

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

SENATE BILL 1258

By: Bass

AS INTRODUCED

An Act relating to unconcealed handguns; amending 21 O.S. 2011, Section 1290.8, as last amended by Section 4, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2013, Section 1290.8), which relates to possession of certain license required; authorizing certain officers to demand certain documents from certain persons; requiring certain persons to display certain information; providing for certain disarmament or restraint under certain circumstances; 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 last amended by Section 4, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2013, 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

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

8 B. The person shall be required to have possession of his or
9 her valid handgun license and a valid Oklahoma driver license or an
10 Oklahoma State photo identification at all times when in possession
11 of an authorized pistol. A law enforcement officer shall be
12 authorized to demand a valid handgun license along with a valid
13 Oklahoma driver license or Oklahoma state photo identification card
14 from any person carrying an unconcealed pistol. The person shall
15 display the handgun license along with a valid Oklahoma driver
16 license or Oklahoma state photo identification on demand of ~~a~~ the
17 ~~law enforcement officer; provided, however, that in.~~ In the absence
18 of reasonable and articulable suspicion of other criminal activity,
19 an individual carrying an unconcealed or concealed handgun shall not
20 be disarmed or physically restrained ~~unless the individual fails to~~
21 ~~display a valid handgun license in response to that demand;~~
22 provided, however, an individual who fails to display a valid
23 handgun license along with a valid Oklahoma driver license or
24 Oklahoma state photo identification card may be disarmed or

1 restrained by law enforcement. Any violation of the provisions of
2 this subsection may be punishable as a criminal offense as
3 authorized by Section 1272 of this title or pursuant to any other
4 applicable provision of law. Any second or subsequent violation of
5 the provisions of this subsection shall be grounds for the Bureau to
6 suspend the handgun license for a period of six (6) months, in
7 addition to any other penalty imposed.

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

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

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

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

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

20 SECTION 2. This act shall become effective November 1, 2014.
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