

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1325

By: Bennett

AS INTRODUCED

An Act relating to crimes and punishments; 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. 2014, Sections 1289.7 and 1289.13A), which relate to transporting firearms in vehicles; authorizing the transport of pistols in vehicles by certain persons; providing manner in which pistols may be stored in vehicles; prohibiting law enforcement from disarming or physically restraining persons carrying unconcealed weapons; modifying certain mandatory penalty provision; clarifying construing provision; 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. 2014, Section 1289.7), is amended to read as follows:

Section 1289.7

FIREARMS IN VEHICLES

A. 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.

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,
3 for the purpose of self-defense without a valid handgun license
4 issued pursuant to the Oklahoma Self-Defense Act; provided, however,
5 the citizen is not involved in any criminal activity. A citizen who
6 has not been issued a handgun license pursuant to the Oklahoma Self-
7 Defense Act may leave a concealed, loaded pistol in a parked or
8 unattended, locked vehicle; provided, the citizen is in legal
9 control of the pistol when away from his or her own personal
10 residence or business.

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

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

22 E. Any person who is the operator of a vehicle or is a
23 passenger in any vehicle wherein another person who is licensed
24 pursuant to the Oklahoma Self-Defense Act to carry a handgun,

1 concealed or unconcealed, and is carrying a handgun or has the
2 handgun in such vehicle, shall not be deemed in violation of the
3 provisions of this section provided the licensee is in or near the
4 vehicle.

5 F. In the absence of reasonable and articulable suspicion of
6 other criminal activity, a person possessing an unconcealed weapon
7 in a vehicle shall not be disarmed or physically restrained by any
8 law enforcement officer.

9 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
10 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014,
11 Section 1289.13A), is amended to read as follows:

12 Section 1289.13A

13 IMPROPER TRANSPORTATION OF FIREARMS

14 A. Notwithstanding the provisions of Section 1272 or 1289.13 of
15 this title, any person stopped pursuant to a moving traffic
16 violation who is transporting a loaded pistol in the motor vehicle
17 without a valid handgun license authorized by the Oklahoma Self-
18 Defense Act or valid license from another state, whether the loaded
19 firearm is concealed or unconcealed in the vehicle, ~~shall~~ may be
20 issued a traffic citation in the amount of Seventy Dollars (\$70.00),
21 plus court costs for transporting a firearm improperly. In addition
22 to the traffic citation provided in this section, the person may
23 also be arrested for any other violation of law.
24

1 B. When the arresting officer determines that the driver of the
2 vehicle is twenty-one (21) years of age or older or a valid handgun
3 license exists, pursuant to the Oklahoma Self-Defense Act or any
4 provision of law from another state, for any person in the stopped
5 vehicle, any firearms permitted to be carried pursuant to that
6 license shall not be confiscated, unless:

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

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

13 a. contraband, or

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

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

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

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