

1 STATE OF OKLAHOMA

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

3 SENATE BILL 831

By: Shortey

6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,  
8 Sections 1289.7, 1289.13 and 1289.13A, as amended by  
9 Sections 12, 18 and 19, Chapter 259, O.S.L. 2012 (21  
10 O.S. Supp. 2012, Sections 1289.7, 1289.13 and  
11 1289.13A), which relate to firearms in vehicles;  
12 authorizing certain persons to transport certain  
13 firearms under certain circumstances; authorizing a  
14 certain person to leave a certain firearm in certain  
15 vehicle under certain circumstances; construing  
16 language; modifying definition; authorizing certain  
17 persons to transport certain firearms in a certain  
18 manner; making it lawful to transport a firearm in a  
19 certain manner; deleting provisions relating to  
20 certain improper transportation of firearm;  
21 prohibiting certain; and providing an effective date.

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

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

21 Section 1289.7.

22 FIREARMS IN VEHICLES

23 ~~Any person~~ Except as provided in this section and the Oklahoma  
24 Self-Defense Act, any citizen twenty-one (21) years of age or older,

1 except a convicted felon, may transport in a motor vehicle a rifle,  
2 shotgun or pistol, open and loaded or unloaded, at any time for the  
3 purpose of self-defense without a concealed carry license pursuant  
4 to the Oklahoma Self-Defense Act, provided the citizen is not  
5 involved in a crime.

6 A citizen without a concealed handgun license may leave a  
7 concealed loaded pistol in a parked or unattended locked vehicle so  
8 long as the citizen in legal control of the weapon is away from his  
9 or her own business or residence.

10 Nothing in this section shall be construed to allow a law  
11 enforcement officer to inspect or confiscate any firearm without  
12 probable cause that a crime has been committed.

13 For purposes of this section "open" means the firearm is  
14 transported in plain view, or in a case or holster designed for  
15 carrying firearms, which case is wholly or partially visible, in a  
16 gun rack mounted in the vehicle, in an exterior locked compartment  
17 or a trunk of a vehicle.

18 Any person who is eighteen (18) years of age or older and is not  
19 a convicted felon may transport in a motor vehicle a rifle, shotgun  
20 or pistol, open and loaded, at any time, and such firearm is to  
21 remain in open sight while inside the vehicle.

22 Any person, except a convicted felon, may transport in a motor  
23 vehicle a rifle or shotgun concealed behind a seat of the vehicle or  
24 within the interior of the vehicle provided the rifle or shotgun is

1 not clip, magazine or chamber loaded. The authority to transport a  
2 clip or magazine loaded rifle or shotgun shall be pursuant to  
3 Section 1289.13 of this title.

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

10 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.13, as  
11 amended by Section 18, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,  
12 Section 1289.13), is amended to read as follows:

13 Section 1289.13.

14 TRANSPORTING A LOADED FIREARM

15 Except as otherwise provided by the provisions of the Oklahoma  
16 Self-Defense Act or another provision of law, ~~it shall be unlawful~~  
17 ~~to transport a loaded pistol, rifle or shotgun in a landborne motor~~  
18 ~~vehicle over a public highway or roadway. However, a pistol, rifle~~  
19 or shotgun may be transported chamber clip or magazine loaded and  
20 not chamber loaded when transported in an exterior locked  
21 compartment of the vehicle or trunk of the vehicle or in the  
22 interior compartment of the vehicle notwithstanding the provisions  
23 of Section 1289.7 of this title when the person is in possession of

1 a valid handgun license pursuant to the Oklahoma Self-Defense Act so  
2 long as the firearm remains in open sight while inside the vehicle.

3 Any person convicted of a violation of this section shall be  
4 punished as provided in Section 1289.15 of this title.

5 Any person who is the operator of a vehicle or is a passenger in  
6 any vehicle wherein another person who is licensed pursuant to the  
7 Oklahoma Self-Defense Act to carry a handgun, concealed or  
8 unconcealed, and is carrying a handgun or has a handgun or rifle or  
9 shotgun in such vehicle shall not be deemed in violation of the  
10 provisions of this section provided the licensee is in or near the  
11 vehicle.

12 SECTION 3. 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 or any person arrested, 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 SECTION 4. This act shall become effective November 1, 2013.  
20

21 54-1-1223 LKS 1/17/2013 1:46:13 PM  
22  
23  
24