

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 HOUSE BILL 2646

 By: Steagall

7 AS INTRODUCED

8 An Act relating to firearms; amending 21 O.S. 2021,
9 Section 1290.8, which relates to the Oklahoma Self-
10 Defense Act; clarifying circumstance that requires a
11 person to display a handgun license or valid military
 identification card; deleting procedures that allow
 for the dismissal of certain charges; and providing
 an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1290.8, is
16 amended to read as follows:

17 Section 1290.8

18 POSSESSION OF LICENSE REQUIRED

19 NOTIFICATION TO POLICE OF GUN

20 A. Except as otherwise prohibited by law, an eligible person
21 shall have authority to carry a concealed or unconcealed handgun in
22 this state when:

23 1. The person has been issued a handgun license from the
24 Oklahoma State Bureau of Investigation pursuant to the provisions of

1 the Oklahoma Self-Defense Act, provided the person is in compliance
2 with the provisions of the Oklahoma Self-Defense Act, and the
3 license has not expired or been subsequently suspended or revoked;
4 or

5 2. The person is twenty-one (21) years of age or older, and is
6 either:

- 7 a. active military, or
- 8 b. a member of the Reserve or National Guard to include
9 Drill Status Guard and Reserve, Active Guard Reserves
10 or Military Technicians,

11 and presents a valid military identification card that shall be
12 considered a valid handgun license issued pursuant to the Oklahoma
13 Self-Defense Act.

14 B. A person in possession of a valid handgun license or who
15 meets the criteria and presents a valid military identification card
16 as provided for in this section and in compliance with the
17 provisions of the Oklahoma Self-Defense Act shall be authorized to
18 carry such concealed or unconcealed handgun while scouting as it
19 relates to hunting or fishing or while hunting or fishing.

20 C. The person shall be required to have possession of his or
21 her valid handgun license or valid military identification card as
22 provided for qualified persons in this section and a valid driver
23 license or state photo identification at all times when in
24 possession of an authorized pistol. The person shall display the

1 handgun license ~~or~~, a valid military identification card, state
2 photo identification, or valid driver license as provided for
3 qualified persons in this section on demand of a law enforcement
4 officer during an arrest or routine traffic stop; provided, however,
5 that in the absence of reasonable and articulable suspicion of other
6 criminal activity, an individual carrying an unconcealed or
7 concealed handgun or other lawful firearm shall not be disarmed or
8 physically restrained ~~unless the individual fails to display a valid~~
9 ~~handgun license or a valid military identification card as provided~~
10 ~~for qualified persons in this section~~ in response to that demand.
11 Any violation of the provisions of this subsection may be punishable
12 as a criminal offense as authorized by Section 1272 of this title or
13 pursuant to any other applicable provision of law.

14 ~~Upon the arrest of any person for a violation of the provisions~~
15 ~~of this subsection, the person may show proof to the court that a~~
16 ~~valid handgun license and the other required identification has been~~
17 ~~issued to such person and the person may state any reason why the~~
18 ~~handgun license, a valid military identification card as provided~~
19 ~~for qualified persons in this section or the other required~~
20 ~~identification was not carried by the person as required by the~~
21 ~~Oklahoma Self-Defense Act. The court shall dismiss an alleged~~
22 ~~violation of Section 1272 of this title upon payment of court costs,~~
23 ~~if proof of a valid handgun license and other required~~
24 ~~identification is shown to the court within ten (10) days of the~~

1 ~~arrest of the person. The court shall report a dismissal of a~~
2 ~~charge to the Bureau for consideration of administrative proceedings~~
3 ~~against the licensee.~~

4 D. It shall be unlawful for any person to fail or refuse to
5 identify the fact that the person is in actual possession of a
6 concealed or unconcealed firearm pursuant to the authority of the
7 Oklahoma Self-Defense Act during the course of any arrest,
8 ~~detainment,~~ or routine traffic stop. Said identification to the law
9 enforcement officer shall be required upon the demand of the law
10 enforcement officer. No person shall be required to identify
11 himself or herself as a handgun licensee or as lawfully in
12 possession of any other firearm if the law enforcement officer does
13 not demand the information. No person shall be required to identify
14 himself or herself as a handgun licensee when no handgun is in the
15 possession of the person or in any vehicle in which the person is
16 driving or is a passenger. Any violator of the provisions of this
17 subsection may be issued a citation for an amount not exceeding One
18 Hundred Dollars (\$100.00).

19 E. Any law enforcement officer coming in contact with a person
20 whose handgun license is suspended, or revoked, or ~~expired,~~ or who
21 is in possession of a handgun license which has not been lawfully
22 issued to that person, shall confiscate the license and return it to
23 the Oklahoma State Bureau of Investigation for appropriate
24

1 administrative proceedings against the licensee when the license is
2 no longer needed as evidence in any criminal proceeding.

3 F. Nothing in this section shall be construed to authorize a
4 law enforcement officer to inspect any weapon properly concealed or
5 unconcealed without probable cause that a crime has been committed.

6 SECTION 2. This act shall become effective November 1, 2023.

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8 COMMITTEE REPORT BY: COMMITTEE ON STATE POWERS, dated 03/01/2023 -
9 DO PASS.

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