

1 STATE OF OKLAHOMA

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

3 SENATE BILL 554

By: Shortey

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6 AS INTRODUCED

7 An Act relating to notification to police of gun;
8 amending 21 O.S. 2011, Section 1290.8, as last
9 amended by Section 4, Chapter 366, O.S.L. 2013 (21
10 O.S. Supp. 2014, Section 1290.8), which relates to
11 possession of license required; modifying when
12 notification to law enforcement is required; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.8, as
16 last amended by Section 4, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
17 2014, Section 1290.8), is amended to read as follows:

18 Section 1290.8.

19 POSSESSION OF LICENSE REQUIRED

20 NOTIFICATION TO POLICE OF GUN

21 A. Except as otherwise prohibited by law, an eligible person
22 shall have authority to carry a concealed or unconcealed handgun in
23 this state when the person has been issued a handgun license from
24 the Oklahoma State Bureau of Investigation pursuant to the
provisions of the Oklahoma Self-Defense Act, provided the person is

1 in compliance with the provisions of the Oklahoma Self-Defense Act,
2 and the license has not expired or been subsequently suspended or
3 revoked. A person in possession of a valid handgun license and in
4 compliance with the provisions of the Oklahoma Self-Defense Act
5 shall be authorized to carry such concealed or unconcealed handgun
6 while bow hunting or fishing.

7 B. The person shall be required to have possession of his or
8 her valid handgun license and a valid Oklahoma driver license or an
9 Oklahoma State photo identification at all times when in possession
10 of an authorized pistol. The person shall display the handgun
11 license on demand of a law enforcement officer; provided, however,
12 that in the absence of reasonable and articulable suspicion of other
13 criminal activity, an individual carrying an unconcealed or
14 concealed handgun shall not be disarmed or physically restrained
15 unless the individual fails to display a valid handgun license in
16 response to that demand. Any violation of the provisions of this
17 subsection may be punishable as a criminal offense as authorized by
18 Section 1272 of this title or pursuant to any other applicable
19 provision of law. Any second or subsequent violation of the
20 provisions of this subsection shall be grounds for the Bureau to
21 suspend the handgun license for a period of six (6) months, in
22 addition to any other penalty imposed.

23 Upon the arrest of any person for a violation of the provisions
24 of this subsection, the person may show proof to the court that a

1 valid handgun license and the other required identification has been
2 issued to such person and the person may state any reason why the
3 handgun license or the other required identification was not carried
4 by the person as required by the Oklahoma Self-Defense Act. The
5 court shall dismiss an alleged violation of Section 1272 of this
6 title upon payment of court costs, if proof of a valid handgun
7 license and other required identification is shown to the court
8 within ten (10) days of the arrest of the person. The court shall
9 report a dismissal of a charge to the Bureau for consideration of
10 administrative proceedings against the licensee.

11 C. It shall be unlawful for any person to fail or refuse to
12 identify the fact that the person is in actual possession of a
13 concealed or unconcealed handgun pursuant to the authority of the
14 Oklahoma Self-Defense Act when the person comes into contact with
15 any law enforcement officer of this state or its political
16 subdivisions or a federal law enforcement officer during the course
17 of any arrest, detainment, or routine traffic stop. ~~Said~~
18 ~~identification to the law enforcement officer shall be made at the~~
19 ~~first opportunity~~ when questioned first by the officer regarding
20 possession of a firearm. No person shall be required to identify
21 himself or herself as a handgun licensee when no handgun is in the
22 possession of the person or in any vehicle in which the person is
23 driving or is a passenger. Any violation of the provisions of this

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1 subsection shall, upon conviction, be a misdemeanor punishable by a
2 fine not exceeding One Hundred Dollars (\$100.00).

3 D. Any law enforcement officer coming in contact with a person
4 whose handgun license is suspended, revoked, or expired, or who is
5 in possession of a handgun license which has not been lawfully
6 issued to that person, shall confiscate the license and return it to
7 the Oklahoma State Bureau of Investigation for appropriate
8 administrative proceedings against the licensee when the license is
9 no longer needed as evidence in any criminal proceeding.

10 E. Nothing in this section shall be construed to authorize a
11 law enforcement officer to inspect any weapon properly concealed or
12 unconcealed without probable cause that a crime has been committed.

13 SECTION 2. This act shall become effective November 1, 2015.

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