

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2997

By: Newell

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2011, Sections 1289.7 and 1289.13A, which  
9 relate to transporting firearms in vehicles;  
10 modifying manner in which firearms may be transported  
11 in vehicles; construing certain provision; providing  
12 discretion in the issuance of certain traffic  
13 citations; and providing an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.7, is  
16 amended to read as follows:

17 Section 1289.7

18 FIREARMS IN VEHICLES

19 Any ~~person~~ citizen, except a convicted felon, may transport in  
20 a motor vehicle a rifle, or shotgun ~~or pistol~~, open and unloaded, at  
21 any time. Any citizen twenty-one (21) years of age or older, except  
22 a convicted felon, may transport a pistol open, loaded or unloaded  
23 for the purpose of self-defense without a valid handgun license  
24 issued pursuant to the Oklahoma Self-Defense Act provided, the

1 citizen is not involved in a crime. A citizen without a valid  
2 handgun license issued pursuant to the Oklahoma Self-Defense Act may  
3 leave a concealed, loaded pistol in a parked or unattended, locked  
4 vehicle provided, the citizen in legal control of the pistol is away  
5 from his or her own personal residence or business.

6 For purposes of this section "open" means the firearm is  
7 transported in plain view, or in a case designed for carrying  
8 firearms, which case is wholly or partially visible, in a gun rack  
9 mounted in the vehicle, in an exterior locked compartment or a trunk  
10 of a vehicle.

11 Any person, except a convicted felon, may transport in a motor  
12 vehicle a rifle or shotgun concealed behind a seat of the vehicle or  
13 within the interior of the vehicle provided the rifle or shotgun is  
14 not clip, magazine or chamber loaded. The authority to transport a  
15 clip or magazine loaded rifle or shotgun shall be pursuant to  
16 Section 1289.13 of this title.

17 Any person who is the operator of a vehicle or is a passenger in  
18 any vehicle wherein another person who is licensed pursuant to the  
19 Oklahoma Self-Defense Act, Sections 1290.1 through 1290.25 of Title  
20 21 of the Oklahoma Statutes, to carry a concealed handgun and is  
21 carrying a concealed handgun or has concealed the handgun in such  
22 vehicle, shall not be deemed in violation of the provisions of this  
23 section provided the licensee is in or near the vehicle.

24

1        Nothing in this section shall be construed for a law enforcement  
2 officer to inspect or confiscate any firearm without probable cause  
3 that a crime has been committed.

4        SECTION 2.        AMENDATORY        21 O.S. 2011, Section 1289.13A, is  
5 amended to read as follows:

6        Section 1289.13A A. Notwithstanding the provisions of Section  
7 1272 or 1289.13 of this title, any person stopped pursuant to a  
8 moving traffic violation who is transporting a loaded pistol in the  
9 motor vehicle without a valid concealed handgun permit authorized by  
10 the Oklahoma Self-Defense Act or valid license from another state,  
11 whether the loaded firearm is concealed or open in the vehicle,  
12 ~~shall~~ may be issued a traffic citation in the amount of Seventy  
13 Dollars (\$70.00), plus court costs for transporting a firearm  
14 improperly. In addition to the traffic citation provided in this  
15 section, the person may also be arrested for any other violation of  
16 law.

17        B. When the arresting officer determines that the driver of the  
18 vehicle is twenty-one (21) years of age or older or a valid handgun  
19 license exists, pursuant to the Oklahoma Self-Defense Act or any  
20 provision of law from another state, for any person in the stopped  
21 vehicle, any firearms permitted to be carried pursuant to that  
22 license shall not be confiscated, unless:

23        1. The person is arrested for violating another provision of  
24 law other than a violation of subsection A of this section;

1 provided, however, if the person is never charged with an offense  
2 pursuant to this paragraph or if the charges are dismissed or the  
3 person is acquitted, the weapon shall be returned to the person; or

4 2. The officer has probable cause to believe the weapon is:

- 5 a. contraband, or
- 6 b. a firearm used in the commission of a crime other than  
7 a violation of subsection A of this section.

8 C. Nothing in this section shall be construed to require  
9 confiscation of any firearm.

10 SECTION 3. This act shall become effective November 1, 2012.

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