

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2309

By: Faught

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6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Section 1290.8, which relates to the
9 Oklahoma Self-Defense Act; modifying concealed carry
notification procedure; modifying penalties; and
providing an effective date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.8, is
14 amended to read as follows:

15 Section 1290.8

16 POSSESSION OF LICENSE REQUIRED

17 NOTIFICATION TO POLICE OF GUN

18 A. Except as otherwise prohibited by law, an eligible person
19 shall have authority to carry a concealed handgun in this state when
20 the person has been issued a handgun license from the Oklahoma State
21 Bureau of Investigation pursuant to the provisions of the Oklahoma
22 Self-Defense Act, provided the person is in compliance with the
23 provisions of the Oklahoma Self-Defense Act, and the license has not
24 expired or been subsequently suspended or revoked. A person in

1 possession of a valid handgun license and in compliance with the
2 provisions of the Oklahoma Self-Defense Act shall be authorized to
3 carry such concealed handgun while bow hunting or fishing.

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

22 Upon the arrest of any person for a violation of the provisions
23 of this subsection, the person may show proof to the court that a
24 valid handgun license and the other required identification has been

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

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

1 ~~prosecution for a violation of the provisions of this subsection,~~
2 ~~the licensee shall be subject to a six-month suspension of the~~
3 ~~license and an administrative fine of Fifty Dollars (\$50.00), upon a~~
4 ~~hearing and determination by the Bureau that the person is in~~
5 ~~violation of the provisions of this subsection~~ One Hundred Dollars
6 (\$100.00).

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

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

17 SECTION 2. This act shall become effective November 1, 2012.

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19 53-2-8264 GRS 01/11/12

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