

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1673

By: Murdock

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5  
6 AS INTRODUCED

7 An Act relating to the transportation of firearms;  
8 amending 21 O.S. 2011, Section 1272, as last amended  
9 by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp.  
10 2019, Section 1272), which relates to unlawful carry;  
11 allowing certain transport; amending 21 O.S. 2011,  
12 Section 1289.7, as last amended by Section 5, Chapter  
13 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1289.7),  
14 which relates to firearms in vehicles; clarifying  
15 language; removing certain license allowances;  
16 amending 21 O.S. 2011, Section 1289.13A, as last  
17 amended by Section 7, Chapter 1, O.S.L. 2019 (21 O.S.  
18 Supp. 2019, Section 1289.13A), which relates to  
19 improper transportation of firearms; clarifying  
20 language; repealing 21 O.S. 2011, Section 1289.13, as  
21 last amended by Section 6, Chapter 1, O.S.L. 2019 (21  
22 O.S. Supp. 2019, Section 1289.13), which relates to  
23 transporting a loaded firearm; and providing an  
24 effective date.

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

19 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as  
20 last amended by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp.  
21 2019, Section 1272), is amended to read as follows:

22 Section 1272.

23 UNLAWFUL CARRY

1           A. Notwithstanding any other provision of law, it shall be  
2 unlawful for any person to carry upon or about his or her person, or  
3 in a purse or other container belonging to the person, any pistol,  
4 revolver, shotgun or rifle whether loaded or unloaded or any  
5 blackjack, loaded cane, hand chain, metal knuckles, or any other  
6 offensive weapon, whether such weapon be concealed or unconcealed,  
7 except this section shall not prohibit:

8           1. The proper use of guns and knives for self-defense, hunting,  
9 fishing, educational or recreational purposes;

10           2. The carrying or use of weapons in a manner otherwise  
11 permitted by statute or authorized by the Oklahoma Self-Defense Act;

12           3. The carrying, possession and use of any weapon by a peace  
13 officer or other person authorized by law to carry a weapon in the  
14 performance of official duties and in compliance with the rules of  
15 the employing agency;

16           4. The carrying or use of weapons in a courthouse by a district  
17 judge, associate district judge or special district judge within  
18 this state, who is in possession of a valid handgun license issued  
19 pursuant to the provisions of the Oklahoma Self-Defense Act and  
20 whose name appears on a list maintained by the Administrative  
21 Director of the Courts;

22           5. The carrying and use of firearms and other weapons provided  
23 in this subsection when used for the purpose of living history  
24 reenactment. For purposes of this paragraph, "living history  
25

1 reenactment" means depiction of historical characters, scenes,  
2 historical life or events for entertainment, education, or  
3 historical documentation through the wearing or use of period,  
4 historical, antique or vintage clothing, accessories, firearms,  
5 weapons, and other implements of the historical period; or

6 6. The transporting by vehicle on a public roadway or the  
7 carrying of a firearm, concealed or unconcealed, loaded or unloaded,  
8 on public property by a person who is twenty-one (21) years of age  
9 or older or by a person who is eighteen (18) years of age but not  
10 yet twenty-one (21) years of age and the person is a member or  
11 veteran of the United States Armed Forces, Reserves or National  
12 Guard or was discharged under honorable conditions from the United  
13 States Armed Forces, Reserves or National Guard, and the person is  
14 otherwise not disqualified from the possession or purchase of a  
15 firearm under state or federal law and is not carrying the firearm  
16 in furtherance of a crime.

17 Except as provided in subsection B of Section 1283 of this  
18 title, a person who has been convicted of any one of the following  
19 offenses in this state or a violation of the equivalent law of  
20 another state:

- 21 a. assault and battery pursuant to the provisions of  
22 Section 644 of this title which caused serious  
23 physical injury to the victim,  
24

- 1           b.    aggravated assault and battery pursuant to the  
2                    provisions of Section 646 of this title,  
3           c.    assault and battery that qualifies as domestic abuse  
4                    as defined in Section 644 of this title,  
5           d.    stalking pursuant to the provisions of Section 1173 of  
6                    this title,  
7           e.    a violation of an order issued under the Protection  
8                    from Domestic Abuse Act or a domestic abuse protection  
9                    order issued by another state, or  
10          f.    a violation relating to illegal drug use or possession  
11                    under the provisions of the Uniform Controlled  
12                    Dangerous Substances Act,

13 shall be prohibited from carrying a firearm under the provisions of  
14 this paragraph. Any person who carries a firearm in the manner  
15 provided for in this paragraph shall be prohibited from carrying the  
16 firearm into any of the places prohibited in subsection A of Section  
17 1277 of this title or any other place currently prohibited by law.  
18 Nothing in this section shall modify or otherwise change where a  
19 person may legally carry a firearm.

20           B. Any person convicted of violating the foregoing provision  
21 shall be guilty of a misdemeanor punishable as provided in Section  
22 1276 of this title.

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.7, as  
2 last amended by Section 5, Chapter 1, O.S.L. 2019 (21 O.S. Supp.  
3 2019, Section 1289.7), is amended to read as follows:

4 Section 1289.7.

5 FIREARMS IN VEHICLES

6 A. Any person who is not otherwise prohibited by law from  
7 possessing or purchasing a firearm and is not carrying or  
8 transporting a firearm in the furtherance of a crime may transport  
9 in or on a ~~motor~~ vehicle a ~~pistol or handgun~~ firearm, loaded or  
10 unloaded, at any time.

11 ~~B. Any person who is not otherwise prohibited by law from~~  
12 ~~possessing a firearm may transport in a motor vehicle a rifle or~~  
13 ~~shotgun open or concealed, provided the rifle or shotgun is~~  
14 ~~transported pursuant to the requirements of Section 1289.13 of this~~  
15 ~~title.~~

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

1       ~~D.~~ It shall be unlawful for any person transporting a firearm  
2 in a ~~motor~~ vehicle to fail or refuse to identify that the person is  
3 in actual possession of a firearm when asked to do so by a law  
4 enforcement officer of this state during any arrest, detainment or  
5 routine traffic stop. Any person who violates the provisions of  
6 this subsection may be issued a citation for an amount not to exceed  
7 One Hundred Dollars (\$100.00).

8       SECTION 3.       AMENDATORY       21 O.S. 2011, Section 1289.13A, as  
9 last amended by Section 7, Chapter 1, O.S.L. 2019 (21 O.S. Supp.  
10 2019, Section 1289.13A), is amended to read as follows:

11       Section 1289.13A.

12                               IMPROPER TRANSPORTATION OF FIREARMS

13       A. ~~Notwithstanding the provisions of Section 1272 or 1289.7 of~~  
14 ~~this title, any~~ Any person stopped pursuant to a moving traffic  
15 violation who is transporting a ~~loaded pistol~~ firearm in or on the  
16 ~~motor vehicle without a valid handgun license~~ as authorized by the  
17 Oklahoma Self-Defense Act or using a valid license from another  
18 state, ~~or~~ and is in violation of any law related to the carrying or  
19 transporting of firearms, ~~whether the loaded firearm is concealed or~~  
20 ~~unconcealed~~ in the vehicle, may be issued a traffic citation in the  
21 amount of Seventy Dollars (\$70.00), plus court costs for  
22 transporting a firearm improperly. In addition to the traffic  
23 citation provided in this section, the person may also be arrested  
24 for any other violation of law.

1 B. Any firearm lawfully carried or transported as permitted  
2 pursuant to state law 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 and ammunition shall be returned to  
8 the person; or

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

10 a. contraband, or

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

13 C. Nothing in this section shall be construed to require  
14 confiscation of any firearm.

15 SECTION 4. REPEALER 21 O.S. 2011, Section 1289.13, as  
16 last amended by Section 6, Chapter 1, O.S.L. 2019 (21 O.S. Supp.  
17 2019, Section 1289.13), is hereby repealed.

18 SECTION 5. This act shall become effective November 1, 2020.  
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