

1 STATE OF OKLAHOMA

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

3 SENATE BILL 378

By: Brecheen

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5  
6 AS INTRODUCED

7 An Act relating to transporting firearms; amending 21  
8 O.S. 2011, Section 1289.6, as last amended by Section  
9 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp. 2016,  
10 Section 1289.6), which relates to conditions under  
11 which firearms may be carried; prohibiting certain  
12 acts; clarifying language; amending 21 O.S. 2011,  
13 Section 1289.7, as amended by Section 12, Chapter  
14 259, O.S.L. 2012 (21 O.S. Supp. 2016, Section  
15 1289.7), which relates to firearms in vehicles;  
16 making certain allowances; prohibiting certain  
17 action; amending 21 O.S. 2011, Section 1289.13A, as  
18 amended by Section 19, Chapter 259, O.S.L. 2012 (21  
19 O.S. Supp. 2016, Section 1289.13A), which relates to  
20 improper transportation of firearms; providing  
21 certain consideration; and providing an effective  
22 date.

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

24 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.6, as  
last amended by Section 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp.  
2016, Section 1289.6), is amended to read as follows:

Section 1289.6.

CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

A. A person shall be permitted to carry loaded and unloaded  
shotguns, rifles and pistols, open and not concealed and without a

1 handgun license as authorized by the Oklahoma Self-Defense Act  
2 pursuant to the following conditions:

3 1. When hunting animals or fowl;

4 2. During competition in or practicing in a safety or hunter  
5 safety class, target shooting, skeet, trap or other recognized  
6 sporting events;

7 3. During participation in or in preparation for a military  
8 function of the state military forces to be defined as the Oklahoma  
9 Army or Air National Guard, Federal Military Reserve and active  
10 military forces. It is further provided that Oklahoma Army or Air  
11 National Guard personnel with proper authorization and performing a  
12 military function may carry loaded or unloaded and concealed weapons  
13 on Oklahoma Military Department facilities in accordance with rules  
14 promulgated by the Adjutant General;

15 4. During participation in or in preparation for a recognized  
16 police function of either a municipal, county or state government as  
17 functioning police officials;

18 5. During a practice for or a performance for entertainment  
19 purposes;

20 6. For lawful self-defense and self-protection or any other  
21 legitimate purpose in or on property that is owned, leased, rented,  
22 or otherwise legally controlled by the person and in the absence of  
23 reasonable and articulable suspicion of other criminal activity in  
24 or on property that is owned, leased, rented or otherwise legally

1 controlled by the person, an individual carrying an unconcealed  
2 weapon shall not be disarmed or physically restrained by any law  
3 enforcement officer; or

4 7. For any legitimate purpose not in violation of the Oklahoma  
5 Firearms Act of 1971 or any legislative enactment regarding the use,  
6 ownership and control of firearms.

7 B. A person shall be permitted to carry unloaded shotguns,  
8 rifles and pistols, open and not concealed and without a handgun  
9 license as authorized by the Oklahoma Self-Defense Act pursuant to  
10 the following conditions:

11 1. When going to or from the person's private residence or  
12 vehicle or a vehicle in which the person is riding as a passenger to  
13 a place designated or authorized for firearms repairs ~~or,~~  
14 reconditioning, ~~or for firearms~~ trade, sale, or barter, ~~or a~~  
15 gunsmith, ~~or~~ hunting animals or fowl, ~~or~~ hunter safety ~~course~~  
16 courses, ~~or~~ target shooting, ~~or~~ skeet or trap shooting or any  
17 recognized firearms activity or event and while in such places; or

18 2. For any legitimate purpose not in violation of the Oklahoma  
19 Firearms Act of 1971.

20 C. The provisions of this section shall not be construed to  
21 prohibit educational or recreational activities, exhibitions,  
22 displays or shows involving the use or display of rifles, shotguns  
23 or pistols or other weapons if the activity is approved by the  
24 property owner and sponsor of the activity.

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.7, as  
2 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2016,  
3 Section 1289.7), is amended to read as follows:

4 Section 1289.7.

5 FIREARMS IN VEHICLES

6 Any ~~person~~ citizen, except a convicted felon, may transport in a  
7 motor vehicle a rifle, or shotgun ~~or pistol~~, ~~open~~ concealed or  
8 unconcealed and unloaded, at any time. ~~For purposes of this section~~  
9 ~~"open" means the firearm is transported in plain view, in a case~~  
10 ~~designed for carrying firearms, which case is wholly or partially~~  
11 ~~visible, in a gun rack mounted in the vehicle, in an exterior locked~~  
12 ~~compartment or a trunk of a vehicle~~ Any citizen twenty-one (21)  
13 years of age or older, except a convicted felon, may transport a  
14 pistol concealed or unconcealed, loaded or unloaded without a valid  
15 handgun license issued pursuant to the Oklahoma Self-Defense Act  
16 provided the citizen is not involved in a crime.

17 Absent a reasonable and articulable suspicion of other criminal  
18 activity, an individual possessing a concealed or unconcealed weapon  
19 shall not be disarmed or physically restrained by a law enforcement  
20 officer.

21 Any ~~person~~ citizen, except a convicted felon, may transport in a  
22 motor vehicle a rifle or shotgun concealed behind a seat of the  
23 vehicle or within the interior of the vehicle provided the rifle or  
24 shotgun is not clip-, magazine- or ~~chamber loaded~~ chamber-loaded.

1 The authority to transport a clip\_ or ~~magazine loaded~~ magazine-  
2 loaded rifle or shotgun shall be pursuant to Section 1289.13 of this  
3 title.

4 Any ~~person~~ citizen who is the operator of a vehicle or is a  
5 passenger in any vehicle wherein another person who is licensed  
6 pursuant to the Oklahoma Self-Defense Act to carry a handgun,  
7 concealed or unconcealed, and is carrying a handgun or has the  
8 handgun in such vehicle, shall not be deemed in violation of the  
9 provisions of this section provided the licensee is in or near the  
10 vehicle.

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

14 Section 1289.13A.

15 IMPROPER TRANSPORTATION OF FIREARMS

16 A. Notwithstanding the provisions of Section 1272 or 1289.13 of  
17 this title, any person stopped pursuant to a moving traffic  
18 violation who is transporting a loaded pistol in the motor vehicle  
19 without a valid handgun license authorized by the Oklahoma Self-  
20 Defense Act or valid license from another state, whether the loaded  
21 firearm is concealed or unconcealed in the vehicle, ~~shall~~ may be  
22 issued a traffic citation in the amount of Seventy Dollars (\$70.00),  
23 plus court costs for transporting a firearm improperly. In addition  
24

1 to the traffic citation provided in this section, the person may  
2 also be arrested for any other violation of law.

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

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

14 2. The officer has probable cause to believe the weapon is:  
15 a. contraband, or  
16 b. a firearm used in the commission of a crime other than  
17 a violation of subsection A of this section.

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

20 SECTION 4. This act shall become effective November 1, 2017.

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