

1 ENGROSSED SENATE
2 BILL NO. 219

By: Brooks of the Senate

3 and

4 Roberts (Sean) of the House

5
6 An Act relating to off-duty police officers; amending
7 21 O.S. 2011, Section 1289.23, as last amended by
8 Section 1, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
9 2014, Section 1289.23), which relates to concealed
10 firearms for off-duty police officers; modifying
11 certain requirements; and providing an effective
12 date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.23, as
15 last amended by Section 1, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
16 2014, Section 1289.23), is amended to read as follows:

17 Section 1289.23.

18 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

19 A. A full-time duly appointed peace officer who is certified by
20 the Council on Law Enforcement Education and Training (CLEET),
21 pursuant to the provisions of Section 3311 of Title 70 of the
22 Oklahoma Statutes, is hereby authorized to carry a weapon certified
23 and approved by the employing agency during periods when the officer
24 is not on active duty as provided by the provisions of subsection B
of this section.

1 B. When an off-duty officer carries a certified weapon, the
2 officer shall be wearing the law enforcement uniform prescribed by
3 the employing agency or when not wearing the prescribed law
4 enforcement uniform, the officer shall be required:

5 1. To have the official peace officers badge, Commission Card
6 and CLEET Certification Card on his or her person at all times when
7 carrying a weapon certified and approved by the employing agency;
8 and

9 2. To keep the authorized weapon concealed or unconcealed at
10 all times, except when the weapon is used within the guidelines
11 established by the employing agency.

12 C. Nothing in this section shall be construed to alter or amend
13 the provisions of Section 1272.1 of this title or expand the duties,
14 authority or jurisdiction of any peace officer.

15 D. A reserve peace officer who has satisfactorily completed a
16 basic police course of not less than one hundred twenty (120) hours
17 of accredited instruction for reserve police officers and reserve
18 deputies from the Council on Law Enforcement Education and Training
19 or a course of study approved by CLEET may carry a certified weapon
20 when such officer is off duty as provided by subsection E of this
21 section, provided:

22 1. The officer has been granted written authorization signed by
23 the director of the employing agency; and

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1 2. The employing agency shall maintain a current list of any
2 officers authorized to carry a certified weapon while said officers
3 are off duty, and shall provide a copy of such list to the Council
4 on Law Enforcement Education and Training. Any change to the list
5 shall be made in writing and mailed to the Council on Law
6 Enforcement Education and Training within five (5) days.

7 E. When an off-duty reserve peace officer carries a certified
8 weapon, the officer shall be wearing the law enforcement uniform
9 prescribed by the employing agency or when not wearing the
10 prescribed law enforcement uniform, the officer shall be required:

11 1. To have his or her official peace officer's badge,
12 Commission Card, CLEET Certification Card ~~and written authorization~~
13 ~~on his or her person at all times when carrying a weapon certified~~
14 ~~and approved by the employing agency; and~~

15 2. To keep the authorized weapon concealed or unconcealed at
16 all times, except when the weapon is used within the guidelines
17 established by the employing agency.

18 F. Nothing in subsection D of this section shall be construed
19 to alter or amend the provisions of Section 1750.2 of Title 59 of
20 the Oklahoma Statutes or expand the duties, jurisdiction or
21 authority of any reserve peace officer.

22 G. Nothing in this section shall be construed to limit or
23 restrict any peace officer or reserve peace officer from carrying a
24 handgun, concealed or unconcealed, as allowed by the Oklahoma Self-

1 Defense Act after issuance of a valid license. When an off-duty
2 officer elects to carry a handgun under the authority of the
3 Oklahoma Self-Defense Act, the person shall comply with all
4 provisions of such act and shall not be representing the employing
5 agency.

6 H. Any off-duty peace officer who carries any weapon in
7 violation of the provisions of this section shall be deemed to be in
8 violation of Section 1272 of this title and may be prosecuted as
9 provided by law for a violation of that section.

10 I. On or after November 1, 2004, a reserve or full-time
11 commissioned peace officer may apply to carry a weapon pursuant to
12 the Oklahoma Self-Defense Act as follows:

13 1. The officer shall apply in writing to the Council on Law
14 Enforcement Education and Training (CLEET) stating that the officer
15 desires to have a handgun license pursuant to the Oklahoma Self-
16 Defense Act and certifying that he or she has no preclusions to
17 having such handgun license. The officer shall submit with the
18 application:

19 a. an official letter from his or her employing agency
20 confirming the officer's employment and status as a
21 full-time commissioned peace officer or an active
22 reserve peace officer,

23 b. a fee of Twenty-five Dollars (\$25.00) for the handgun
24 license, and

1 c. two passport-size photographs of the peace officer
2 applicant.

3 2. Upon receiving the required information, CLEET shall
4 determine whether the peace officer is in good standing, has CLEET
5 certification and training, and is otherwise eligible for a handgun
6 license. Upon verification of the officer's eligibility, CLEET
7 shall send the information to the Oklahoma State Bureau of
8 Investigation (OSBI) and OSBI shall issue a handgun license in the
9 same or similar form as other handgun licenses. All other
10 requirements in Section 1290.12 of this title concerning application
11 for a handgun license shall be waived for active duty peace officers
12 except as provided in this subsection, including but not limited to
13 training, fingerprints and criminal history records checks unless
14 the officer does not have fingerprints on file or a criminal history
15 records background check conducted prior to employment as a peace
16 officer. The OSBI shall not be required to conduct any further
17 investigation into the eligibility of the peace officer applicant
18 and shall not deny a handgun license except when preclusions are
19 found to exist.

20 3. The term of the handgun license for an active duty reserve
21 or full-time commissioned peace officer pursuant to this section
22 shall be as provided in Section 1290.5 of this title, renewable in
23 the same manner provided in this subsection for an original
24 application by a peace officer. The handgun license shall be valid

1 when the peace officer is in possession of a valid driver license
2 and law enforcement commission card.

3 4. If the commission card of a law enforcement officer is
4 terminated, revoked or suspended, the handgun license shall be
5 immediately returned to CLEET. When a peace officer in possession
6 of a handgun license pursuant to this subsection changes employment,
7 the person must notify CLEET within ninety (90) days and send a new
8 letter verifying employment and status as a full-time commissioned
9 or reserve peace officer.

10 5. There shall be no refund of any fee for any unexpired term
11 of any handgun license that is suspended, revoked, or voluntarily
12 returned to CLEET, or that is denied, suspended or revoked by the
13 OSBI.

14 6. CLEET may promulgate any rules, forms or procedures
15 necessary to implement the provisions of this section.

16 7. Nothing in this subsection shall be construed to change or
17 amend the application process, eligibility, effective date or fees
18 of any handgun license pending issuance on November 1, 2004, or
19 previously issued to any peace officer prior to November 1, 2004.

20 SECTION 2. This act shall become effective November 1, 2015.
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1 Passed the Senate the 2nd day of March, 2015.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2015.

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8 _____
9 Presiding Officer of the House
10 of Representatives