

1 STATE OF OKLAHOMA

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

3 SENATE BILL 88

By: Silk

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5  
6 AS INTRODUCED

7 An Act relating to transportation of firearms;  
8 amending 21 O.S. 2011, Section 1289.7, as amended by  
9 Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp.  
10 2014, Section 1289.7), which relates to firearms in  
11 vehicles; permitting transportation of certain  
12 firearms; amending 21 O.S. 2011, Section 1289.13A, as  
13 amended by Section 19, Chapter 259, O.S.L. 2012 (21  
14 O.S. Supp. 2014, Section 1289.13A), which relates to  
15 transporting firearms in vehicles; modifying citation  
16 provisions; prohibiting certain actions by law  
17 enforcement; and 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. 2014,  
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 a pistol openly, loaded or unloaded

1 without a valid handgun license issued pursuant to the Oklahoma  
2 Self-Defense Act provided the citizen is not involved in a crime. A  
3 citizen without a valid handgun license issued pursuant to the  
4 Oklahoma Self-Defense Act may leave a concealed, loaded pistol in a  
5 parked or unattended, locked vehicle provided the citizen is in  
6 legal possession of the pistol when away from his or her own  
7 personal residence or business. For purposes of this section "~~open~~"  
8 "openly" means the firearm is transported in plain view, ~~or~~ or in a  
9 case designed for carrying firearms, which case is wholly or  
10 partially visible, in a gun rack mounted in the vehicle, in an  
11 exterior locked compartment or a trunk of a vehicle.

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

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

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

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

8 Section 1289.13A.

9 IMPROPER TRANSPORTATION OF FIREARMS

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

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

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

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

9 a. contraband, or

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

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

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

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