

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 206

By: Griffin and Shortey of the
Senate

6 and

7 Hickman of the House

8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to firearms; amending 21 O.S. 2011,
12 Sections 1290.2, 1290.7, 1290.8 and 1290.21, as
13 amended by Sections 23, 28, 29 and 40, Chapter 259,
14 O.S.L. 2012 (21 O.S. Supp. 2012, Sections 1290.2,
15 1290.7, 1290.8 and 1290.21), which relate to the
16 Oklahoma Self-Defense Act; modifying definition;
17 modifying how certain authority shall be construed;
18 clarifying language; deleting certain penalties;
19 modifying criteria for certain unlawful act; and
20 declaring an emergency.

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

22 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.2, as
23 amended by Section 23, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
24 Section 1290.2), is amended to read as follows:

Section 1290.2

DEFINITIONS

A. As used in the Oklahoma Self-Defense Act:

1 1. "Concealed handgun" means a loaded or unloaded pistol
2 carried hidden from the detection and view of another person either
3 upon or about the person, in a purse or other container belonging to
4 the person, or in a vehicle which is operated by the person or in
5 which the person is riding as a passenger;

6 2. "Unconcealed handgun" means a loaded or unloaded pistol
7 carried upon the person in a belt holster or shoulder holster that
8 is wholly or partially visible, or carried upon the person in a
9 scabbard or case designed for carrying firearms that is wholly or
10 partially visible; and

11 3. "Pistol" means any derringer, revolver or semiautomatic
12 firearm which:

- 13 a. has an overall length of less than sixteen (16)
14 inches,
- 15 b. is capable of discharging a projectile composed of any
16 material which may reasonably be expected to be able
17 to cause lethal injury,
- 18 c. is designed to be held and fired by the use of a
19 single hand, and
- 20 d. uses either gunpowder, gas or any means of rocket
21 propulsion to discharge the projectile.

22 B. The definition of pistol for purposes of the Oklahoma Self-
23 Defense Act shall not apply to homemade or imitation pistols, flare
24 guns, underwater fishing guns or blank pistols.

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.7, as
2 amended by Section 28, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
3 Section 1290.7), is amended to read as follows:

4 Section 1290.7

5 CONSTRUING AUTHORITY OF LICENSE

6 The authority to carry a concealed or unconcealed handgun
7 pursuant to a valid handgun license as authorized by the provisions
8 of the Oklahoma Self-Defense Act shall not be construed to authorize
9 any person to:

10 1. Carry or possess any weapon other than an authorized pistol
11 as defined by the provisions of Section 1290.2 of this title;

12 2. Carry or possess any pistol in any manner or in any place
13 otherwise prohibited by law;

14 3. Carry or possess any prohibited ammunition or any illegal,
15 imitation or homemade pistol;

16 4. Carry or possess any pistol when the person is prohibited by
17 state or federal law from carrying or possessing any firearm; or

18 5. Point, discharge, ~~intentionally display the pistol,~~ or use
19 the pistol in any manner not otherwise authorized by law.

20 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.8, as
21 amended by Section 29, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
22 Section 1290.8), is amended to read as follows:

23 Section 1290.8

24 POSSESSION OF LICENSE REQUIRED -

1 NOTIFICATION TO POLICE OF GUN

2 A. Except as otherwise prohibited by law, an eligible person
3 shall have authority to carry a concealed or unconcealed handgun in
4 this state when the person has been issued a handgun license from
5 the Oklahoma State Bureau of Investigation pursuant to the
6 provisions of the Oklahoma Self-Defense Act, provided the person is
7 in compliance with the provisions of the Oklahoma Self-Defense Act,
8 and the license has not expired or been subsequently suspended or
9 revoked. A person in possession of a valid handgun license and in
10 compliance with the provisions of the Oklahoma Self-Defense Act
11 shall be authorized to carry such concealed or unconcealed handgun
12 while bow hunting or fishing.

13 B. The person shall be required to have possession of his or
14 her valid handgun license and a valid Oklahoma driver license or an
15 Oklahoma State photo identification at all times when in possession
16 of an authorized pistol. The person shall display the handgun
17 license on demand of a law enforcement officer; provided, however,
18 that in the absence of reasonable and articulable suspicion of other
19 criminal activity, an individual carrying an unconcealed or
20 concealed handgun shall not be disarmed or physically restrained
21 unless the individual fails to display a valid handgun license in
22 response to that demand. Any violation of the provisions of this
23 subsection may be punishable as a criminal offense as authorized by
24 Section 1272 of this title or pursuant to any other applicable

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

13 Upon the arrest of any person for a violation of the provisions
14 of this subsection, the person may show proof to the court that a
15 valid handgun license and the other required identification has been
16 issued to such person and the person may state any reason why the
17 handgun license or the other required identification was not carried
18 by the person as required by the Oklahoma Self-Defense Act. The
19 court shall dismiss an alleged violation of Section 1272 of this
20 title upon payment of court costs, if proof of a valid handgun
21 license and other required identification is shown to the court
22 within ten (10) days of the arrest of the person. The court shall
23 report a dismissal of a charge to the Bureau for consideration of
24 administrative proceedings against the licensee.

1 C. It shall be unlawful for any person to fail or refuse to
2 identify the fact that the person is in actual possession of a
3 concealed or unconcealed handgun pursuant to the authority of the
4 Oklahoma Self-Defense Act when the person comes into contact with
5 any law enforcement officer of this state or its political
6 subdivisions or a federal law enforcement officer during the course
7 of any arrest, detainment, or routine traffic stop. Said
8 identification to the law enforcement officer shall be made at the
9 first opportunity. No person shall be required to identify himself
10 or herself as a handgun licensee when no handgun is in the
11 possession of the person or in any vehicle in which the person is
12 driving or is a passenger. Any violation of the provisions of this
13 subsection shall, upon conviction, be a misdemeanor punishable by a
14 fine not exceeding One Hundred Dollars (\$100.00).

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

22 E. Nothing in this section shall be construed to authorize a
23 law enforcement officer to inspect any weapon properly concealed or
24 unconcealed without probable cause that a crime has been committed.

1 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.21, as
2 amended by Section 40, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
3 Section 1290.21), is amended to read as follows:

4 Section 1290.21

5 REPLACEMENT LICENSE

6 A. In the event a handgun license becomes missing, lost, stolen
7 or destroyed, the license shall be invalid, and the person to whom
8 the license was issued shall notify the Oklahoma State Bureau of
9 Investigation within thirty (30) days of the discovery of the fact
10 that the license is not in the possession of the licensee. The
11 person may obtain a substitute license upon furnishing a notarized
12 statement to the Bureau that the license is missing, lost, stolen or
13 destroyed and paying a fifteen-dollar replacement fee. During any
14 period when a license is missing, lost, stolen or destroyed, the
15 person shall have no authority to carry a concealed or unconcealed
16 handgun pursuant to the provisions of the Oklahoma Self-Defense Act.
17 The Bureau shall, upon receipt of the notarized statement and fee
18 from the licensee, issue a substitute license with the same
19 expiration date within ten (10) days of the receipt of the notarized
20 statement and fee.

21 B. Any person who knowingly or intentionally carries a
22 concealed or unconcealed handgun pursuant to a handgun license
23 authorized and issued pursuant to the provisions of the Oklahoma
24 Self-Defense Act which is ~~either stolen or belongs to another person~~

1 shall, upon conviction, be guilty of a felony punishable by a fine
2 of Five Thousand Dollars (\$5,000.00).

3 C. Any person having a valid handgun license pursuant to the
4 Oklahoma Self-Defense Act may carry any make or model of an
5 authorized pistol listed on the license, provided the type of pistol
6 shall not be other than the type or types listed on the license. A
7 person may complete additional firearms training for an additional
8 type of pistol during any license period and upon successful
9 completion of the training may request the additional type of pistol
10 be included on the license. The person shall submit to the Bureau a
11 fifteen-dollar replacement fee, the original certificate of training
12 and qualification for the additional type of firearm, and a
13 statement requesting the license be updated to include the
14 additional type of pistol. The Bureau shall issue an updated
15 license with the same expiration date within ten (10) days of the
16 receipt of the request. The person shall have no authority to carry
17 any additional type of pistol pursuant to the provisions of the
18 Oklahoma Self-Defense Act until the updated license has been
19 received by the licensee. The original license shall be destroyed
20 upon receipt of an updated handgun license.

21 D. A person may request during any license period an update for
22 a change of address or change of name by submitting to the Bureau a
23 fifteen-dollar replacement fee, and a notarized statement that the
24 address or name of the licensee has changed. The Bureau shall issue

1 an updated license with the same expiration date within ten (10)
2 days of receipt of the request. The original license shall be
3 destroyed upon the receipt of the updated handgun license.

4 SECTION 5. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8

9 54-1-7763 GRS 04/03/13

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24