STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

SENATE BILL 828 By: Shortey

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2011, Sections 1290.8, as amended by Section 29, Chapter 259, O.S.L. 2012 and 1290.26, as amended by Section 1, Chapter 195, O.S.L. 2012 (21 O.S. Supp. 2012, Sections 1290.8 and 1290.26), which relate to the Oklahoma Self-Defense Act; modifying certain requirement to notify police of certain possession; modifying and deleting certain penalties; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.8, as 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 this state when the person has been issued a handgun license from the Oklahoma State Bureau of Investigation pursuant to the

provisions of the Oklahoma Self-Defense Act, provided the person is in compliance with the provisions of the Oklahoma Self-Defense Act, and the license has not expired or been subsequently suspended or revoked. A person in possession of a valid handgun license and in compliance with the provisions of the Oklahoma Self-Defense Act shall be authorized to carry such concealed or unconcealed handgun while bow hunting or fishing.

B. The person shall be required to have possession of his or her valid handgun license and a valid Oklahoma driver license or an Oklahoma State photo identification at all times when in possession of an authorized pistol. The person shall display the handgun license on demand of a law enforcement officer; provided, however, that in the absence of reasonable and articulable suspicion of other criminal activity, an individual carrying an unconcealed handgun shall not be disarmed or physically restrained unless the individual fails to display a valid handgun license in response to that demand. Any violation of the provisions of this subsection may be punishable as a criminal offense as authorized by Section 1272 of this title or pursuant to any other applicable provision of law. In addition to any criminal prosecution which may result from not carrying the handgun license and the required identification with the authorized pistol as required by the provisions of this subsection, the person may be subject to an administrative fine for violation of the provisions of this subsection. The administrative fine shall be

Fifty Dollars ($50.00) and shall be assessed by the Oklahoma State Bureau of Investigation after a hearing and determination that the licensee is in violation of the provisions of this subsection. Any second or subsequent violation of the provisions of this subsection shall be grounds for the Bureau to suspend the handgun license for a period of six (6) months, in addition to any other penalty imposed.

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

C. It shall be unlawful for any person to fail or refuse to identify the fact that the person is in actual possession of a concealed or unconcealed handgun pursuant to the authority of the Oklahoma Self-Defense Act when ~~the person comes into contact with any law enforcement officer of this state or its political subdivisions or a federal law enforcement officer~~ asked by any law

enforcement officer during the course of any arrest, detainment, or routine traffic stop. Said identification to the law enforcement officer shall be made at the first opportunity. No person shall be required to identify himself or herself as a handgun licensee when no handgun is in the possession of the person or in any vehicle in which the person is driving or is a passenger. Any violation of the provisions of this subsection shall, upon conviction, be a misdemeanor punishable by a fine not exceeding One Hundred Dollars ($100.00).

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

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

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.26, as amended by Section 1, Chapter 195, O.S.L. 2012 (21 O.S. Supp. 2012, Section 1290.26), is amended to read as follows:

Section 1290.26.

RECIPROCAL AGREEMENT AUTHORITY

The State of Oklahoma hereby recognizes any valid concealed carry weapons permit or license issued by another state, or if the state is a nonpermitting carry state, this state shall reciprocate under the permitting law of that state.

A. Any person entering this state in possession of a firearm authorized for concealed carry upon the authority and license of another state is authorized to continue to carry a concealed firearm and license in this state; provided the license from the other state remains valid. The firearm must be carried fully concealed from detection and view, and ~~upon coming in contact with~~ when asked by any peace officer of this state if the person is carrying a concealed handgun, the person must disclose the fact that he or she is in possession of a concealed firearm pursuant to a valid concealed carry weapons permit or license issued in another state.

B. Any person entering this state in possession of a firearm authorized for concealed carry upon the authority of a state that is a nonpermitted carry state and the person is in compliance with the Oklahoma Self-Defense Act, the person is authorized to carry a concealed firearm in this state. The firearm must be carried fully concealed from detection and view, and ~~upon coming in contact with~~ when asked by any peace officer of this state if the person is carrying a concealed handgun, the person must disclose the fact that he or she is in possession of a concealed firearm pursuant to the nonpermitting laws of the state in which he or she is a legal

resident. The person shall present proper identification by a valid photo ID as proof that he or she is a legal resident in such a non-permitting state. The Department of Public Safety shall keep a current list of non-permitting states for law enforcement officers to confirm that a state is nonpermitting.

C. Any person who is twenty-one (21) years of age or older having a valid firearm license from another state may apply for a concealed handgun license in this state immediately upon establishing a residence in this state.

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

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