

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

SENATE BILL 552

By: Dahm

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2011, Sections 1289.7 and 1289.13A, as amended by Sections 12 and 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012, Sections 1289.7 and 1289.13A), which relate to firearms; making it lawful for certain persons to transport a certain firearm under certain circumstances; making it lawful to leave a certain firearm in a vehicle under certain circumstances; prohibiting certain actions by certain officers 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 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.

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 vehicle
7 provided the person in legal control of the pistol is at a location
8 other than his or her own personal residence or business.

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

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

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

10 Section 12889.13A.

11 IMPROPER TRANSPORTATION OF FIREARMS

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

22 B. When the arresting officer determines that the driver of the
23 vehicle is twenty-one (21) years or older or a valid handgun license
24 exists, pursuant to the Oklahoma Self-Defense Act or any provision

1 of law from another state, for any person in the stopped vehicle,
2 any firearms permitted to be carried pursuant to that license shall
3 not be confiscated, unless:

4 1. The person is arrested for violating ~~another~~ a provision of
5 law ~~other than a violation of subsection A of this section;~~

6 provided, however, if the person is never charged with an offense
7 pursuant to this paragraph or if the charges are dismissed or the
8 person is acquitted, the weapon shall be returned to the person; or

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

10 a. contraband, or

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

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

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

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