

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1947

By: Shortey

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Sections 1290.8 and 1290.26, which
9 relate to the Oklahoma Self-Defense Act; modifying
10 certain requirement to notify police of certain
11 possession; modifying and deleting certain penalties;
12 and providing an effective date.

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

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

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

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

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

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

16 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.26, is
17 amended to read as follows:

18 Section 1290.26.

19 RECIPROCAL AGREEMENT AUTHORITY

20 The State of Oklahoma hereby recognizes any valid concealed
21 carry weapons permit or license issued by another state. Any person
22 entering this state in possession of a firearm authorized for
23 concealed carry upon the authority and license of another state is
24 authorized to continue to carry a concealed firearm and license in

1 this state; provided the license from the other state remains valid.
2 The firearm must be carried fully concealed from detection and view,
3 and ~~upon coming in contact with~~ when asked by any peace officer of
4 this state if the person is carrying a concealed handgun, the person
5 must disclose the fact that he or she is in possession of a
6 concealed firearm pursuant to a valid concealed carry weapons permit
7 or license issued in another state. Any person who is twenty-one
8 (21) years of age or older having a valid firearm license from
9 another state may apply for a concealed handgun license in this
10 state immediately upon establishing a residence in this state.

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

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