

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE BILL 980

By: Silk

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2011, Section 1289.7, as amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015, Section 1289.7), which relates to firearms in vehicles; modifying conditions; making certain stipulations; amending 21 O.S. 2011, Section 1289.13A, as amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015, Section 1289.13A), which relates to improper transportation of firearms; modifying requirements; making certain stipulations; 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. 2015, Section 1289.7), is amended to read as follows:

Section 1289.7.

FIREARMS IN VEHICLES

Any ~~person~~ citizen, except a convicted felon, may transport in a motor vehicle a rifle, or shotgun ~~or pistol~~, open and unloaded, at any time. Any citizen twenty-one (21) years of age or older, except a convicted felon, may transport in a motor vehicle a pistol open,

1 loaded or unloaded for the purpose of self-defense without a valid
2 handgun license issued pursuant to the Oklahoma Self-Defense Act
3 provided, the citizen is not involved in a crime. A citizen without
4 a valid handgun license issued pursuant to the Oklahoma Self-Defense
5 Act may leave a concealed, loaded pistol in a parked or unattended,
6 locked vehicle provided, the citizen is in legal control of the
7 pistol when away from his or her own personal residence or business.

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

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

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

3 In the absence of reasonable and articulable suspicion of other
4 criminal activity, a citizen possessing an unconcealed weapon in a
5 vehicle shall not be disarmed or physically restrained by any law
6 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. 2015,
9 Section 1289.13A), is amended to read as follows:

10 Section 1289.13A.

11 IMPROPER TRANSPORTATION OF FIREARMS

12 A. Notwithstanding the provisions of Section 1272 or 1289.13 of
13 this title, any ~~person~~ citizen 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~~ may be
18 issued a traffic citation in the amount of Seventy Dollars (\$70.00),
19 plus court costs for transporting a firearm improperly. In addition
20 to the traffic citation provided in this section, the ~~person~~ citizen
21 may also 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 of age or older or a valid handgun
24 license exists, pursuant to the Oklahoma Self-Defense Act or any

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

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

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

11 a. contraband, or

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

14 C. ~~Nothing~~ Absent a criminal act, nothing in this section shall
15 be construed to require confiscation of any firearm.

16 SECTION 3. This act shall become effective November 1, 2016.

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