

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 1039

By: Bice

AS INTRODUCED

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 possession of license required; modifying inclusions for eligibility; 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. The person has been issued a handgun license from the Oklahoma State Bureau of Investigation pursuant to the provisions of the Oklahoma Self-Defense Act, provided the person is in compliance

1 with the provisions of the Oklahoma Self-Defense Act, and the
2 license has not expired or been subsequently suspended or revoked;
3 or

4 2. The person is twenty-one (21) years of age or older, and is
5 either:

6 a. active military, ~~or~~

7 b. a member of the Reserve or National Guard to include
8 Drill Status Guard and Reserve, Active Guard Reserves
9 or Military Technicians,

10 c. a retired or honorably discharged veteran of the
11 military service, or

12 d. a retired active duty Reserve and National Guard
13 member,

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

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