

1 **SENATE FLOOR VERSION**

2 April 9, 2015

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 1391

6 By: Murdock, Newell, Lockhart,
7 Sanders, Loring, Park,
8 Coody (Jeff), Billy, Ritze,
9 Roberts (Sean), Moore, and
10 Leewright of the House

11 and

12 Marlatt of the Senate

13 **[crimes and punishments - Oklahoma Self-Defense**
14 **Act -**

15 **emergency]**

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

17 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.12, as
18 last amended by Section 2, Chapter 11, O.S.L. 2014 (21 O.S. Supp.
19 2014, Section 1290.12), is amended to read as follows:

20 Section 1290.12

21 PROCEDURE FOR APPLICATION

22 A. Except as provided in paragraph 11 of this subsection, the
23 procedure for applying for a handgun license and processing the
24 application shall be as follows:

1. An eligible person may request an application packet for a
handgun license from the Oklahoma State Bureau of Investigation or
the county sheriff's office either in person or by mail. The Bureau

1 may provide application packets to each sheriff not exceeding two
2 hundred packets per request. The Bureau shall provide the following
3 information in the application packet:

- 4 a. an application form,
- 5 b. procedures to follow to process the application form,
- 6 and
- 7 c. a copy of the Oklahoma Self-Defense Act with any
8 modifications thereto;

9 2. The person shall be required to successfully complete a
10 firearms safety and training course from a firearms instructor who
11 is approved and registered in this state as provided in Section
12 1290.14 of this title or from an interactive online firearms safety
13 and training course available electronically via the Internet
14 approved and certified by the Council on Law Enforcement Education
15 and Training, and the person shall be required to demonstrate
16 competency and qualification with a pistol authorized for concealed
17 or unconcealed carry by the Oklahoma Self-Defense Act. The original
18 certificate of successful completion of a firearms safety and
19 training course and an original certificate of successful
20 demonstration of competency and qualification to carry and handle a
21 pistol shall be submitted with the application for a handgun
22 license. No duplicate, copy, facsimile or other reproduction of the
23 certificate of training, certificate of competency and qualification
24 or exemption from training shall be acceptable as proof of training

1 as required by the provisions of the Oklahoma Self-Defense Act. A
2 person exempt from the training requirements as provided in Section
3 1290.15 of this title must show the required proof of such exemption
4 to the firearms instructor to receive an exemption certificate. The
5 original exemption certificate must be submitted with the
6 application for a handgun license when the person claims an
7 exemption from training and qualification;

8 3. The application form shall be completed and delivered by the
9 applicant, in person, to the sheriff of the county wherein the
10 applicant resides;

11 4. The person shall deliver to the sheriff at the time of
12 delivery of the completed application form a fee of One Hundred
13 Dollars (\$100.00) for processing the application through the
14 Oklahoma State Bureau of Investigation and processing the required
15 fingerprints through the Federal Bureau of Investigation. The
16 processing fee shall be in the form of:

- 17 a. a money order or a cashier's check made payable to the
18 Oklahoma State Bureau of Investigation,
- 19 b. by a nationally recognized credit card issued to the
20 applicant. For purposes of this paragraph,
21 "nationally recognized credit card" means any
22 instrument or device, whether known as a credit card,
23 credit plate, charge plate, or by any other name,
24 issued with or without fee by the issuer for the use

1 of the cardholder in obtaining goods, services, or
2 anything else of value on credit which is accepted by
3 over one thousand merchants in the state. The
4 Oklahoma State Bureau of Investigation shall determine
5 which nationally recognized credit cards will be
6 accepted by the Bureau, or

7 c. by electronic funds transfer.

8 The processing fee shall not be refundable in the event of a
9 denial of a handgun license or any suspension or revocation
10 subsequent to the issuance of a license. Persons making application
11 for a firearms instructor shall not be required to pay the
12 application fee as provided in this section, but shall be required
13 to pay the costs provided in paragraphs 6 and 8 of this subsection;

14 5. The completed application form shall be signed by the
15 applicant in person before the sheriff. The signature shall be
16 given voluntarily upon a sworn oath that the person knows the
17 contents of the application and that the information contained in
18 the application is true and correct. Any person making any false or
19 misleading statement on an application for a handgun license shall,
20 upon conviction, be guilty of perjury as defined by Section 491 of
21 this title. Any conviction shall be punished as provided in Section
22 500 of this title. In addition to a criminal conviction, the person
23 shall be denied the right to have a handgun license pursuant to the
24

1 provisions of Section 1290.10 of this title and the Oklahoma State
2 Bureau of Investigation shall revoke the handgun license, if issued;

3 6. Two passport-size photographs of the applicant shall be
4 submitted with the completed application. The cost of the
5 photographs shall be the responsibility of the applicant. The
6 sheriff is authorized to take the photograph of the applicant for
7 purposes of the Oklahoma Self-Defense Act and, if such photographs
8 are taken by the sheriff, the cost of the photographs shall not
9 exceed Ten Dollars (\$10.00) for the two photos. All money received
10 by the sheriff from photographing applicants pursuant to the
11 provisions of this paragraph shall be retained by the sheriff and
12 deposited into the Sheriff's Service Fee Account;

13 7. The sheriff shall witness the signature of the applicant and
14 review or take the photographs of the applicant and shall verify
15 that the person making application for a handgun license is the same
16 person in the photographs submitted and the same person who signed
17 the application form. Proof of a valid Oklahoma driver license with
18 a photograph of the applicant or an Oklahoma ~~state~~ state photo
19 identification for the applicant shall be required to be presented
20 by the applicant to the sheriff for verification of the person's
21 identity;

22 8. Upon verification of the identity of the applicant, the
23 sheriff shall take two complete sets of fingerprints of the
24 applicant. Both sets of fingerprints shall be submitted by the

1 sheriff with the completed application, certificate of training or
2 an exemption certificate, photographs and processing fee to the
3 Oklahoma State Bureau of Investigation within fourteen (14) days of
4 taking the fingerprints. The cost of the fingerprints shall be paid
5 by the applicant and shall not exceed Twenty-five Dollars (\$25.00)
6 for the two sets. All fees collected by the sheriff from taking
7 fingerprints pursuant to the provisions of this paragraph shall be
8 retained by the sheriff and deposited into the Sheriff's Service Fee
9 Account;

10 9. The sheriff shall submit to the Oklahoma State Bureau of
11 Investigation within the fourteen-day period, together with the
12 completed application, including the certificate of training,
13 certificate of competency and qualification or exemption
14 certificate, photographs, processing fee and legible fingerprints
15 meeting the Oklahoma State Bureau of Investigation's Automated
16 Fingerprint Identification System (AFIS) submission standards, and a
17 report of information deemed pertinent to an investigation of the
18 applicant for a handgun license. The sheriff shall make a
19 preliminary investigation of pertinent information about the
20 applicant and the court clerk shall assist the sheriff in locating
21 pertinent information in court records for this purpose. If no
22 pertinent information is found to exist either for or against the
23 applicant, the sheriff shall so indicate in the report;

24

1 10. The Oklahoma State Bureau of Investigation, upon receipt of
2 the application and required information from the sheriff, shall
3 forward one full set of fingerprints of the applicant to the Federal
4 Bureau of Investigation for a national criminal history records
5 search. The cost of processing the fingerprints nationally shall be
6 paid from the processing fee collected by the Oklahoma State Bureau
7 of Investigation;

8 11. Notwithstanding the provisions of the Oklahoma Self-Defense
9 Act, or any other provisions of law, any person who has been granted
10 a permanent victim's protective order by the court, as provided for
11 in the Protection from Domestic Abuse Act, may be issued a temporary
12 handgun license for a period not to exceed six (6) months. A
13 temporary handgun license may be issued if the person has
14 successfully passed the required weapons course, completed the
15 application process for the handgun license, passed the preliminary
16 investigation of the person by the sheriff and court clerk, and
17 provided the sheriff proof of a certified permanent victim
18 protection order and a valid Oklahoma state photo identification
19 card or driver license. The sheriff shall issue a temporary handgun
20 license on a form approved by the Oklahoma State Bureau of
21 Investigation, at no cost. Any person who has been issued a
22 temporary license shall carry the temporary handgun license and a
23 valid Oklahoma state photo identification on his or her person at
24 all times, and shall be subject to all the requirements of the

1 Oklahoma Self-Defense Act when carrying a handgun. The person may
2 proceed with the handgun licensing process. In the event the
3 victim's protection order is no longer enforceable, the temporary
4 handgun license shall cease to be valid;

5 12. The Oklahoma State Bureau of Investigation shall make a
6 reasonable effort to investigate the information submitted by the
7 applicant and the sheriff, to ascertain whether or not the issuance
8 of a handgun license would be in violation of the provisions of the
9 Oklahoma Self-Defense Act. The investigation by the Bureau of an
10 applicant shall include, but shall not be limited to: a statewide
11 criminal history records search, a national criminal history records
12 search, a Federal Bureau of Investigation fingerprint search, and if
13 applicable, an investigation of medical records or other records or
14 information deemed by the Bureau to be relevant to the application.

15 a. In the course of the investigation by the Bureau, it
16 shall present the name of the applicant along with any
17 known aliases, the address of the applicant and the
18 social security number of the applicant to the
19 Department of Mental Health and Substance Abuse
20 Services. The Department of Mental Health and
21 Substance Abuse Services shall respond within ten (10)
22 days of receiving such information to the Bureau as
23 follows:

24

1 (1) with a "Yes" answer, if the records of the
2 Department indicate that the person was
3 involuntarily committed to a mental institution
4 in Oklahoma,

5 (2) with a "No" answer, if there are no records
6 indicating the name of the person as a person
7 involuntarily committed to a mental institution
8 in Oklahoma, or

9 (3) with an "Inconclusive" answer if the records of
10 the Department suggest the applicant may be a
11 formerly committed person. In the case of an
12 inconclusive answer, the Bureau shall ask the
13 applicant whether he or she was involuntarily
14 committed. If the applicant states under penalty
15 of perjury that he or she has not been
16 involuntarily committed, the Bureau shall
17 continue processing the application for a
18 license.

19 b. In the course of the investigation by the Bureau, it
20 shall check the name of any applicant who is twenty-
21 eight (28) years of age or younger along with any
22 known aliases, the address of the applicant and the
23 social security number of the applicant against the
24 records in the Juvenile Online Tracking System (JOLTS)

1 of the Office of Juvenile Affairs. The Office of
2 Juvenile Affairs shall provide the Bureau direct
3 access to check the applicant against the records
4 available on JOLTS.

5 (1) If the Bureau finds a record on the JOLTS that
6 indicates the person was adjudicated a delinquent
7 for an offense that would constitute a felony
8 offense if committed by an adult within the last
9 ten (10) years the Bureau shall deny the license,

10 (2) If the Bureau finds no record on the JOLTS
11 indicating the named person was adjudicated
12 delinquent for an offense that would constitute a
13 felony offense if committed by an adult within
14 the last ten (10) years, or

15 (3) If the records suggest the applicant may have
16 been adjudicated delinquent for an offense that
17 would constitute a felony offense if committed by
18 an adult but such record is inconclusive, the
19 Bureau shall ask the applicant whether he or she
20 was adjudicated a delinquent for an offense that
21 would constitute a felony offense if committed by
22 an adult within the last ten (10) years. If the
23 applicant states under penalty of perjury that he
24 or she was not adjudicated a delinquent within

1 ten (10) years, the Bureau shall continue
2 processing the application for a license; and

3 13. If the background check set forth in paragraph ~~11~~ 12 of
4 this subsection reveals no records pertaining to the applicant, the
5 Oklahoma State Bureau of Investigation shall either issue a handgun
6 license or deny the application within sixty (60) days of the date
7 of receipt of the applicant's completed application and the required
8 information from the sheriff. In all other cases, the Oklahoma
9 State Bureau of Investigation shall either issue a handgun license
10 or deny the application within ninety (90) days of the date of the
11 receipt of the applicant's completed application and the required
12 information from the sheriff. The Bureau shall approve an applicant
13 who appears to be in full compliance with the provisions of the
14 Oklahoma Self-Defense Act, if completion of the federal fingerprint
15 search is the only reason for delay of the issuance of the handgun
16 license to that applicant. Upon receipt of the federal fingerprint
17 search information, if the Bureau receives information which
18 precludes the person from having a handgun license, the Bureau shall
19 revoke the handgun license previously issued to the applicant. The
20 Bureau shall deny a license when the applicant fails to properly
21 complete the application form or application process or is
22 determined not to be eligible as specified by the provisions of
23 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall
24 approve an application in all other cases. If an application is

1 denied, the Bureau shall notify the applicant in writing of its
2 decision. The notification shall state the grounds for the denial
3 and inform the applicant of the right to an appeal as may be
4 provided by the provisions of the Administrative Procedures Act.
5 All notices of denial shall be mailed by first-class mail to the
6 address of the applicant listed in the application. Within sixty
7 (60) calendar days from the date of mailing a denial of application
8 to an applicant, the applicant shall notify the Bureau in writing of
9 the intent to appeal the decision of denial or the right of the
10 applicant to appeal shall be deemed waived. Any administrative
11 hearing on a denial which may be provided shall be conducted by a
12 hearing examiner appointed by the Bureau. The decision of the
13 hearing examiner shall be a final decision appealable to a district
14 court in accordance with the Administrative Procedures Act. When an
15 application is approved, the Bureau shall issue the license and
16 shall mail the license by first-class mail to the address of the
17 applicant listed in the application.

18 B. Nothing contained in any provision of the Oklahoma Self-
19 Defense Act shall be construed to require or authorize the
20 registration, documentation or providing of serial numbers with
21 regard to any firearm. For purposes of the Oklahoma Self-Defense
22 Act, the sheriff may designate a person to receive, fingerprint,
23 photograph or otherwise process applications for handgun licenses.

24

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.14, as
2 last amended by Section 1, Chapter 123, O.S.L. 2014 (21 O.S. Supp.
3 2014, Section 1290.14), is amended to read as follows:

4 Section 1290.14

5 SAFETY AND TRAINING COURSE

6 A. Each applicant for a license to carry a concealed or
7 unconcealed handgun pursuant to the Oklahoma Self-Defense Act must
8 successfully complete a firearms safety and training course in this
9 state conducted by a registered and approved firearms instructor as
10 provided by the provisions of this section or from an interactive
11 online firearms safety and training course available electronically
12 via the Internet approved and certified by the Council on Law
13 Enforcement Education and Training. The applicant must further
14 demonstrate competence and qualification with an authorized pistol
15 of the type or types that the applicant desires to carry as a
16 concealed or unconcealed handgun pursuant to the provisions of the
17 Oklahoma Self-Defense Act, except certain persons may be exempt from
18 such training requirement as provided by the provisions of Section
19 1290.15 of this title.

20 B. The Council on Law Enforcement Education and Training
21 (CLEET) shall establish criteria for approving firearms instructors
22 and interactive online firearms safety and training courses
23 available electronically via the Internet for purposes of training
24 and qualifying individuals for a handgun license pursuant to the

1 provisions of the Oklahoma Self-Defense Act. Prior to submitting an
2 application for CLEET approval as a firearms instructor, applicants
3 shall attend a firearms instructor school, meeting the following
4 minimum requirements:

5 1. Firearms instructor training conducted by one of the
6 following entities:

- 7 a. Council on Law Enforcement Education and Training,
- 8 b. National Rifle Association,
- 9 c. Oklahoma Rifle Association,
- 10 d. federal law enforcement agencies, or
- 11 e. other professionally recognized organizations;

12 2. The course shall be at least sixteen (16) hours in length;

13 3. Upon completion of the course, the applicant shall be
14 qualified to provide instruction on revolvers, semiautomatic
15 pistols, or both; and

16 4. Receive a course completion certificate.

17 All firearms instructors shall be required to meet the
18 eligibility requirements for a handgun license as provided in
19 Sections 1290.9, 1290.10, and 1290.11 of this title, and the
20 application shall be processed as provided for applicants in Section
21 1290.12 of this title, including the state and national criminal
22 history records search and fingerprint search. A firearms
23 instructor shall be required to pay a fee of One Hundred Dollars
24 (\$100.00) to the Council on Law Enforcement Education and Training

1 (CLEET) each time the person makes application for CLEET approval as
2 a firearms instructor pursuant to the provisions of the Oklahoma
3 Self-Defense Act. The fee shall be retained by CLEET and shall be
4 deposited into the Firearms Instructors Revolving Fund. CLEET shall
5 promulgate the rules, forms and procedures necessary to implement
6 the approval of firearms instructors as authorized by the provisions
7 of this subsection. CLEET shall periodically review each approved
8 instructor during a training and qualification course to assure
9 compliance with the rules and course contents. Any violation of the
10 rules may result in the revocation or suspension of CLEET and
11 Oklahoma State Bureau of Investigation approval. Unless the
12 approval has been revoked or suspended, a firearms instructor's
13 CLEET approval shall be for a term of five (5) years. Beginning on
14 July 1, 2003, any firearms instructor who has been issued a four-
15 year CLEET approval shall not be eligible for the five-year approval
16 until the expiration of the approval previously issued. CLEET shall
17 be responsible for notifying all approved firearms instructors of
18 statutory and policy changes related to the Oklahoma Self-Defense
19 Act. A firearms instructor shall not be required to submit his or
20 her fingerprints for a fingerprint search when renewing a firearms
21 instructor's CLEET approval.

22 C. 1. All firearms instructors approved by CLEET to train and
23 qualify individuals for a handgun license shall be required to apply
24 for registration with the Oklahoma State Bureau of Investigation

1 after receiving CLEET approval. All firearms instructors teaching
2 the approved course for a handgun license must display their
3 registration certificate during each training and qualification
4 course. Each approved firearms instructor shall complete a
5 registration form provided by the Bureau and shall have the option
6 to pay a registration fee of either One Hundred Dollars (\$100.00)
7 for a five-year registration certificate or Two Hundred Dollars
8 (\$200.00) for a ten-year registration certificate to the Bureau at
9 the time of each application for registration, except as provided in
10 paragraph 2 of this subsection. Registration certificates issued by
11 the Bureau shall be valid for a period of five (5) years or ten (10)
12 years from the date of issuance. The Bureau shall issue a five-year
13 or ten-year handgun license to an approved firearms instructor at
14 the time of issuance of a registration certificate and no additional
15 fee shall be required or charged. The Bureau shall maintain a
16 current listing of all registered firearms instructors in this
17 state. Nothing in this paragraph shall be construed to eliminate
18 the requirement for registration and training with CLEET as provided
19 in subsection B of this section. Failure to register or be trained
20 as required shall result in a revocation or suspension of the
21 instructor certificate by the Bureau.

22 2. On or after July 1, 2003, the registered instructors listed
23 in subparagraphs a and b of this paragraph shall not be required to
24 renew the firearms instructor registration certificate with the

1 Oklahoma State Bureau of Investigation at the expiration of the
2 registration term, provided the instructor is not subject to any
3 suspension or revocation of the firearms instructor certificate.
4 The firearms instructor registration with the Oklahoma State Bureau
5 of Investigation shall automatically renew together with the handgun
6 license authorized in paragraph 1 of this subsection for an
7 additional five-year term and no additional cost or fee may be
8 charged for the following individuals:

- 9 a. an active duty law enforcement officer of this state
10 or any of its political subdivisions or of the federal
11 government who has a valid CLEET approval as a
12 firearms instructor pursuant to the Oklahoma Self-
13 Defense Act, and
- 14 b. a retired law enforcement officer authorized to carry
15 a firearm pursuant to Section 1289.8 of this title who
16 has a valid CLEET approval as a firearms instructor
17 pursuant to the Oklahoma Self-Defense Act.

18 D. The Oklahoma State Bureau of Investigation shall approve
19 registration for a firearms instructor applicant who is in full
20 compliance with CLEET rules regarding firearms instructors and the
21 provisions of subsection B of this section, if completion of the
22 federal fingerprint search is the only reason for delay of
23 registration of that firearms instructor applicant. Upon receipt of
24 the federal fingerprint search information, if the Bureau receives

1 information which precludes the person from having a handgun
2 license, the Bureau shall revoke both the registration and the
3 handgun license previously issued to the firearms instructor.

4 E. The required firearms safety and training course and the
5 actual demonstration of competency and qualification required of the
6 applicant shall be designed and conducted in such a manner that the
7 course can be reasonably completed by the applicant within an eight-
8 hour period. CLEET shall establish the course content and
9 promulgate rules, procedures and forms necessary to implement the
10 provisions of this subsection. For the training and qualification
11 course, an applicant may be charged a fee which shall be determined
12 by the instructor or entity that is conducting the course. The
13 maximum class size shall be determined by the instructor conducting
14 the course; provided, however, practice shooting sessions shall not
15 have more than ten participating students at one time. CLEET may
16 establish criteria for assistant instructors and any other
17 requirements deemed necessary to conduct a safe and effective
18 training and qualification course. The course content shall include
19 a safety inspection of the firearm to be used by the applicant in
20 the training course; instruction on pistol handling, safety and
21 storage; dynamics of ammunition and firing; methods or positions for
22 firing a pistol; information about the criminal provisions of the
23 Oklahoma law relating to firearms; the requirements of the Oklahoma
24 Self-Defense Act as it relates to the applicant; self-defense and

1 the use of appropriate force; a practice shooting session; and a
2 familiarization course. The firearms instructor shall refuse to
3 train or qualify any person when the pistol to be used or carried by
4 the person is either deemed unsafe or unfit for firing or is a
5 weapon not authorized by the Oklahoma Self-Defense Act. The course
6 shall provide an opportunity for the applicant to qualify himself or
7 herself on either a derringer, a revolver, a semiautomatic pistol or
8 any combination of a derringer, a revolver and a semiautomatic
9 pistol, provided no pistol shall be capable of firing larger than
10 .45 caliber ammunition. Any applicant who successfully trains and
11 qualifies himself or herself with a semiautomatic pistol may be
12 approved by the firearms instructor on the training certificate for
13 a semiautomatic pistol, a revolver and a derringer upon request of
14 the applicant. Any person who qualifies on a derringer or revolver
15 shall not be eligible for a semiautomatic rating until the person
16 has demonstrated competence and qualifications on a semiautomatic
17 pistol. Upon successful completion of the training and
18 qualification course, a certificate of training and a certificate of
19 competency and qualification shall be issued to each applicant who
20 successfully completes the course. The certificate of training and
21 certificate of competency and qualification shall comply with the
22 ~~form~~ forms established by CLEET and shall be submitted with an
23 application for a handgun license pursuant to the provisions of
24 paragraph 2 of subsection A of Section 1290.12 of this title. The

1 certificate of ~~completion~~ training and certificate of competency and
2 qualification issued to an applicant shall be valid for a period of
3 three (3) years.

4 F. There is hereby created a revolving fund for the Council on
5 Law Enforcement Education and Training (CLEET), to be designated the
6 "Firearms Instructors Revolving Fund". The fund shall be a
7 continuing fund, not subject to fiscal year limitations, and shall
8 consist of all funds received for approval of firearms instructors
9 for purposes of the Oklahoma Self-Defense Act. All funds received
10 shall be deposited to the fund. All monies accruing to the credit
11 of said fund are hereby appropriated and may be budgeted and
12 expended by the Council on Law Enforcement Education and Training,
13 for implementation of the training and qualification course
14 contents, approval of firearms instructors and any other CLEET
15 requirement pursuant to the provisions of the Oklahoma Self-Defense
16 Act or as may otherwise be deemed appropriate by CLEET.
17 Expenditures from said fund shall be made upon warrants issued by
18 the State Treasurer against claims filed as prescribed by law with
19 the Director of the Office of Management and Enterprise Services for
20 approval and payment.

21 G. Firearms instructors shall keep on file for a period of not
22 less than three (3) years a roster of each training class, the
23 safety test score of each individual, the caliber and type of weapon
24 each individual used when qualifying and whether or not each

1 individual successfully completed the training course. Firearms
2 instructors shall be authorized to destroy all training documents
3 and records upon expiration of the three-year time period.

4 ~~SECTION 3. It being immediately necessary for the preservation~~
5 ~~of the public peace, health and safety, an emergency is hereby~~
6 ~~declared to exist, by reason whereof this act shall take effect and~~
7 ~~be in full force from and after its passage and approval.~~

8 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
9 April 9, 2015 - DO PASS AS AMENDED

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24