

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2867

By: Christian

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. 2015, Sections 1289.7 and 1289.13A), which relate to transporting firearms in vehicles; authorizing the open or concealed transportation of loaded or unloaded pistols without a handgun license; providing for the storage of concealed and loaded pistols; modifying certain definition; prohibiting certain actions by law enforcement; modifying firearm confiscation provisions; 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

A. 1. Any ~~person~~ citizen, except a convicted felon, may transport in a motor vehicle a rifle, or shotgun ~~or pistol~~, ~~open~~ openly or concealed and unloaded, at any time.

1 2. Any citizen eighteen (18) years of age or older, except a
2 convicted felon, may transport a pistol openly or concealed, loaded
3 or unloaded without a valid handgun license issued pursuant to the
4 Oklahoma Self-Defense Act provided the citizen is not involved in a
5 crime. A citizen without a valid handgun license issued pursuant to
6 the Oklahoma Self-Defense Act may store a concealed, loaded pistol
7 in a parked or unattended locked vehicle; provided, the citizen is
8 in legal possession of the pistol when away from his or her own
9 personal residence or place of business.

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

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

21 C. Any person who is the operator of a vehicle or is a
22 passenger in any vehicle wherein another person who is licensed
23 pursuant to the Oklahoma Self-Defense Act to carry a handgun,
24 concealed or unconcealed, and is carrying a handgun or has the

1 handgun in such vehicle, shall not be deemed in violation of the
2 provisions of this section provided the licensee is in or near the
3 vehicle.

4 D. Absent a reasonable and articulable suspicion of other
5 criminal activity, a citizen possessing an unconcealed firearm in a
6 vehicle shall not be disarmed or physically restrained by any law
7 enforcement officer.

8 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
9 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
10 Section 1289.13A), is amended to read as follows:

11 Section 1289.13A

12 IMPROPER TRANSPORTATION OF FIREARMS

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

23 B. When the arresting officer determines that the driver of the
24 vehicle is eighteen (18) years of age or older or a valid handgun

1 license exists, pursuant to the Oklahoma Self-Defense Act or any
2 provision of law from another state, for any person in the stopped
3 vehicle, any firearms permitted to be carried pursuant to that
4 license shall not be confiscated, unless:

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

17
18 55-2-8742 GRS 12/31/15
19
20
21
22
23
24