

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 3353

By: Roberts (Sean)

COMMITTEE SUBSTITUTE

An Act relating to firearms; amending 21 O.S. 2011, Section 1290.8, as last amended by Section 1, Chapter 298, O.S.L. 2017 (21 O.S. Supp. 2017, Section 1290.8), which relates to Oklahoma Self-Defense Act; authorizing handgun licensees and certain military personnel to carry handgun while scouting; 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 1, Chapter 298, O.S.L. 2017 (21 O.S. Supp. 2017, 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:

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, and is  
8 either:

9            a. active military, or

10           b. a member of the Reserve or National Guard to include  
11                Drill Status Guard and Reserve, Active Guard Reserves  
12                or Military Technicians,

13 and presents a valid military identification card that shall be  
14 considered a valid handgun license issued pursuant to the Oklahoma  
15 Self-Defense Act.

16        B. A person in possession of a valid handgun license or who  
17 meets the criteria and presents a valid military identification card  
18 as provided for in this section and in compliance with the  
19 provisions of the Oklahoma Self-Defense Act shall be authorized to  
20 carry such concealed or unconcealed handgun while ~~be~~ scouting,  
21 hunting or fishing.

22        C. The person shall be required to have possession of his or  
23 her valid handgun license or valid military identification card as  
24 provided for qualified persons in this section and a valid Oklahoma

1 driver license or an Oklahoma State photo identification at all  
2 times when in possession of an authorized pistol. The person shall  
3 display the handgun license or a valid military identification card  
4 as provided for qualified persons in this section on demand of a law  
5 enforcement officer; provided, however, that in the absence of  
6 reasonable and articulable suspicion of other criminal activity, an  
7 individual carrying an unconcealed or concealed handgun shall not be  
8 disarmed or physically restrained unless the individual fails to  
9 display a valid handgun license or a valid military identification  
10 card as provided for qualified persons in this section in response  
11 to that demand. Any violation of the provisions of this subsection  
12 may be punishable as a criminal offense as authorized by Section  
13 1272 of this title or pursuant to any other applicable provision of  
14 law. Any second or subsequent violation of the provisions of this  
15 subsection shall be grounds for the Bureau to suspend the handgun  
16 license for a period of six (6) months, in addition to any other  
17 penalty imposed.

18       Upon the arrest of any person for a violation of the provisions  
19 of this subsection, the person may show proof to the court that a  
20 valid handgun license and the other required identification has been  
21 issued to such person and the person may state any reason why the  
22 handgun license, a valid military identification card as provided  
23 for qualified persons in this section or the other required  
24 identification was not carried by the person as required by the

1 Oklahoma Self-Defense Act. The court shall dismiss an alleged  
2 violation of Section 1272 of this title upon payment of court costs,  
3 if proof of a valid handgun license and other required  
4 identification is shown to the court within ten (10) days of the  
5 arrest of the person. The court shall report a dismissal of a  
6 charge to the Bureau for consideration of administrative proceedings  
7 against the licensee.

8 D. It shall be unlawful for any person to fail or refuse to  
9 identify the fact that the person is in actual possession of a  
10 concealed or unconcealed handgun pursuant to the authority of the  
11 Oklahoma Self-Defense Act when the person comes into contact with  
12 any law enforcement officer of this state or its political  
13 subdivisions or a federal law enforcement officer during the course  
14 of any arrest, detainment, or routine traffic stop. Said  
15 identification to the law enforcement officer shall be made at the  
16 first opportunity. No person shall be required to identify himself  
17 or herself as a handgun licensee when no handgun is in the  
18 possession of the person or in any vehicle in which the person is  
19 driving or is a passenger. Any violation of the provisions of this  
20 subsection shall, upon conviction, be a misdemeanor punishable by a  
21 fine not exceeding One Hundred Dollars (\$100.00).

22 E. Any law enforcement officer coming in contact with a person  
23 whose handgun license is suspended, revoked, or expired, or who is  
24 in possession of a handgun license which has not been lawfully

1 issued to that person, shall confiscate the license and return it to  
2 the Oklahoma State Bureau of Investigation for appropriate  
3 administrative proceedings against the licensee when the license is  
4 no longer needed as evidence in any criminal proceeding.

5 F. Nothing in this section shall be construed to authorize a  
6 law enforcement officer to inspect any weapon properly concealed or  
7 unconcealed without probable cause that a crime has been committed.

8 SECTION 2. This act shall become effective November 1, 2018.

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