

1 STATE OF OKLAHOMA

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

3 SENATE BILL 897

By: Marlatt

4
5 AS INTRODUCED

6 An Act relating to firearms; amending 21 O.S. 2011,
7 Section 1289.13A, as amended by Section 19, Chapter
8 259, O.S.L. 2012 (21 O.S. Supp. 2012, Section
9 1289.13A), which relates to the improper
transportation of firearms; requiring forfeiture of
certain handgun under certain circumstances; and
providing an effective date.

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

12 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
13 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
14 Section 1289.13A), is amended to read as follows:

15 Section 1289.13A.

16 IMPROPER TRANSPORTATION OF FIREARMS

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

1 the traffic citation provided in this section, the person may also
2 be arrested for any other violation of law.

3 B. When the arresting officer determines that a valid handgun
4 license exists, pursuant to the Oklahoma Self-Defense Act or any
5 provision of law from another state, for any person in the stopped
6 vehicle, any firearms permitted to be carried pursuant to that
7 license shall not be confiscated, unless:

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

13 2. The officer has probable cause to believe the weapon is:
14 a. contraband, or
15 b. a firearm used in the commission of a crime other than
16 a violation of subsection A of this section.

17 C. Nothing in this section shall be construed to require
18 confiscation of any firearm.

19 D. Any person being transported in a law enforcement vehicle
20 shall forfeit his or her handgun to the officer in charge of the
21 vehicle.

22 SECTION 2. This act shall become effective November 1, 2013.

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