

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 884

By: David

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to firearms; amending 21 O.S. 2011,
9 Sections 1290.8 and 1290.15, as amended by Sections
10 29 and 35, Chapter 259, O.S.L. 2012 (21 O.S. Supp.
11 2012, Sections 1290.8 and 1290.15), which relate to
12 certain required license and training course;
13 excepting certain persons from certain licensure
14 requirement; authorizing certain military personnel
15 to use an active military identification for certain
16 purpose; requiring such persons to have such
17 identification when carrying concealed or unconcealed
18 handguns in compliance with the Oklahoma Self-Defense
19 Act; and providing an effective date.

20
21
22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.8, as
24 amended by Section 29, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
Section 1290.8), is amended to read as follows:

Section 1290.8.

POSSESSION OF LICENSE REQUIRED -

NOTIFICATION TO POLICE OF GUN

A. Except as otherwise prohibited by law, an eligible person
shall have authority to carry a concealed or unconcealed handgun in

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

10 B. Any person twenty-one (21) years of age or older who is on
11 active military duty, National Guard duty or regular military
12 reserve duty, who is trained and qualified in the use of handguns
13 and who is a legal resident of this state, shall not be required to
14 have a handgun license issued by the Oklahoma State Bureau of
15 Investigation pursuant to the provisions of the Oklahoma Self-
16 Defense Act, but may use his or her active military identification
17 card in lieu of such license to carry a concealed or unconcealed
18 handgun in this state to be in compliance with the act.

19 C. The person shall be required to have possession of his or
20 her valid handgun license or active military identification card and
21 a valid Oklahoma driver license or an Oklahoma State photo
22 identification at all times when in possession of an authorized
23 pistol. The person shall display the handgun license or active
24 military identification card on demand of a law enforcement officer;

1 provided, however, that in the absence of reasonable and articulable
2 suspicion of other criminal activity, an individual carrying an
3 unconcealed handgun shall not be disarmed or physically restrained
4 unless the individual fails to display a valid handgun license or an
5 active military identification card in response to that demand. Any
6 violation of the provisions of this subsection may be punishable as
7 a criminal offense as authorized by Section 1272 of this title or
8 pursuant to any other applicable provision of law. In addition to
9 any criminal prosecution which may result from not carrying the
10 handgun license or active military identification card and the
11 required identification with the authorized pistol as required by
12 the provisions of this subsection, the person may be subject to an
13 administrative fine for violation of the provisions of this
14 subsection. The administrative fine shall be Fifty Dollars (\$50.00)
15 and shall be assessed by the Oklahoma State Bureau of Investigation
16 after a hearing and determination that the licensee is in violation
17 of the provisions of this subsection. Any second or subsequent
18 violation of the provisions of this subsection shall be grounds for
19 the Bureau to suspend the handgun license for a period of six (6)
20 months, in addition to any other penalty imposed.

21 Upon the arrest of any person for a violation of the provisions
22 of this subsection, the person may show proof to the court that a
23 valid handgun license or an active military identification card and
24 the other required identification has been issued to such person and

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

11 ~~E.~~ D. It shall be unlawful for any person to fail or refuse to
12 identify the fact that the person is in actual possession of a
13 concealed or unconcealed handgun pursuant to the authority of the
14 Oklahoma Self-Defense Act when the person comes into contact with
15 any law enforcement officer of this state or its political
16 subdivisions or a federal law enforcement officer during the course
17 of any arrest, detainment, or routine traffic stop. ~~Said~~ Such
18 identification to the law enforcement officer shall be made at the
19 first opportunity. No person shall be required to identify himself
20 or herself as a handgun licensee when no handgun is in the
21 possession of the person or in any vehicle in which the person is
22 driving or is a passenger. Any violation of the provisions of this
23 subsection shall, upon conviction, be a misdemeanor punishable by a
24 fine not exceeding One Hundred Dollars (\$100.00).

1 3. A retired law enforcement officer authorized by this state
2 pursuant to Section 1289.8 of this title to carry a firearm;

3 4. A CLEET-certified armed security officer, armed guard,
4 correctional officer, or any other person having a CLEET
5 certification to carry a firearm in the course of their employment;

6 ~~5. A person on active military duty, National Guard duty or
7 regular military reserve duty who is a legal resident of this state
8 and who is trained and qualified in the use of handguns;~~

9 ~~6.~~ A person honorably discharged from active military duty,
10 National Guard duty or military reserves within twenty (20) years
11 preceding the date of the application for a handgun license pursuant
12 to the provisions of the Oklahoma Self-Defense Act, who is a legal
13 resident of this state, and who has been trained and qualified in
14 the use of handguns;

15 ~~7.~~ 6. A person retired as a peace officer in good standing from
16 a law enforcement agency located in another state, who is a legal
17 resident of this state, and who has received training equivalent to
18 the training required for CLEET certification in this state; and

19 ~~8.~~ 7. Any person who is otherwise deemed qualified for a
20 training exemption by CLEET.

21 Provided, however, persons applying for an exemption pursuant to
22 paragraph 3, 4, 5, or 6 ~~or~~ ~~7~~ of this subsection may be required to
23 successfully complete the classroom portion of the training course.
24

1 The classroom portion of the training course shall not exceed a fee
2 of Thirty Dollars (\$30.00).

3 B. The Council on Law Enforcement Education and Training
4 (CLEET) shall establish criteria for providing proof of an
5 exemption. Before any person shall be considered exempt from all or
6 part of the required training and qualification pursuant to the
7 provisions of the Oklahoma Self-Defense Act, the person shall
8 present the required proof of exemption to a registered firearms
9 instructor. Each person determined to be exempt from training or
10 qualification as provided in this subsection shall receive an
11 exemption certificate from the registered firearms instructor. The
12 rules promulgated by CLEET to implement the provisions of this
13 section and Section 1290.14 of this title may require that a fee not
14 to exceed Five Dollars (\$5.00) be charged for processing an
15 exemption certificate. The original exemption certificate must be
16 submitted with an application for a handgun license as provided in
17 paragraph 2 of Section 1290.12 of this title. No person who is
18 determined to be exempt from training or qualification may carry a
19 concealed or unconcealed firearm pursuant to the authority of the
20 Oklahoma Self-Defense Act until issued a valid handgun license.

21 C. Nothing contained in any provision of the Oklahoma Self-
22 Defense Act shall be construed to alter, amend, or modify the
23 authority of any active duty law enforcement officer, or any person
24 certified by the Council on Law Enforcement Education and Training

1 to carry a pistol during the course of their employment, to carry
2 any pistol in any manner authorized by law or authorized by the
3 employing agency.

4 SECTION 3. This act shall become effective November 1, 2013.

5
6 54-1-1394 LKS 2/21/2013 12:11:50 PM
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24