

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 2323

By: Coody

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishment; amending 21  
8 O.S. 2011, Sections 1289.7, as amended by Section 12,  
9 Chapter 259, O.S.L. 2012 and 1289.13A, as amended by  
10 Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp.  
11 2016, Sections 1289.7 and 1289.13A), which relate to  
12 the Oklahoma Firearms Act of 1971; modifying manner  
13 in which firearms may be carried in vehicles;  
14 deleting certain definition; authorizing certain  
15 persons to transport firearms in vehicles;  
16 prohibiting the disarming of firearms by law  
17 enforcement; modifying firearms confiscation  
18 guidelines; and providing an effective date.

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

20 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.7, as  
21 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
22 Section 1289.7), is amended to read as follows:

23 Section 1289.7

24 FIREARMS IN VEHICLES

25 A. Any ~~person~~ citizen, except a convicted felon, may transport  
26 in a motor vehicle a rifle, or shotgun ~~or pistol~~, ~~open~~ concealed or  
27 unconcealed and unloaded, at any time. ~~For purposes of this section~~  
28 ~~"open" means the firearm is transported in plain view, in a case~~

1 ~~designed for carrying firearms, which case is wholly or partially~~  
2 ~~visible, in a gun rack mounted in the vehicle, in an exterior locked~~  
3 ~~compartment or a trunk of a vehicle.~~

4 ~~Any person, except a convicted felon, may transport in a motor~~  
5 ~~vehicle a rifle or shotgun concealed behind a seat of the vehicle or~~  
6 ~~within the interior of the vehicle provided the rifle or shotgun is~~  
7 ~~not clip, magazine or chamber loaded.~~ The authority to transport a  
8 clip\_ or magazine\_loaded rifle or shotgun shall be pursuant to  
9 Section 1289.13 of this title.

10 B. Any citizen twenty-one (21) years of age or older, except a  
11 convicted felon, may transport a pistol, concealed or unconcealed,  
12 loaded or unloaded without a valid handgun license issued pursuant  
13 to the Oklahoma Self-Defense Act provided, the citizen is not  
14 involved in a crime.

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

22 D. Absent a reasonable and articulable suspicion of other  
23 criminal activity, an individual possessing a concealed or  
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1 unconcealed weapon shall not be disarmed or physically restrained by  
2 any law enforcement officer.

3 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.13A, as  
4 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
5 Section 1289.13A), is amended to read as follows:

6 Section 1289.13A

7 IMPROPER TRANSPORTATION OF FIREARMS

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

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

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

6 2. The officer has probable cause to believe the weapon is:  
7 a. contraband, or  
8 b. a firearm used in the commission of a crime other than  
9 a violation of subsection A of this section.

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

12 SECTION 3. This act shall become effective November 1, 2017.

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14 56-1-5363 GRS 01/04/17

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