

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2625

By: West (Kevin)

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9 COMMITTEE SUBSTITUTE

10 An Act relating to firearms; amending 21 O.S. 2011,
11 Section 1289.8, as last amended by Section 1, Chapter
12 256, O.S.L. 2016 (21 O.S. Supp. 2017, Section
13 1289.8), which relates to the Oklahoma Firearms Act
14 of 1971; clarifying manner in which retired peace
15 officers may carry firearms; and providing an
16 effective date.

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

17 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.8, as
18 last amended by Section 1, Chapter 256, O.S.L. 2016 (21 O.S. Supp.
19 2017, Section 1289.8), is amended to read as follows:

20 Section 1289.8

21 CARRYING WEAPON

22 A. Any fire marshal inspector who is retired, state, county or
23 municipal peace officer of this state who is retired, or any state,
24 county or municipal peace officer classified as a reserve who is

1 retired, or any federal law enforcement officer who is retired may
2 retain their status as a peace officer, retired, in the State of
3 Oklahoma, and as such may carry a firearm pursuant to the provisions
4 of subsection B of this section. A retired state, county or
5 municipal peace officer may in times of great emergency or danger
6 serve to enforce the law, keep the peace or to protect the public in
7 keeping with their availability and ability at the request of the
8 Governor, the sheriff or the mayor of their retirement jurisdiction.
9 If a retired fire marshal is activated for duty, the peace officer
10 powers of the retired fire marshal are limited to the duties granted
11 prior to retirement.

12 B. The Council on Law Enforcement Education and Training
13 (CLEET) shall issue an identification card to eligible retired
14 federal, state, county, and municipal peace officers which
15 authorizes the retired peace officer to carry a firearm ~~anywhere in~~
16 throughout the State of Oklahoma. The identification card shall
17 bear the full name of the retired officer, the signature of the
18 retired officer, the date of issuance, and such other information as
19 may be deemed appropriate by CLEET. The card shall expire every ten
20 (10) years and may be denied, suspended or revoked as provided by
21 the rules promulgated by CLEET or upon the discovery of any
22 preclusion prescribed in Section 1290.10 or 1290.11 of this title.
23 In order to renew the permit, the Council on Law Enforcement
24 Education and Training shall request, pursuant to Section 150.9 of

1 Title 74 of the Oklahoma Statutes, the Oklahoma State Bureau of
2 Investigation to conduct a state and national criminal history
3 records search on each retired peace officer authorized to carry a
4 firearm pursuant to the provisions of this section; and unless a
5 preclusion prescribed in Section 1290.10 or 1290.11 of this title is
6 found to exist, no action shall be necessary. A retired peace
7 officer requesting a renewal of his or her permit shall submit to
8 the Council a nonrefundable fee for a national criminal history
9 record with fingerprint analysis, as provided in Section 150.9 of
10 Title 74 of the Oklahoma Statutes. When a preclusion is discovered,
11 the Council shall notify the retired peace officer and shall hold a
12 hearing before taking any action to suspend or revoke the authority
13 to carry a firearm.

14 C. The retired peace officer shall be required to submit the
15 following information to the Council on Law Enforcement Education
16 and Training (CLEET) and any other information requested by CLEET:

17 1. A statement from the appropriate law enforcement agency
18 verifying the status of the person as a retired peace officer of
19 that jurisdiction; and

20 2. A notarized statement, signed by the retired peace officer,
21 stating that the officer:

22 a. has not been convicted of and is currently not subject
23 to any pending criminal prosecution for any preclusion
24

1 prescribed in Section 1290.10 or 1290.11 of this
2 title,

3 b. has not been forced into retirement due to any mental
4 disorder, and

5 c. has not suffered any injury or any physical or mental
6 impairment which would render the person unsafe to
7 carry a firearm.

8 D. A retired peace officer, who has made application for the
9 CLEET identification card authorized in subsection B of this
10 section, shall be authorized to carry a firearm as an off-duty peace
11 officer, pursuant to Section 1289.23 of this title, until the
12 authority to carry a firearm as a retired officer is finally
13 approved or denied by CLEET.

14 E. The Council on Law Enforcement Education and Training shall
15 promulgate rules and procedures necessary to implement the
16 provisions of this section.

17 F. Any peace officer, retired, who carries any firearm in
18 violation of the provisions of this section shall be deemed to be in
19 violation of Section 1272 of this title and may be prosecuted as
20 provided by law for a violation of that section.

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

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23 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/26/2018 - DO PASS,
24 As Amended.