

1 ENGROSSED SENATE
2 BILL NO. 959

By: Paddock of the Senate

3 and

4 Thomsen of the House

5
6 An Act relating to firearms; amending 21 O.S. 2011,
7 Section 1289.8, as amended by Section 2, Chapter 144,
8 O.S.L. 2015 (21 O.S. Supp. 2015, Section 1289.8),
9 which relates to carrying a concealed weapon;
10 clarifying definitions; modifying certain
11 requirements; amending 21 O.S. 2011, Section 1290.12,
12 as last amended by Section 1, Chapter 207, O.S.L.
13 2015 (21 O.S. 2015, Section 1290.12), which relates
14 to the procedure for application; clarifying
15 language; and providing an 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 amended by Section 2, Chapter 144, O.S.L. 2015 (21 O.S. Supp. 2015,
19 Section 1289.8), is amended to read as follows:

20 Section 1289.8.

21 CARRYING CONCEALED 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
retired, or any federal law enforcement officer who is retired may
retain their status as a peace officer, retired, in the State of
Oklahoma, and as such may carry a ~~concealed pistol~~ firearm pursuant

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

9 B. The Council on Law Enforcement Education and Training
10 (CLEET) shall issue an identification card to eligible retired
11 federal, state, county, and municipal peace officers which
12 authorizes the retired peace officer to carry a ~~concealed pistol~~
13 firearm anywhere in the State of Oklahoma. The identification card
14 shall bear the full name of the retired officer, the signature of
15 the retired officer, the date of issuance, and such other
16 information as may be deemed appropriate by CLEET. The card shall
17 ~~not expire, but~~ every ten (10) years and may be denied, suspended or
18 revoked as provided by the rules promulgated by CLEET or upon the
19 discovery of any preclusion prescribed in Section 1290.10 or 1290.11
20 of this title. ~~The~~ In order to renew the permit, the Council on Law
21 Enforcement Education and Training shall request, pursuant to
22 Section 150.9 of Title 74 of the Oklahoma Statutes, the Oklahoma
23 State Bureau of Investigation to conduct a state and national
24 criminal history records search on each retired peace officer

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

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

15 1. A statement from the appropriate ~~retirement system verifying~~
16 ~~the status of the person as a retired peace officer of the~~
17 ~~jurisdiction or, if the retired peace officer does not participate~~
18 ~~in a retirement system, a statement from the appropriate law~~
19 enforcement agency verifying the status of the person as a retired
20 peace officer of that jurisdiction, ~~and the reason why the retired~~
21 ~~peace officer does not participate in a retirement system; and~~

22 2. A notarized statement, signed by the retired peace officer
23 and the head of the agency from which the peace officer retired,
24 stating that the officer:

- 1 a. has not been convicted of and is currently not subject
2 to any pending criminal prosecution for any ~~felony~~
3 ~~offense, any drug related offense, aggravated assault~~
4 ~~and battery or any offense involving impairment by~~
5 ~~drugs or alcohol~~ preclusion prescribed in Section
6 1290.10 or 1290.11 of this title,
- 7 b. has not been forced into retirement due to any mental
8 disorder, and
- 9 c. has not suffered any injury or any physical or mental
10 impairment which would render the person unsafe to
11 carry a ~~concealed pistol~~ firearm.

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

18 E. The Council on Law Enforcement Education and Training shall
19 promulgate rules and procedures necessary to implement the
20 provisions of this section.

21 F. Any peace officer, retired, who carries any ~~pistol~~ firearm
22 in violation of the provisions of this section shall be deemed to be
23 in violation of Section 1272 of this title and may be prosecuted as
24 provided by law for a violation of that section.

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.12, as
2 last amended by Section 1, Chapter 207, O.S.L. 2015 (21 O.S. Supp.
3 2015, Section 1290.12), is amended to read as follows:

4 Section 1290.12.

5 PROCEDURE FOR APPLICATION

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

9 1. An eligible person may request an application packet for a
10 handgun license from the Oklahoma State Bureau of Investigation or
11 the county sheriff's office either in person or by mail. The Bureau
12 may provide application packets to each sheriff not exceeding two
13 hundred packets per request. The Bureau shall provide the following
14 information in the application packet:

- 15 a. an application form,
- 16 b. procedures to follow to process the application form,
- 17 and
- 18 c. a copy of the Oklahoma Self-Defense Act with any
19 modifications thereto;

20 2. The person shall be required to successfully complete a
21 firearms safety and training course from a firearms instructor who
22 is approved and registered in this state as provided in Section
23 1290.14 of this title or from an interactive online firearms safety
24 and training course available electronically via the Internet which

1 has been approved and certified as to curriculum by the Council on
2 Law Enforcement Education and Training, and the person shall be
3 required to demonstrate competency and qualification with a pistol
4 authorized for concealed or unconcealed carry by the Oklahoma Self-
5 Defense Act. The original certificate of successful completion of a
6 firearms safety and training course and an original certificate of
7 successful demonstration of competency and qualification to carry
8 and handle a pistol shall be submitted with the application for a
9 handgun license. No duplicate, copy, facsimile or other
10 reproduction of the certificate of training, certificate of
11 competency and qualification or exemption from training shall be
12 acceptable as proof of training as required by the provisions of the
13 Oklahoma Self-Defense Act. A person exempt from the training
14 requirements as provided in Section 1290.15 of this title must show
15 the required proof of such exemption to the firearms instructor to
16 receive an exemption certificate. The original exemption
17 certificate must be submitted with the application for a handgun
18 license when the person claims an exemption from training and
19 qualification;

20 3. The application form shall be completed and delivered by the
21 applicant, in person, to the sheriff of the county wherein the
22 applicant resides;

23 4. The person shall deliver to the sheriff at the time of
24 delivery of the completed application form a fee of One Hundred

1 Dollars (\$100.00) for processing the application through the
2 Oklahoma State Bureau of Investigation and processing the required
3 fingerprints through the Federal Bureau of Investigation. The
4 processing fee shall be in the form of:

5 a. a money order or a cashier's check made payable to the
6 Oklahoma State Bureau of Investigation,

7 b. ~~by~~ a nationally recognized credit card issued to the
8 applicant. For purposes of this paragraph,

9 "nationally recognized credit card" means any
10 instrument or device, whether known as a credit card,
11 credit plate, charge plate, or by any other name,
12 issued with or without fee by the issuer for the use
13 of the cardholder in obtaining goods, services, or
14 anything else of value on credit which is accepted by
15 over one thousand merchants in the state. The
16 Oklahoma State Bureau of Investigation shall determine
17 which nationally recognized credit cards will be
18 accepted by the Bureau, or

19 c. ~~by~~ electronic funds transfer.

20 The processing fee shall not be refundable in the event of a
21 denial of a handgun license or any suspension or revocation
22 subsequent to the issuance of a license. Persons making application
23 for a firearms instructor shall not be required to pay the
24

1 application fee as provided in this section, but shall be required
2 to pay the costs provided in paragraphs 6 and 8 of this subsection;

3 5. The completed application form shall be signed by the
4 applicant in person before the sheriff. The signature shall be
5 given voluntarily upon a sworn oath that the person knows the
6 contents of the application and that the information contained in
7 the application is true and correct. Any person making any false or
8 misleading statement on an application for a handgun license shall,
9 upon conviction, be guilty of perjury as defined by Section 491 of
10 this title. Any conviction shall be punished as provided in Section
11 500 of this title. In addition to a criminal conviction, the person
12 shall be denied the right to have a handgun license pursuant to the
13 provisions of Section 1290.10 of this title and the Oklahoma State
14 Bureau of Investigation shall revoke the handgun license, if issued;

15 6. Two passport-size photographs of the applicant shall be
16 submitted with the completed application. The cost of the
17 photographs shall be the responsibility of the applicant. The
18 sheriff is authorized to take the photograph of the applicant for
19 purposes of the Oklahoma Self-Defense Act and, if such photographs
20 are taken by the sheriff, the cost of the photographs shall not
21 exceed Ten Dollars (\$10.00) for the two photos. All money received
22 by the sheriff from photographing applicants pursuant to the
23 provisions of this paragraph shall be retained by the sheriff and
24 deposited into the Sheriff's Service Fee Account;

1 7. The sheriff shall witness the signature of the applicant and
2 review or take the photographs of the applicant and shall verify
3 that the person making application for a handgun license is the same
4 person in the photographs submitted and the same person who signed
5 the application form. Proof of a valid Oklahoma driver license with
6 a photograph of the applicant or an Oklahoma state photo
7 identification for the applicant shall be required to be presented
8 by the applicant to the sheriff for verification of the person's
9 identity;

10 8. Upon verification of the identity of the applicant, the
11 sheriff shall take two complete sets of fingerprints of the
12 applicant. Both sets of fingerprints shall be submitted by the
13 sheriff with the completed application, certificate of training or
14 an exemption certificate, photographs and processing fee to the
15 Oklahoma State Bureau of Investigation within fourteen (14) days of
16 taking the fingerprints. The cost of the fingerprints shall be paid
17 by the applicant and shall not exceed Twenty-five Dollars (\$25.00)
18 for the two sets. All fees collected by the sheriff from taking
19 fingerprints pursuant to the provisions of this paragraph shall be
20 retained by the sheriff and deposited into the Sheriff's Service Fee
21 Account;

22 9. The sheriff shall submit to the Oklahoma State Bureau of
23 Investigation within the fourteen-day period, together with the
24 completed application, including the certificate of training,

1 certificate of competency and qualification or exemption
2 certificate, photographs, processing fee and legible fingerprints
3 meeting the Oklahoma State Bureau of Investigation's Automated
4 Fingerprint Identification System (AFIS) submission standards, and a
5 report of information deemed pertinent to an investigation of the
6 applicant for a handgun license. The sheriff shall make a
7 preliminary investigation of pertinent information about the
8 applicant, and the court clerk shall assist the sheriff in locating
9 pertinent information in court records for this purpose. If no
10 pertinent information is found to exist either for or against the
11 applicant, the sheriff shall so indicate in the report;

12 10. The Oklahoma State Bureau of Investigation, upon receipt of
13 the application and required information from the sheriff, shall
14 forward one full set of fingerprints of the applicant to the Federal
15 Bureau of Investigation for a national criminal history records
16 search. The cost of processing the fingerprints nationally shall be
17 paid from the processing fee collected by the Oklahoma State Bureau
18 of Investigation;

19 11. Notwithstanding the provisions of the Oklahoma Self-Defense
20 Act, or any other provisions of law, any person who has been granted
21 a permanent ~~victim's~~ victim protective order by the court, as
22 provided for in the Protection from Domestic Abuse Act, may be
23 issued a temporary handgun license for a period not to exceed six
24 (6) months. A temporary handgun license may be issued if the person

1 has successfully passed the required weapons course, completed the
2 application process for the handgun license, passed the preliminary
3 investigation of the person by the sheriff and court clerk, and
4 provided the sheriff proof of a certified permanent victim
5 ~~protection~~ protective order and a valid Oklahoma state photo
6 identification card or driver license. The sheriff shall issue a
7 temporary handgun license on a form approved by the Oklahoma State
8 Bureau of Investigation, at no cost. Any person who has been issued
9 a temporary license shall carry the temporary handgun license and a
10 valid Oklahoma state photo identification on his or her person at
11 all times, and shall be subject to all the requirements of the
12 Oklahoma Self-Defense Act when carrying a handgun. The person may
13 proceed with the handgun licensing process. In the event the
14 ~~victim's protection~~ victim protective order is no longer
15 enforceable, the temporary handgun license shall cease to be valid;

16 12. The Oklahoma State Bureau of Investigation shall make a
17 reasonable effort to investigate the information submitted by the
18 applicant and the sheriff, to ascertain whether or not the issuance
19 of a handgun license would be in violation of the provisions of the
20 Oklahoma Self-Defense Act. The investigation by the Bureau of an
21 applicant shall include, but shall not be limited to: a statewide
22 criminal history records search, a national criminal history records
23 search, a Federal Bureau of Investigation fingerprint search, and,
24 if applicable, an investigation of medical records or other records

1 or information deemed by the Bureau to be relevant to the
2 application.

3 a. In the course of the investigation by the Bureau, it
4 shall present the name of the applicant along with any
5 known aliases, the address of the applicant and the
6 social security number of the applicant to the
7 Department of Mental Health and Substance Abuse
8 Services. The Department of Mental Health and
9 Substance Abuse Services shall respond within ten (10)
10 days of receiving such information to the Bureau as
11 follows:

12 (1) with a "Yes" answer, if the records of the
13 Department indicate that the person was
14 involuntarily committed to a mental institution
15 in Oklahoma,

16 (2) with a "No" answer, if there are no records
17 indicating the name of the person as a person
18 involuntarily committed to a mental institution
19 in Oklahoma, or

20 (3) with an "Inconclusive" answer if the records of
21 the Department suggest the applicant may be a
22 formerly committed person. In the case of an
23 inconclusive answer, the Bureau shall ask the
24 applicant whether he or she was involuntarily

1 committed. If the applicant states under penalty
2 of perjury that he or she has not been
3 involuntarily committed, the Bureau shall
4 continue processing the application for a
5 license.

6 b. In the course of the investigation by the Bureau, it
7 shall check the name of any applicant who is twenty-
8 eight (28) years of age or younger along with any
9 known aliases, the address of the applicant and the
10 social security number of the applicant against the
11 records in the Juvenile Online Tracking System (JOLTS)
12 of the Office of Juvenile Affairs. The Office of
13 Juvenile Affairs shall provide the Bureau direct
14 access to check the applicant against the records
15 available on JOLTS~~;~~,

16 (1) ~~If~~ if the Bureau finds a record on the JOLTS that
17 indicates the person was adjudicated a delinquent
18 for an offense that would constitute a felony
19 offense if committed by an adult within the last
20 ten (10) years, the Bureau shall deny the
21 license,

22 (2) ~~If~~ if the Bureau finds no record on the JOLTS
23 indicating the named person was adjudicated
24 delinquent for an offense that would constitute a

1 felony offense if committed by an adult within
2 the last ten (10) years, or

3 (3) ~~If~~ if the records suggest the applicant may have
4 been adjudicated delinquent for an offense that
5 would constitute a felony offense if committed by
6 an adult but such record is inconclusive, the
7 Bureau shall ask the applicant whether he or she
8 was adjudicated a delinquent for an offense that
9 would constitute a felony offense if committed by
10 an adult within the last ten (10) years. If the
11 applicant states under penalty of perjury that he
12 or she was not adjudicated a delinquent within
13 ten (10) years, the Bureau shall continue
14 processing the application for a license; and

15 13. If the background check set forth in paragraph 12 of this
16 subsection reveals no records pertaining to the applicant, the
17 Oklahoma State Bureau of Investigation shall either issue a handgun
18 license or deny the application within sixty (60) days of the date
19 of receipt of the applicant's completed application and the required
20 information from the sheriff. In all other cases, the Oklahoma
21 State Bureau of Investigation shall either issue a handgun license
22 or deny the application within ninety (90) days of the date of the
23 receipt of the applicant's completed application and the required
24 information from the sheriff. The Bureau shall approve an applicant

1 | who appears to be in full compliance with the provisions of the
2 | Oklahoma Self-Defense Act, if completion of the federal fingerprint
3 | search is the only reason for delay of the issuance of the handgun
4 | license to that applicant. Upon receipt of the federal fingerprint
5 | search information, if the Bureau receives information which
6 | precludes the person from having a handgun license, the Bureau shall
7 | revoke the handgun license previously issued to the applicant. The
8 | Bureau shall deny a license when the applicant fails to properly
9 | complete the application form or application process or is
10 | determined not to be eligible as specified by the provisions of
11 | Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall
12 | approve an application in all other cases. If an application is
13 | denied, the Bureau shall notify the applicant in writing of its
14 | decision. The notification shall state the grounds for the denial
15 | and inform the applicant of the right to an appeal as may be
16 | provided by the provisions of the Administrative Procedures Act.
17 | All notices of denial shall be mailed by first-class mail to the
18 | address of the applicant listed in the application. Within sixty
19 | (60) calendar days from the date of mailing a denial of application
20 | to an applicant, the applicant shall notify the Bureau in writing of
21 | the intent to appeal the decision of denial or the right of the
22 | applicant to appeal shall be deemed waived. Any administrative
23 | hearing on a denial which may be provided shall be conducted by a
24 | hearing examiner appointed by the Bureau. The decision of the

1 hearing examiner shall be a final decision appealable to a district
2 court in accordance with the Administrative Procedures Act. When an
3 application is approved, the Bureau shall issue the license and
4 shall mail the license by first-class mail to the address of the
5 applicant listed in the application.

6 B. Nothing contained in any provision of the Oklahoma Self-
7 Defense Act shall be construed to require or authorize the
8 registration, documentation or providing of serial numbers with
9 regard to any firearm. For purposes of the Oklahoma Self-Defense
10 Act, the sheriff may designate a person to receive, fingerprint,
11 photograph or otherwise process applications for handgun licenses.

12 SECTION 3. This act shall become effective November 1, 2016.

13 Passed the Senate the 9th day of March, 2016.

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Presiding Officer of the Senate

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17 Passed the House of Representatives the ____ day of _____,

18 2016.

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Presiding Officer of the House
of Representatives

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