

1 **SENATE FLOOR VERSION**

2 February 19, 2021

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 672

6 By: Murdock and **Bullard** of the
7 Senate

8 and

9 Patzkowsky of the House

10 An Act relating to the transportation of firearms;
11 amending 21 O.S. 2011, Section 1272, as last amended
12 by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
13 2020, Section 1272), which relates to unlawful carry;
14 allowing certain transport; amending 21 O.S. 2011,
15 Section 1289.7, as last amended by Section 5, Chapter
16 1, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1289.7),
17 which relates to firearms in vehicles; clarifying
18 language; removing certain license allowances;
19 amending 21 O.S. 2011, Section 1289.13A, as last
20 amended by Section 7, Chapter 1, O.S.L. 2019 (21 O.S.
21 Supp. 2020, Section 1289.13A), which relates to
22 improper transportation of firearms; clarifying
23 language; repealing 21 O.S. 2011, Section 1289.13, as
24 last amended by Section 6, Chapter 1, O.S.L. 2019 (21
O.S. Supp. 2020, Section 1289.13), which relates to
transporting a loaded firearm; and providing an
effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
last amended by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
2020, Section 1272), is amended to read as follows:

1 Section 1272.

2 UNLAWFUL CARRY

3 A. Notwithstanding any other provision of law, it shall be
4 unlawful for any person to carry upon or about his or her person, or
5 in a purse or other container belonging to the person, any pistol,
6 revolver, shotgun or rifle whether loaded or unloaded or any
7 blackjack, loaded cane, hand chain, metal knuckles, or any other
8 offensive weapon, whether such weapon be concealed or unconcealed,
9 except this section shall not prohibit:

10 1. The proper use of guns and knives for self-defense, hunting,
11 fishing, educational or recreational purposes;

12 2. The carrying or use of weapons in a manner otherwise
13 permitted by statute or authorized by the Oklahoma Self-Defense Act;

14 3. The carrying, possession and use of any weapon by a peace
15 officer or other person authorized by law to carry a weapon in the
16 performance of official duties and in compliance with the rules of
17 the employing agency;

18 4. The carrying or use of weapons in a courthouse by a district
19 judge, associate district judge or special district judge within
20 this state, who is in possession of a valid handgun license issued
21 pursuant to the provisions of the Oklahoma Self-Defense Act and
22 whose name appears on a list maintained by the Administrative
23 Director of the Courts;

24

1 5. The carrying and use of firearms and other weapons provided
2 in this subsection when used for the purpose of living history
3 reenactment. For purposes of this paragraph, "living history
4 reenactment" means depiction of historical characters, scenes,
5 historical life or events for entertainment, education, or
6 historical documentation through the wearing or use of period,
7 historical, antique or vintage clothing, accessories, firearms,
8 weapons, and other implements of the historical period; or

9 6. The transporting by vehicle on a public roadway or the
10 carrying of a firearm, concealed or unconcealed, loaded or unloaded,
11 by a person who is twenty-one (21) years of age or older or by a
12 person who is eighteen (18) years of age but not yet twenty-one (21)
13 years of age and the person is a member or veteran of the United
14 States Armed Forces, Reserves or National Guard or was discharged
15 under honorable conditions from the United States Armed Forces,
16 Reserves or National Guard, and the person is otherwise not
17 disqualified from the possession or purchase of a firearm under
18 state or federal law and is not carrying the firearm in furtherance
19 of a crime.

20 Except as provided in subsection B of Section 1283 of this
21 title, a person who has been convicted of any one of the following
22 offenses in this state or a violation of the equivalent law of
23 another state:

24

- 1 a. assault and battery pursuant to the provisions of
2 Section 644 of this title which caused serious
3 physical injury to the victim,
4 b. aggravated assault and battery pursuant to the
5 provisions of Section 646 of this title,
6 c. assault and battery that qualifies as domestic abuse
7 as defined in Section 644 of this title,
8 d. stalking pursuant to the provisions of Section 1173 of
9 this title,
10 e. a violation of an order issued under the Protection
11 from Domestic Abuse Act or a domestic abuse protection
12 order issued by another state, or
13 f. a violation relating to illegal drug use or possession
14 under the provisions of the Uniform Controlled
15 Dangerous Substances Act,

16 shall be prohibited from carrying a firearm under the provisions of
17 this paragraph. Any person who carries a firearm in the manner
18 provided for in this paragraph shall be prohibited from carrying the
19 firearm into any of the places prohibited in subsection A of Section
20 1277 of this title or any other place currently prohibited by law.
21 Nothing in this section shall modify or otherwise change where a
22 person may legally carry a firearm.
23
24

1 B. Any person convicted of violating the foregoing provision
2 shall be guilty of a misdemeanor punishable as provided in Section
3 1276 of this title.

4 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.7, as
5 last amended by Section 5, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
6 2020, Section 1289.7), is amended to read as follows:

7 Section 1289.7.

8 FIREARMS IN VEHICLES

9 A. Any person who is not otherwise prohibited by law from
10 possessing or purchasing a firearm and is not carrying or
11 transporting a firearm in the furtherance of a crime may transport
12 in or on a ~~motor~~ vehicle a ~~pistol or handgun~~ firearm, loaded or
13 unloaded, at any time.

14 B. Any person, eighteen (18) to twenty (20) years of age, who
15 is not otherwise prohibited by law from possessing or purchasing a
16 firearm and is not carrying or transporting a firearm in the
17 furtherance of a crime may transport in or on a ~~motor~~ vehicle a
18 ~~rifle or shotgun~~, open or concealed, ~~provided the rifle or shotgun~~
19 ~~is transported pursuant to the requirements of Section 1289.13 of~~
20 ~~this title~~ an unloaded firearm at any time.

21 C. ~~Any person who is the operator of a motor vehicle or is a~~
22 ~~passenger in any motor vehicle wherein another person who is~~
23 ~~licensed pursuant to the Oklahoma Self-Defense Act or is otherwise~~
24 ~~permitted by law to carry a handgun, concealed or unconcealed, and~~

1 ~~is carrying a handgun or has the handgun in such vehicle, shall not~~
2 ~~be deemed in violation of the provisions of this section provided~~
3 ~~the licensee or person permitted by law is in or near the motor~~
4 ~~vehicle.~~

5 D. It shall be unlawful for any person transporting a firearm
6 in or on a ~~motor~~ vehicle to fail or refuse to identify that the
7 person is in actual possession of a firearm when ~~asked to do so~~
8 demanded by a law enforcement officer of this state during any
9 arrest, detainment or routine traffic stop. Any person who violates
10 the provisions of this subsection may be issued a citation for an
11 amount not to exceed One Hundred Dollars (\$100.00).

12 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
13 last amended by Section 7, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
14 2020, Section 1289.13A), is amended to read as follows:

15 Section 1289.13A.

16 IMPROPER TRANSPORTATION OF FIREARMS

17 A. ~~Notwithstanding the provisions of Section 1272 or 1289.7 of~~
18 ~~this title, any~~ Any person stopped pursuant to a moving traffic
19 violation who is transporting a ~~loaded pistol~~ firearm in or on the
20 ~~motor~~ vehicle ~~without a valid handgun license~~ as authorized by the
21 Oklahoma Self-Defense Act or using a valid license from another
22 state, ~~or~~ and is in violation of any law related to the carrying or
23 transporting of firearms, ~~whether the loaded firearm is concealed or~~
24 ~~unconcealed~~ in the vehicle, may be issued a traffic citation in the

1 amount of Seventy Dollars (\$70.00), plus court costs for
2 transporting a firearm improperly. In addition to the traffic
3 citation provided in this section, the person may also be arrested
4 for any other violation of law.

5 B. Any firearm lawfully carried or transported as permitted
6 pursuant to state law shall not be confiscated, unless:

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

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

17 C. Nothing in this section shall be construed to require
18 confiscation of any firearm.

19 SECTION 4. REPEALER 21 O.S. 2011, Section 1289.13, as
20 last amended by Section 6, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
21 2020, Section 1289.13), is hereby repealed.

22 SECTION 5. This act shall become effective November 1, 2021.

23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
24 February 19, 2021 - DO PASS AS AMENDED