

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 2114, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

Senator Dahm

Dahm-LKS-FS-Req#3358
2/19/2014 4:42 PM

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 2114

By: Dahm of the Senate

and

Roberts (Sean) of the House

FLOOR SUBSTITUTE

[firearms - Oklahoma Self-Defense Act - short title-
effective date]

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

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

Section 1289.7.

FIREARMS IN VEHICLES

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

B. Any citizen twenty-one (21) years of age or older, except a
convicted felon, may transport a pistol open, loaded or unloaded, in
a motor vehicle for the purpose of self-defense without a valid

1 handgun license issued pursuant to the Oklahoma Self-Defense Act,
2 provided the person is not involved in a crime. A person may leave
3 a concealed, loaded pistol in a parked or unattended, locked vehicle
4 provided the person in legal control of the pistol is at a location
5 other than his or her own personal residence or business.

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

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

17 Any person who is the operator of a vehicle or is a passenger in
18 any vehicle wherein another person who is licensed pursuant to the
19 Oklahoma Self-Defense Act to carry a handgun, concealed or
20 unconcealed, and is carrying a handgun or has the handgun in such
21 vehicle, shall not be deemed in violation of the provisions of this
22 section provided the licensee is in or near the vehicle.

23 When, in the absence of reasonable and articulable suspicion of
24 other criminal activity, a person carrying an unconcealed weapon in

1 a vehicle, as provided in this section, shall not be disarmed or
2 physically restrained by any law enforcement officer.

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

6 Section 12889.13A.

7 IMPROPER TRANSPORTATION OF FIREARMS

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

18 B. When the arresting officer determines that the driver of the
19 vehicle is twenty-one (21) years or older or a valid handgun license
20 exists, pursuant to the Oklahoma Self-Defense Act or any provision
21 of law from another state, for any person in the stopped vehicle,
22 any firearms permitted to be carried pursuant to that license shall
23 not be confiscated, unless:
24

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

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

7 a. contraband, or

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

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

12 SECTION 3. This act shall become effective November 1, 2014.

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