

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2323

				Of the printed Bill
Page	<u>11</u>	Section	<u>6</u>	Lines <u>11 1/2</u>
				Of the Engrossed Bill

By inserting a new Section 6 to read as follows:

(see attached)

and by renumbering the subsequent sections of the bill.

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: John Enns

Adopted: _____

Reading Clerk

1 "SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.23, as
2 last amended by Section 5, Chapter 210, O.S.L. 2016 (21 O.S. Supp.
3 2016, Section 1289.23), is amended to read as follows:

4 Section 1289.23

5 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

6 A. Notwithstanding any provision of law to the contrary, a
7 full-time duly appointed peace officer who is certified by the
8 Council on Law Enforcement Education and Training (CLEET), pursuant
9 to the provisions of Section 3311 of Title 70 of the Oklahoma
10 Statutes, is hereby authorized to carry a service weapon approved
11 and issued by the employing agency ~~anywhere in~~, personal rifle or
12 shotgun throughout the State of Oklahoma, both while on active duty
13 and during periods when the officer is not on active duty as
14 provided by the provisions of subsection B of this section.

15 B. When a full-time duly appointed officer carries an approved
16 service weapon, personal rifle or shotgun, the officer shall be
17 wearing the law enforcement uniform prescribed by the employing
18 agency or plainclothes. When not wearing the prescribed law
19 enforcement uniform, the officer shall be required:

20 1. To have the official peace officers badge, Commission Card
21 and CLEET Certification Card on his or her person at all times when
22 carrying a service weapon approved by the employing agency, personal
23 rifle or shotgun; and
24

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

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

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

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

17 2. The employing agency shall maintain a current list of any
18 officers authorized to carry an approved service weapon, personal
19 rifle or shotgun while the officers are off duty, and shall provide
20 a copy of such list to the Council on Law Enforcement Education and
21 Training. Any change to the list shall be made in writing and
22 mailed to the Council on Law Enforcement Education and Training
23 within five (5) days.

1 E. When an off-duty reserve peace officer carries an approved
2 service weapon, personal rifle or shotgun, the officer shall be
3 wearing the law enforcement uniform prescribed by the employing
4 agency or when not wearing the prescribed law enforcement uniform,
5 the officer shall be required:

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

8 2. To keep the approved service weapon, personal rifle or
9 shotgun concealed or unconcealed at all times, except when the
10 weapon, rifle or shotgun is used within the guidelines established
11 by the employing agency.

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

16 G. Nothing in this section shall be construed to limit or
17 restrict any peace officer or reserve peace officer from carrying a
18 handgun, concealed or unconcealed, as allowed by the Oklahoma Self-
19 Defense Act after issuance of a valid license. An off-duty, full-
20 time peace officer or reserve peace officer shall be deemed to have
21 elected to carry a handgun under the authority of the Oklahoma Self-
22 Defense Act when the officer:

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

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

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

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

10 1. The officer shall apply in writing to the Council on Law
11 Enforcement Education and Training (CLEET) stating that the officer
12 desires to have a handgun license pursuant to the Oklahoma Self-
13 Defense Act and certifying that he or she has no preclusions to
14 having such handgun license. The officer shall submit with the
15 application:

16 a. an official letter from his or her employing agency
17 confirming the officer's employment and status as a
18 full-time commissioned peace officer or an active
19 reserve peace officer,

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

22 c. two passport-size photographs of the peace officer
23 applicant;
24

1 2. Upon receiving the required information, CLEET shall
2 determine whether the peace officer is in good standing, has CLEET
3 certification and training, and is otherwise eligible for a handgun
4 license. Upon verification of the officer's eligibility, CLEET
5 shall send the information to the Oklahoma State Bureau of
6 Investigation (OSBI) and OSBI shall issue a handgun license in the
7 same or similar form as other handgun licenses. All other
8 requirements in Section 1290.12 of this title concerning application
9 for a handgun license shall be waived for active duty peace officers
10 except as provided in this subsection including, but not limited to,
11 training, fingerprints and criminal history records checks unless
12 the officer does not have fingerprints on file or a criminal history
13 records background check conducted prior to employment as a peace
14 officer. The OSBI shall not be required to conduct any further
15 investigation into the eligibility of the peace officer applicant
16 and shall not deny a handgun license except when preclusions are
17 found to exist;

18 3. The term of the handgun license for an active duty reserve
19 or full-time commissioned peace officer pursuant to this section
20 shall be as provided in Section 1290.5 of this title, renewable in
21 the same manner provided in this subsection for an original
22 application by a peace officer. The handgun license shall be valid
23 when the peace officer is in possession of a valid driver license
24 and law enforcement commission card;

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

8 5. There shall be no refund of any fee for any unexpired term
9 of any handgun license that is suspended, revoked or voluntarily
10 returned to CLEET, or that is denied, suspended or revoked by the
11 OSBI;

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

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

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19 56-1-6975 GRS 02/17/17
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