

1 **SENATE FLOOR VERSION**

2 February 18, 2019

3 SENATE BILL NO. 87

By: Dossett

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6 An Act relating to firearms; amending 21 O.S. 2011,
7 Section 1290.8, as last amended by Section 3, Chapter
8 68, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1290.8),
9 which relates to authority to carry; modifying
10 authority for certain carry; and providing an
11 effective date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.8, as
14 last amended by Section 3, Chapter 68, O.S.L. 2018 (21 O.S. Supp.
15 2018, Section 1290.8), is amended to read as follows:

Section 1290.8.

16 POSSESSION OF LICENSE REQUIRED

17 NOTIFICATION TO POLICE OF GUN

18 A. Except as otherwise prohibited by law, an eligible person
19 shall have authority to carry a concealed or unconcealed handgun in
20 this state when:

21 1. The person has been issued a handgun license from the
22 Oklahoma State Bureau of Investigation pursuant to the provisions of
23 the Oklahoma Self-Defense Act, provided the person is in compliance
24 with the provisions of the Oklahoma Self-Defense Act, and the

1 license has not expired or been subsequently suspended or revoked;
2 ~~or~~

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

5 a. active military, or

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

9 3. The person is eighteen (18) years of age but not yet twenty-
10 one (21) years of age and the person is a member of the United

11 States Armed Forces, the Reserves or National Guard,

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

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

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

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

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

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

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

21 E. Any law enforcement officer coming in contact with a person
22 whose handgun license is suspended, revoked, or expired, or who is
23 in possession of a handgun license which has not been lawfully
24 issued to that person, shall confiscate the license and return it to

1 the Oklahoma State Bureau of Investigation for appropriate
2 administrative proceedings against the licensee when the license is
3 no longer needed as evidence in any criminal proceeding.

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

7 SECTION 2. This act shall become effective November 1, 2019.

8 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
9 February 18, 2019 - DO PASS

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