

1 STATE OF OKLAHOMA

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

3 SENATE BILL 176

By: Silk

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5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,
8 Section 1289.8, as last amended by Section 1, Chapter
9 256, O.S.L. 2016 (21 O.S. Supp. 2016, Section
10 1289.8), which relates to carrying firearms;
11 clarifying language; and providing an effective date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.8, as
14 last amended by Section 1, Chapter 256, O.S.L. 2016 (21 O.S. Supp.
15 2016, Section 1289.8), is amended to read as follows:

16 Section 1289.8.

17 CARRYING WEAPON

18 A. Any fire marshal inspector who is retired, state, county or
19 municipal peace officer of this state who is retired, or any state,
20 county or municipal peace officer classified as a reserve who is
21 retired, or any federal law enforcement officer who is retired may
22 retain their status as a peace officer, retired, in the State of
23 Oklahoma, and as such may carry a firearm pursuant to the provisions
24 of subsection B of this section. A retired state, county or

1 municipal peace officer may in times of great emergency or danger
2 serve to enforce the law, keep the peace or to protect the public in
3 keeping with their availability and ability at the request of the
4 Governor, the sheriff or the mayor of their retirement jurisdiction.
5 If a retired fire marshal is activated for duty, the peace officer
6 powers of the retired fire marshal are limited to the duties granted
7 prior to retirement.

8 B. The Council on Law Enforcement Education and Training
9 (CLEET) shall issue an identification card to eligible retired
10 federal, state, county, and municipal peace officers which
11 authorizes the retired peace officer to carry a firearm ~~anywhere in~~
12 throughout the State of Oklahoma. The identification card shall
13 bear the full name of the retired officer, the signature of the
14 retired officer, the date of issuance, and such other information as
15 may be deemed appropriate by CLEET. The card shall expire every ten
16 (10) years and may be denied, suspended or revoked as provided by
17 the rules promulgated by CLEET or upon the discovery of any
18 preclusion prescribed in Section 1290.10 or 1290.11 of this title.
19 In order to renew the permit, the Council on Law Enforcement
20 Education and Training shall request, pursuant to Section 150.9 of
21 Title 74 of the Oklahoma Statutes, the Oklahoma State Bureau of
22 Investigation to conduct a state and national criminal history
23 records search on each retired peace officer authorized to carry a
24 firearm pursuant to the provisions of this section; and unless a

1 preclusion prescribed in Section 1290.10 or 1290.11 of this title is
2 found to exist, no action shall be necessary. A retired peace
3 officer requesting a renewal of his or her permit shall submit to
4 the Council a nonrefundable fee for a national criminal history
5 record with fingerprint analysis, as provided in Section 150.9 of
6 Title 74 of the Oklahoma Statutes. When a preclusion is discovered,
7 the Council shall notify the retired peace officer and shall hold a
8 hearing before taking any action to suspend or revoke the authority
9 to carry a firearm.

10 C. The retired peace officer shall be required to submit the
11 following information to the Council on Law Enforcement Education
12 and Training (CLEET) and any other information requested by CLEET:

13 1. A statement from the appropriate law enforcement agency
14 verifying the status of the person as a retired peace officer of
15 that jurisdiction; and

16 2. A notarized statement, signed by the retired peace officer,
17 stating that the officer:

18 a. has not been convicted of and is currently not subject
19 to any pending criminal prosecution for any preclusion
20 prescribed in Section 1290.10 or 1290.11 of this
21 title,

22 b. has not been forced into retirement due to any mental
23 disorder, and

24

1 c. has not suffered any injury or any physical or mental
2 impairment which would render the person unsafe to
3 carry a firearm.

4 D. A retired peace officer, who has made application for the
5 CLEET identification card authorized in subsection B of this
6 section, shall be authorized to carry a firearm as an off-duty peace
7 officer, pursuant to Section 1289.23 of this title, until the
8 authority to carry a firearm as a retired officer is finally
9 approved or denied by CLEET.

10 E. The Council on Law Enforcement Education and Training shall
11 promulgate rules and procedures necessary to implement the
12 provisions of this section.

13 F. Any peace officer, retired, who carries any firearm in
14 violation of the provisions of this section shall be deemed to be in
15 violation of Section 1272 of this title and may be prosecuted as
16 provided by law for a violation of that section.

17 SECTION 2. This act shall become effective November 1, 2017.

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