

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1325

By: Bennett

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6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2011, Sections 1289.7 and 1289.13A, as  
9 amended by Sections 12 and 19, Chapter 259, O.S.L.  
10 2012 (21 O.S. Supp. 2014, Sections 1289.7 and  
11 1289.13A), which relate to transporting firearms in  
12 vehicles; authorizing the transport of pistols in  
13 vehicles by certain persons; providing manner in  
14 which pistols may be stored in vehicles; prohibiting  
15 law enforcement from disarming or physically  
16 restraining persons carrying unconcealed weapons;  
17 modifying certain mandatory penalty provision;  
18 clarifying construing provision; and providing an  
19 effective date.

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

23 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.7, as  
24 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014,  
25 Section 1289.7), is amended to read as follows:

26 Section 1289.7

27 FIREARMS IN VEHICLES

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

1       B. Any citizen twenty-one (21) years of age or older, except a  
2 convicted felon, may transport a pistol, open, loaded or unloaded,  
3 for the purpose of self-defense without a valid handgun license  
4 issued pursuant to the Oklahoma Self-Defense Act; provided, however,  
5 the citizen is not involved in any criminal activity. A citizen who  
6 has not been issued a handgun license pursuant to the Oklahoma Self-  
7 Defense Act may leave a concealed, loaded pistol in a parked or  
8 unattended, locked vehicle; provided, the citizen is in legal  
9 control of the pistol when away from his or her own personal  
10 residence or business.

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

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

22       E. Any person who is the operator of a vehicle or is a  
23 passenger in any vehicle wherein another person who is licensed  
24 pursuant to the Oklahoma Self-Defense Act to carry a handgun,

1 concealed or unconcealed, and is carrying a handgun or has the  
2 handgun in such vehicle, shall not be deemed in violation of the  
3 provisions of this section provided the licensee is in or near the  
4 vehicle.

5 F. In the absence of reasonable and articulable suspicion of  
6 other criminal activity, a person possessing an unconcealed weapon  
7 in a vehicle shall not be disarmed or physically restrained by any  
8 law enforcement officer.

9 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.13A, as  
10 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014,  
11 Section 1289.13A), is amended to read as follows:

12 Section 1289.13A

13 IMPROPER TRANSPORTATION OF FIREARMS

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

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1 B. When the arresting officer determines that the driver of the  
2 vehicle is twenty-one (21) years of age or older or a valid handgun  
3 license exists, pursuant to the Oklahoma Self-Defense Act or any  
4 provision of law from another state, for any person in the stopped  
5 vehicle, any firearms permitted to be carried pursuant to that  
6 license shall not be confiscated, unless:

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

12 2. The officer has probable cause to believe the weapon is:

13 a. contraband, or

14 b. a firearm used in the commission of a crime other than  
15 a violation of subsection A of this section.

16 C. ~~Nothing~~ Absent a criminal act, nothing in this section shall  
17 be construed to require confiscation of any firearm.

18 SECTION 3. This act shall become effective November 1, 2015.

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20 55-1-5651 GRS 01/02/15  
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