

1 **SENATE FLOOR VERSION**

2 April 12, 2018

3 ENGROSSED HOUSE
4 BILL NO. 1608

By: Enns of the House

5 and

6 Sykes of the Senate

7
8 An Act relating to crimes and punishments; amending
9 21 O.S. 2011, Section 1289.23, as last amended by
10 Section 5, Chapter 210, O.S.L. 2016 (21 O.S. Supp.
11 2017, Section 1289.23), which relates to the Oklahoma
12 Firearms Act of 1971; authorizing peace officers to
13 carry personal firearms; and providing an effective
14 date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.23, as
17 last amended by Section 5, Chapter 210, O.S.L. 2016 (21 O.S. Supp.
18 2017, Section 1289.23), is amended to read as follows:

19 Section 1289.23

20 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

21 A. Notwithstanding any provision of law to the contrary, a
22 full-time duly appointed peace officer who is certified by the
23 Council on Law Enforcement Education and Training (CLEET), pursuant
24 to the provisions of Section 3311 of Title 70 of the Oklahoma
Statutes, is hereby authorized to carry a service weapon approved

1 and issued by the employing agency, personal rifle or shotgun
2 anywhere in the State of Oklahoma, both while on active duty and
3 during periods when the officer is not on active duty as provided by
4 the provisions of subsection B of this section.

5 B. When a full-time duly appointed officer carries an approved
6 service weapon, personal rifle or shotgun, the officer shall be
7 wearing the law enforcement uniform prescribed by the employing
8 agency or plainclothes. When not wearing the prescribed law
9 enforcement uniform, the officer shall be required:

10 1. To have the official peace officers badge, Commission Card
11 and CLEET Certification Card on his or her person at all times when
12 carrying a service weapon approved by the employing agency, personal
13 rifle or shotgun; and

14 2. To keep the approved service weapon, personal rifle or
15 shotgun concealed or unconcealed at all times, except when the
16 weapon, rifle or shotgun is used within the guidelines established
17 by the employing agency.

18 C. Nothing in this section shall be construed to alter or amend
19 the provisions of Section 1272.1 of this title or expand the duties,
20 authority or jurisdiction of any peace officer.

21 D. A reserve peace officer who has satisfactorily completed a
22 basic police course of not less than one hundred twenty (120) hours
23 of accredited instruction for reserve police officers and reserve
24 deputies from the Council on Law Enforcement Education and Training

1 or a course of study approved by CLEET may carry an approved service
2 weapon, personal rifle or shotgun when such officer is off duty as
3 provided by subsection E of this section, provided:

4 1. The officer has been granted written authorization signed by
5 the director of the employing agency; and

6 2. The employing agency shall maintain a current list of any
7 officers authorized to carry an approved service weapon, personal
8 rifle or shotgun while the officers are off duty, and shall provide
9 a copy of such list to the Council on Law Enforcement Education and
10 Training. Any change to the list shall be made in writing and
11 mailed to the Council on Law Enforcement Education and Training
12 within five (5) days.

13 E. When an off-duty reserve peace officer carries an approved
14 service weapon, personal rifle or shotgun, the officer shall be
15 wearing the law enforcement uniform prescribed by the employing
16 agency or when not wearing the prescribed law enforcement uniform,
17 the officer shall be required:

18 1. To have his or her official peace officer's badge,
19 Commission Card, CLEET Certification Card; and

20 2. To keep the approved service weapon, personal rifle or
21 shotgun concealed or unconcealed at all times, except when the
22 weapon, rifle or shotgun is used within the guidelines established
23 by the employing agency.

1 F. Nothing in subsection D of this section shall be construed
2 to alter or amend the provisions of Section 1750.2 of Title 59 of
3 the Oklahoma Statutes or expand the duties, jurisdiction or
4 authority of any reserve peace officer.

5 G. Nothing in this section shall be construed to limit or
6 restrict any peace officer or reserve peace officer from carrying a
7 handgun, concealed or unconcealed, as allowed by the Oklahoma Self-
8 Defense Act after issuance of a valid license. An off-duty, full-
9 time peace officer or reserve peace officer shall be deemed to have
10 elected to carry a handgun under the authority of the Oklahoma Self-
11 Defense Act when the officer:

12 1. Has been issued a valid handgun license and is carrying a
13 handgun not authorized by the employing agency; or

14 2. Is carrying a handgun in a manner or in a place not
15 specifically authorized for off-duty carry by the employing agency.

16 H. Any off-duty peace officer who carries any weapon in
17 violation of the provisions of this section shall be deemed to be in
18 violation of Section 1272 of this title and may be prosecuted as
19 provided by law for a violation of that section.

20 I. On or after November 1, 2004, a reserve or full-time
21 commissioned peace officer may apply to carry a weapon pursuant to
22 the Oklahoma Self-Defense Act as follows:

23 1. The officer shall apply in writing to the Council on Law
24 Enforcement Education and Training (CLEET) stating that the officer

1 desires to have a handgun license pursuant to the Oklahoma Self-
2 Defense Act and certifying that he or she has no preclusions to
3 having such handgun license. The officer shall submit with the
4 application:

5 a. an official letter from his or her employing agency
6 confirming the officer's employment and status as a
7 full-time commissioned peace officer or an active
8 reserve peace officer,

9 b. a fee of Twenty-five Dollars (\$25.00) for the handgun
10 license, and

11 c. two passport-size photographs of the peace officer
12 applicant;

13 2. Upon receiving the required information, CLEET shall
14 determine whether the peace officer is in good standing, has CLEET
15 certification and training, and is otherwise eligible for a handgun
16 license. Upon verification of the officer's eligibility, CLEET
17 shall send the information to the Oklahoma State Bureau of
18 Investigation (OSBI) and OSBI shall issue a handgun license in the
19 same or similar form as other handgun licenses. All other
20 requirements in Section 1290.12 of this title concerning application
21 for a handgun license shall be waived for active duty peace officers
22 except as provided in this subsection including, but not limited to,
23 training, fingerprints and criminal history records checks unless
24 the officer does not have fingerprints on file or a criminal history

1 records background check conducted prior to employment as a peace
2 officer. The OSBI shall not be required to conduct any further
3 investigation into the eligibility of the peace officer applicant
4 and shall not deny a handgun license except when preclusions are
5 found to exist;

6 3. The term of the handgun license for an active duty reserve
7 or full-time commissioned peace officer pursuant to this section
8 shall be as provided in Section 1290.5 of this title, renewable in
9 the same manner provided in this subsection for an original
10 application by a peace officer. The handgun license shall be valid
11 when the peace officer is in possession of a valid driver license
12 and law enforcement commission card;

13 4. If the commission card of a law enforcement officer is
14 terminated, revoked or suspended, the handgun license shall be
15 immediately returned to CLEET. When a peace officer in possession
16 of a handgun license pursuant to this subsection changes employment,
17 the person must notify CLEET within ninety (90) days and send a new
18 letter verifying employment and status as a full-time commissioned
19 or reserve peace officer;

20 5. There shall be no refund of any fee for any unexpired term
21 of any handgun license that is suspended, revoked or voluntarily
22 returned to CLEET, or that is denied, suspended or revoked by the
23 OSBI;

24

1 6. CLEET may promulgate any rules, forms or procedures
2 necessary to implement the provisions of this section; and

3 7. Nothing in this subsection shall be construed to change or
4 amend the application process, eligibility, effective date or fees
5 of any handgun license pending issuance on November 1, 2004, or
6 previously issued to any peace officer prior to November 1, 2004.

7 SECTION 2. This act shall become effective November 1, 2018.

8 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
9 April 12, 2018 - DO PASS

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