

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1608

By: Enns of the House

and

Sykes of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending
21 O.S. 2011, Section 1289.23, as last amended by
Section 5, Chapter 210, O.S.L. 2016 (21 O.S. Supp.
2017, Section 1289.23), which relates to the Oklahoma
Firearms Act of 1971; authorizing peace officers to
carry personal firearms; and providing an effective
date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.23, as
last amended by Section 5, Chapter 210, O.S.L. 2016 (21 O.S. Supp.
2017, Section 1289.23), is amended to read as follows:

Section 1289.23

CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

A. Notwithstanding any provision of law to the contrary, a
full-time duly appointed peace officer who is certified by the

1 Council on Law Enforcement Education and Training (CLEET), pursuant
2 to the provisions of Section 3311 of Title 70 of the Oklahoma
3 Statutes, is hereby authorized to carry a weapon approved by the
4 employing agency, personal rifle or shotgun anywhere in the State of
5 Oklahoma, both while on active duty and during periods when the
6 officer is not on active duty as provided by the provisions of
7 subsection B of this section.

8 B. When a full-time duly appointed officer carries an approved
9 weapon, personal rifle or shotgun, the officer shall be wearing the
10 law enforcement uniform prescribed by the employing agency or
11 plainclothes. When not wearing the prescribed law enforcement
12 uniform, the officer shall be required:

13 1. To have the official peace officers badge, Commission Card
14 and CLEET Certification Card on his or her person at all times when
15 carrying a weapon approved by the employing agency, personal rifle
16 or shotgun; and

17 2. To keep the approved weapon, personal rifle or shotgun
18 concealed or unconcealed at all times, except when the weapon, rifle
19 or shotgun is used within the guidelines established by the
20 employing agency.

21 C. Nothing in this section shall be construed to alter or amend
22 the provisions of Section 1272.1 of this title or expand the duties,
23 authority or jurisdiction of any peace officer.

1 D. A reserve peace officer who has satisfactorily completed a
2 basic police course of not less than one hundred twenty (120) hours
3 of accredited instruction for reserve police officers and reserve
4 deputies from the Council on Law Enforcement Education and Training
5 or a course of study approved by CLEET may carry an approved weapon,
6 personal rifle or shotgun when such officer is off duty as provided
7 by subsection E of this section, provided:

8 1. The officer has been granted written authorization signed by
9 the director of the employing agency; and

10 2. The employing agency shall maintain a current list of any
11 officers authorized to carry an approved weapon, personal rifle or
12 shotgun while the officers are off duty, and shall provide a copy of
13 such list to the Council on Law Enforcement Education and Training.
14 Any change to the list shall be made in writing and mailed to the
15 Council on Law Enforcement Education and Training within five (5)
16 days.

17 E. When an off-duty reserve peace officer carries an approved
18 weapon, personal rifle or shotgun, the officer shall be wearing the
19 law enforcement uniform prescribed by the employing agency or when
20 not wearing the prescribed law enforcement uniform, the officer
21 shall be required:

22 1. To have his or her official peace officer's badge,
23 Commission Card, CLEET Certification Card; and
24

1 2. To keep the approved weapon, personal rifle or shotgun
2 concealed or unconcealed at all times, except when the weapon, rifle
3 or shotgun is used within the guidelines established by the
4 employing agency.

5 F. Nothing in subsection D of this section shall be construed
6 to alter or amend the provisions of Section 1750.2 of Title 59 of
7 the Oklahoma Statutes or expand the duties, jurisdiction or
8 authority of any reserve peace officer.

9 G. Nothing in this section shall be construed to limit or
10 restrict any peace officer or reserve peace officer from carrying a
11 handgun, concealed or unconcealed, as allowed by the Oklahoma Self-
12 Defense Act after issuance of a valid license. An off-duty, full-
13 time peace officer or reserve peace officer shall be deemed to have
14 elected to carry a handgun under the authority of the Oklahoma Self-
15 Defense Act when the officer:

16 1. Has been issued a valid handgun license and is carrying a
17 handgun not authorized by the employing agency; or

18 2. Is carrying a handgun in a manner or in a place not
19 specifically authorized for off-duty carry by the employing agency.

20 H. Any off-duty peace officer who carries any weapon in
21 violation of the provisions of this section shall be deemed to be in
22 violation of Section 1272 of this title and may be prosecuted as
23 provided by law for a violation of that section.

1 I. On or after November 1, 2004, a reserve or full-time
2 commissioned peace officer may apply to carry a weapon pursuant to
3 the Oklahoma Self-Defense Act as follows:

4 1. The officer shall apply in writing to the Council on Law
5 Enforcement Education and Training (CLEET) stating that the officer
6 desires to have a handgun license pursuant to the Oklahoma Self-
7 Defense Act and certifying that he or she has no preclusions to
8 having such handgun license. The officer shall submit with the
9 application:

10 a. an official letter from his or her employing agency
11 confirming the officer's employment and status as a
12 full-time commissioned peace officer or an active
13 reserve peace officer,

14 b. a fee of Twenty-five Dollars (\$25.00) for the handgun
15 license, and

16 c. two passport-size photographs of the peace officer
17 applicant;

18 2. Upon receiving the required information, CLEET shall
19 determine whether the peace officer is in good standing, has CLEET
20 certification and training, and is otherwise eligible for a handgun
21 license. Upon verification of the officer's eligibility, CLEET
22 shall send the information to the Oklahoma State Bureau of
23 Investigation (OSBI) and OSBI shall issue a handgun license in the
24 same or similar form as other handgun licenses. All other

1 requirements in Section 1290.12 of this title concerning application
2 for a handgun license shall be waived for active duty peace officers
3 except as provided in this subsection including, but not limited to,
4 training, fingerprints and criminal history records checks unless
5 the officer does not have fingerprints on file or a criminal history
6 records background check conducted prior to employment as a peace
7 officer. The OSBI shall not be required to conduct any further
8 investigation into the eligibility of the peace officer applicant
9 and shall not deny a handgun license except when preclusions are
10 found to exist;

11 3. The term of the handgun license for an active duty reserve
12 or full-time commissioned peace officer pursuant to this section
13 shall be as provided in Section 1290.5 of this title, renewable in
14 the same manner provided in this subsection for an original
15 application by a peace officer. The handgun license shall be valid
16 when the peace officer is in possession of a valid driver license
17 and law enforcement commission card;

18 4. If the commission card of a law enforcement officer is
19 terminated, revoked or suspended, the handgun license shall be
20 immediately returned to CLEET. When a peace officer in possession
21 of a handgun license pursuant to this subsection changes employment,
22 the person must notify CLEET within ninety (90) days and send a new
23 letter verifying employment and status as a full-time commissioned
24 or reserve peace officer;

1 5. There shall be no refund of any fee for any unexpired term
2 of any handgun license that is suspended, revoked or voluntarily
3 returned to CLEET, or that is denied, suspended or revoked by the
4 OSBI;

5 6. CLEET may promulgate any rules, forms or procedures
6 necessary to implement the provisions of this section; and

7 7. Nothing in this subsection shall be construed to change or
8 amend the application process, eligibility, effective date or fees
9 of any handgun license pending issuance on November 1, 2004, or
10 previously issued to any peace officer prior to November 1, 2004.

11 SECTION 2. This act shall become effective on November 1, 2018,
12 contingent upon passage and enactment of Senate Bill No. 1212 of the
13 2nd Session of the 56th Oklahoma Legislature.

14
15 56-2-10498 GRS 05/01/18

16
17
18
19
20
21
22
23
24