

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1608

By: Enns

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5
6 AS INTRODUCED

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

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

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

18 Section 1289.23

19 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

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

1 anywhere in the State of Oklahoma, both while on active duty and
2 during periods when the officer is not on active duty as provided by
3 the provisions of subsection B of this section.

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

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

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

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

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

1 weapon, personal rifle or shotgun when such officer is off duty as
2 provided by subsection E of this section, provided:

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

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

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

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

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

23 F. Nothing in subsection D of this section shall be construed
24 to alter or amend the provisions of Section 1750.2 of Title 59 of

1 the Oklahoma Statutes or expand the duties, jurisdiction or
2 authority of any reserve peace officer.

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

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

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

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

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

21 1. The officer shall apply in writing to the Council on Law
22 Enforcement Education and Training (CLEET) stating that the officer
23 desires to have a handgun license pursuant to the Oklahoma Self-
24 Defense Act and certifying that he or she has no preclusions to

1 having such handgun license. The officer shall submit with the
2 application:

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

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

9 c. two passport-size photographs of the peace officer
10 applicant;

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

1 investigation into the eligibility of the peace officer applicant
2 and shall not deny a handgun license except when preclusions are
3 found to exist;

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

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

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

22 6. CLEET may promulgate any rules, forms or procedures
23 necessary to implement the provisions of this section; and
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1 7. Nothing in this subsection shall be construed to change or
2 amend the application process, eligibility, effective date or fees
3 of any handgun license pending issuance on November 1, 2004, or
4 previously issued to any peace officer prior to November 1, 2004.

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

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