

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 735

By: David

AS INTRODUCED

An Act relating to authority to carry firearms; amending 21 O.S. 2011, Section 1290.8, as last amended by Section 4, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2014, Section 1290.8), which relates of possession of license required; authorizing certain identification for certain purpose; amending 21 O.S. 2011, Section 1290.26, as last amended by Section 18, Chapter 15, O.S.L. 2013 (21 O.S. Supp. 2014, Section 1290.26), which relates to reciprocal agreement authority; authorizing certain persons to use certain identification for certain purpose; 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. 2014, 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~~ he:

1 1. The person has been issued a handgun license from the
2 Oklahoma State Bureau of Investigation pursuant to the provisions of
3 the Oklahoma Self-Defense Act, provided the person is in compliance
4 with the provisions of the Oklahoma Self-Defense Act, and the
5 license has not expired or been subsequently suspended or revoked;
6 or

7 2. The person is twenty-one (21) years of age or older, is on
8 active military duty, National Guard duty or regular military
9 reserve duty, and presents a valid military identification card in
10 lieu of a handgun license. A person in possession of a valid
11 handgun license and in compliance with the provisions of the
12 Oklahoma Self-Defense Act shall be authorized to carry such
13 concealed or unconcealed handgun while bow hunting or fishing.

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

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

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

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

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

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

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

19 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.26, as
20 last amended by Section 18, Chapter 15, O.S.L. 2013 (21 O.S. Supp.
21 2014, Section 1290.26), is amended to read as follows:

22 Section 1290.26.

23 RECIPROCAL AGREEMENT AUTHORITY
24

1 The State of Oklahoma hereby recognizes any valid concealed or
2 unconcealed carry weapons permit, valid active, reserve or National
3 Guard military identification or license issued by another state, or
4 if the state is a nonpermitting carry state, this state shall
5 reciprocate under the permitting law of that state.

6 A. Any person entering this state in possession of a firearm
7 authorized for concealed or unconcealed carry upon the authority and
8 license of another state or a valid military identification card is
9 authorized to continue to carry a concealed or unconcealed firearm
10 and license in this state; provided the license from the other state
11 or military identification card remains valid. The firearm must
12 either be carried unconcealed or concealed from detection and view,
13 and upon coming in contact with any peace officer of this state, the
14 person must disclose the fact that he or she is in possession of a
15 concealed or unconcealed firearm pursuant to a valid concealed or
16 unconcealed carry weapons permit ~~or~~, license or a valid military
17 identification card issued in another state.

18 B. Any person entering this state in possession of a firearm
19 authorized for concealed carry upon the authority of a state that is
20 a nonpermitted carry state and the person is in compliance with the
21 Oklahoma Self-Defense Act, the person is authorized to carry a
22 concealed firearm in this state. The firearm must be carried fully
23 concealed from detection and view, and upon coming in contact with
24 any peace officer of this state, the person must disclose the fact

1 that he or she is in possession of a concealed firearm pursuant to
2 the nonpermitting laws of the state in which he or she is a legal
3 resident. The person shall present proper identification by a valid
4 photo ID as proof that he or she is a legal resident in such a non-
5 permitting state. The Department of Public Safety shall keep a
6 current list of non-permitting states for law enforcement officers
7 to confirm that a state is nonpermitting.

8 C. Any person who is twenty-one (21) years of age or older
9 having a valid firearm license from another state may apply for a
10 handgun license in this state immediately upon establishing a
11 residence in this state.

12 SECTION 3. This act shall become effective November 1, 2015.

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