded shotguns,
11 rifles and pistols, open and not concealed and without a handgun
12 license as authorized by the Oklahoma Self-Defense Act pursuant to
13 the following conditions:

14 1. When going to or from the person's private residence or
15 vehicle or a vehicle in which the person is riding as a passenger to
16 a place designated or authorized for firearms repairs or
17 reconditioning, or for firearms trade, sale, or barter, or gunsmith,
18 or hunting animals or fowl, or hunter safety course, or target
19 shooting, or skeet or trap shooting or any recognized firearms
20 activity or event and while in such places; or

21 2. For any legitimate purpose not in violation of the Oklahoma
22 Firearms Act of 1971, ~~Sections 1289.1 through 1289.17 of this title.~~

23 C. The provisions of this section shall not be construed to
24 prohibit educational or recreational activities, exhibitions,

1 displays or shows involving the use or display of rifles, shotguns
2 or pistols or other weapons if the activity is approved by the
3 property owner and sponsor of the activity.

4 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.7a, is
5 amended to read as follows:

6 Section 1289.7a A. No person, property owner, tenant,
7 employer, or business entity shall maintain, establish, or enforce
8 any policy or rule that has the effect of prohibiting any person,
9 except a convicted felon, from transporting and storing firearms or
10 ammunition in a locked motor vehicle, or from transporting and
11 storing firearms or ammunition locked in or locked to a motor
12 vehicle on any property set aside for any motor vehicle.

13 B. No person, property owner, tenant, employer, or business
14 entity shall be liable in any civil action for occurrences which
15 result from the storing of firearms or ammunition in a locked motor
16 vehicle on any property set aside for any motor vehicle, unless the
17 person, property owner, tenant, employer, or owner of the business
18 entity commits a criminal act involving the use of the firearms or
19 ammunition. The provisions of this subsection shall not apply to
20 claims pursuant to the Workers' Compensation Act.

21 C. An individual may bring a civil action to enforce this
22 section. If a plaintiff prevails in a civil action related to the
23 personnel manual against a person, property owner, tenant, employer
24 or business for a violation of this section, the court shall award

1 actual damages, enjoin further violations of this section, and award
2 court costs and attorney fees to the prevailing plaintiff.

3 D. As used in this section, "motor vehicle" means any
4 automobile, truck, minivan, sports utility vehicle, motorcycle,
5 motor scooter, and any other vehicle required to be registered under
6 the Oklahoma Vehicle License and Registration Act.

7 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.8, is
8 amended to read as follows:

9 Section 1290.8

10 POSSESSION OF LICENSE REQUIRED -

11 NOTIFICATION TO POLICE OF GUN

12 A. Except as otherwise prohibited by law, an eligible person
13 shall have authority to carry a concealed handgun in this state when
14 the person has been issued a handgun license from the Oklahoma State
15 Bureau of Investigation pursuant to the provisions of the Oklahoma
16 Self-Defense Act, provided the person is in compliance with the
17 provisions of the Oklahoma Self-Defense Act, and the license has not
18 expired or been subsequently suspended or revoked. A person in
19 possession of a valid handgun license and in compliance with the
20 provisions of the Oklahoma Self-Defense Act shall be authorized to
21 carry such concealed handgun while bow hunting or fishing.

22 B. The person shall be required to have possession of his or
23 her valid handgun license and a valid Oklahoma driver license or an
24 Oklahoma State photo identification at all times when in possession

1 of an authorized pistol. Any violation of the provisions of this
2 subsection may be punishable as a criminal offense as authorized by
3 Section 1272 of this title or pursuant to any other applicable
4 provision of law. In addition to any criminal prosecution which may
5 result from not carrying the handgun license and the required
6 identification with the authorized pistol as required by the
7 provisions of this subsection, the person may be subject to an
8 administrative fine for violation of the provisions of this
9 subsection. The administrative fine shall be Fifty Dollars (\$50.00)
10 and shall be assessed by the Oklahoma State Bureau of Investigation
11 after a hearing and determination that the licensee is in violation
12 of the provisions of this subsection. Any second or subsequent
13 violation of the provisions of this subsection shall be grounds for
14 the Bureau to suspend the handgun license for a period of six (6)
15 months, in addition to any other penalty imposed.

16 Upon the arrest of any person for a violation of the provisions
17 of this subsection, the person may show proof to the court that a
18 valid handgun license and the other required identification has been
19 issued to such person and the person may state any reason why the
20 handgun license or the other required identification was not carried
21 by the person as required by the Oklahoma Self-Defense Act. The
22 court shall dismiss an alleged violation of Section 1272 of this
23 title upon payment of court costs, if proof of a valid handgun
24 license and other required identification is shown to the court

1 within ten (10) days of the arrest of the person. The court shall
2 report a dismissal of a charge to the Bureau for consideration of
3 administrative proceedings against the licensee.

4 C. It shall be unlawful for any person to fail or refuse to
5 identify the fact that the person is in actual possession of a
6 concealed handgun pursuant to the authority of the Oklahoma Self-
7 Defense Act when the person ~~first~~ comes into contact with any law
8 enforcement officer of this state or its political subdivisions or a
9 federal law enforcement officer during the course of any arrest,
10 detainment, or routine traffic stop. Said identification to the law
11 enforcement officer shall be made at the first opportunity. No
12 person shall be required to identify himself or herself as a
13 concealed handgun licensee when no handgun is in the ~~person's~~
14 possession of the person or in any vehicle in which the person is
15 driving or is a passenger. Any violation of the provisions of this
16 subsection shall, upon conviction, be a misdemeanor punishable by a
17 fine not exceeding ~~Five Hundred Dollars (\$500.00), by imprisonment~~
18 ~~in the county jail for a period not to exceed ninety (90) days, or~~
19 ~~by both such fine and imprisonment.~~ In addition to any criminal
20 ~~prosecution for a violation of the provisions of this subsection,~~
21 ~~the licensee shall be subject to a six-month suspension of the~~
22 ~~license and an administrative fine of Fifty Dollars (\$50.00), upon a~~
23 ~~hearing and determination by the Bureau that the person is in~~

24

1 ~~violation of the provisions of this subsection~~ One Hundred Dollars
2 (\$100.00).

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

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

13 SECTION 4. This act shall become effective November 1, 2012."

14 and when the title is restored, amend the title to
15 conform

16 Passed the Senate the 24th day of April, 2012.

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Presiding Officer of the Senate

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20 Passed the House of Representatives the ____ day of _____,
21 2012.

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Presiding Officer of the House
of Representatives

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