STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

SENATE BILL 1810 By: Shortey

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Sections 1289.7, 1289.13 and 1289.13A, which relate to firearms in vehicles; authorizing certain persons to transport certain firearms under certain circumstances; authorizing a certain person to leave a certain firearm in certain vehicle under certain circumstances; construing language; modifying definition; authorizing certain persons to transport certain firearms in a certain manner; making it lawful to transport a firearm in a certain manner; deleting provisions relating to certain improper transportation of firearm; prohibiting certain arrest; and providing an effective date.

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

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

Section 1289.7.

FIREARMS IN VEHICLES

~~Any person~~ Except as provided in this section and the Oklahoma Self-Defense Act, any citizen twenty-one (21) years of age or older, except a convicted felon, may transport in a motor vehicle a rifle, shotgun or pistol, open ~~and~~ loaded or unloaded, at any time for the

purpose of self-defense without a concealed carry license pursuant to the Oklahoma Self-Defense Act, provided the citizen is not involved in a crime.

A citizen without a concealed handgun license may leave a concealed loaded pistol in a parked and/or unattended locked vehicle provided the citizen in legal control of the weapon is away from his or her own business or residence.

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

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

Any person who is eighteen (18) years of age or older and is not a convicted felon may transport in a motor vehicle a rifle, shotgun or pistol, open and loaded, at any time, and such firearm is to remain in open sight while inside the vehicle.

Any person, except a convicted felon, may transport in a motor vehicle a rifle or shotgun concealed behind a seat of the vehicle or within the interior of the vehicle provided the rifle or shotgun is not clip, magazine or chamber loaded. The authority to transport a

clip or magazine loaded rifle or shotgun shall be pursuant to Section 1289.13 of this title.

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

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

Section 1289.13.

TRANSPORTING A LOADED FIREARM

Except as otherwise provided by the provisions of the Oklahoma Self-Defense Act or another provision of law, ~~it shall be unlawful to transport a loaded pistol, rifle or shotgun in a landborne motor vehicle over a public highway or roadway. However,~~ a pistol, rifle or shotgun may be transported chamber clip or magazine loaded and not chamber loaded when transported in an exterior locked compartment of the vehicle or trunk of the vehicle or in the interior compartment of the vehicle notwithstanding the provisions of Section 1289.7 of this title when the person is in possession of a valid handgun license pursuant to the Oklahoma Self-Defense Act so long as the firearm remains in open sight while inside the vehicle.

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

Any person who is the operator of a vehicle or is a passenger in any vehicle wherein another person who is licensed pursuant to the Oklahoma Self-Defense Act to carry a concealed handgun and is carrying a concealed handgun or has concealed a handgun or rifle or shotgun in such vehicle shall not be deemed in violation of the provisions of this section provided the licensee is in or near the vehicle.

SECTION 3. AMENDATORY 21 O.S. 2011, Section 1289.13A, is amended to read as follows:

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

B. When the arresting officer determines that a valid handgun license exists, pursuant to the Oklahoma Self-Defense Act or any

provision of law from another state, for any person in the stopped vehicle, any firearms permitted to be carried pursuant to that license shall not be confiscated or any person arrested, unless:

1. The person is arrested for violating another provision of law other than a violation of subsection A of this section; provided, however, if the person is never charged with an offense pursuant to this paragraph or if the charges are dismissed or the person is acquitted, the weapon shall be returned to the person; or

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

a. contraband, or

b. a firearm used in the commission of a crime other than a violation of subsection A of this section.

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

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

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