

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1877

By: Walker

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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, as amended by Section
9 12, Chapter 259, O.S.L. 2012 and 1289.13A, as amended
10 by Section 19, Chapter 259, O.S.L. 2012 (21 O.S.
11 Supp. 2012, Sections 1289.7 and 1289.13A), which
12 relate to transporting firearms in vehicles;
13 authorizing the transport of open, loaded or unloaded
14 pistols in vehicles; prohibiting law enforcement from
15 performing certain actions; deleting penalty
16 provision; modifying certain mandatory penalty; and
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.7, as
20 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
21 Section 1289.7), is amended to read as follows:

22 Section 1289.7

23 FIREARMS IN VEHICLES

24 A. Any ~~person~~ citizen, except a convicted felon, may transport
in a motor vehicle a rifle, or shotgun ~~or pistol~~, open and unloaded,
at any time.

1 B. Any citizen twenty-one (21) years of age or older, except a
2 convicted felon, may transport a pistol open, loaded or unloaded, in
3 a motor vehicle for the purpose of self-defense without a valid
4 handgun license issued pursuant to the Oklahoma Self-Defense Act;
5 provided, the person is not involved in a crime. A person may leave
6 a concealed, loaded pistol in a parked or unattended, locked
7 vehicle; provided, the person in legal control of the pistol is at a
8 location other than his or her own personal residence or business.

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

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

20 D. Any person who is the operator of a vehicle or is a
21 passenger in any vehicle wherein another person who is licensed
22 pursuant to the Oklahoma Self-Defense Act to carry a handgun,
23 concealed or unconcealed, and is carrying a handgun or has the
24 handgun in such vehicle, shall not be deemed in violation of the

1 provisions of this section provided the licensee is in or near the
2 vehicle.

3 E. When, in the absence of reasonable and articulable suspicion
4 of other criminal activity, a person is carrying an unconcealed
5 weapon in a vehicle as provided in this section, the person shall
6 not be disarmed or physically restrained by any law enforcement
7 officer.

8 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
9 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
10 Section 1289.13A), is amended to read as follows:

11 Section 1289.13A

12 IMPROPER TRANSPORTATION OF FIREARMS

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

23 ~~B.~~ When the arresting officer determines that the driver of the
24 vehicle is twenty-one (21) years of age or older or a valid handgun

1 license exists, pursuant to the Oklahoma Self-Defense Act or any
2 provision of law from another state, for any person in the stopped
3 vehicle, any firearms permitted to be carried pursuant to that
4 license shall not be confiscated, unless:

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

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

11 a. contraband, or

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

14 ~~C.~~ B. Nothing in this section shall be construed to require
15 confiscation of any firearm.

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

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