

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 980

By: Silk

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6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,
8 Section 1289.7, as amended by Section 12, Chapter
9 259, O.S.L. 2012 (21 O.S. Supp. 2015, Section
10 1289.7), which relates to firearms in vehicles;
11 modifying conditions; making certain stipulations;
12 amending 21 O.S. 2011, Section 1289.13A, as amended
13 by Section 19, Chapter 259, O.S.L. 2012 (21 O.S.
14 Supp. 2015, Section 1289.13A), which relates to
15 improper transportation of firearms; modifying
16 requirements; making certain stipulations; and
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.7, as
20 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
21 Section 1289.7), is amended to read as follows:

22 Section 1289.7.

23 FIREARMS IN VEHICLES

24 Any ~~person~~ citizen, except a convicted felon, may transport in a
motor vehicle a rifle, or shotgun ~~or pistol~~, open and unloaded, at
any time. Any citizen twenty-one (21) years of age or older, except
a convicted felon, may transport in a motor vehicle a pistol open,

1 loaded or unloaded for the purpose of self-defense without a valid
2 handgun license issued pursuant to the Oklahoma Self-Defense Act
3 provided, the citizen is not involved in a crime. A citizen without
4 a valid handgun license issued pursuant to the Oklahoma Self-Defense
5 Act may leave a concealed, loaded pistol in a parked or unattended,
6 locked vehicle provided, the citizen is in legal control of the
7 pistol when away from his or her own personal residence or business.

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

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

19 Any ~~person~~ citizen who is the operator of a vehicle or is a
20 passenger in any vehicle wherein another person who is licensed
21 pursuant to the Oklahoma Self-Defense Act to carry a handgun,
22 concealed or unconcealed, and is carrying a handgun or has the
23 handgun in such vehicle, shall not be deemed in violation of the
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1 provisions of this section provided the licensee is in or near the
2 vehicle.

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

7 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
8 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
9 Section 1289.13A), is amended to read as follows:

10 Section 1289.13A.

11 IMPROPER TRANSPORTATION OF FIREARMS

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

22 B. When the arresting officer determines that the driver of the
23 vehicle is twenty-one (21) years of age or older or a valid handgun
24 license exists, pursuant to the Oklahoma Self-Defense Act or any

1 provision of law from another state, for any ~~person~~ citizen in the
2 stopped vehicle, any firearms permitted to be carried pursuant to
3 that license shall not be confiscated, unless:

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

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

11 a. contraband, or

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

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

16 SECTION 3. This act shall become effective November 1, 2016.

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