

1 ENGROSSED HOUSE
2 BILL NO. 3693

By: Gann of the House

3 and

4 Brecheen of the Senate

5
6
7 [firearms - Oklahoma Self-Defense Act - modifying
8 handgun license renewal procedures - effective date]
9

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

13 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.2, as
14 last amended by Section 2, Chapter 13, O.S.L. 2017 (21 O.S. Supp.
15 2017, Section 1290.2), is amended to read as follows:

16 Section 1290.2

17 DEFINITIONS

18 A. As used in the Oklahoma Self-Defense Act:

19 1. "Concealed handgun" means a loaded or unloaded pistol or
20 handgun not openly visible to the ordinary observation of a
21 reasonable person;

22 2. "Unconcealed handgun" or "open carry" means a loaded or
23 unloaded pistol or handgun carried upon the person in a holster
24

1 where the firearm is visible, or carried upon the person using a
2 scabbard, sling or case designed for carrying firearms; ~~and~~

3 3. "Pistol" or "handgun" means any derringer, revolver or
4 semiautomatic firearm which:

5 a. has an overall barrel or barrels length of less than
6 sixteen (16) inches,

7 b. is capable of discharging single or multiple
8 projectiles from a single round of ammunition composed
9 of any material which may reasonably be expected to be
10 able to cause lethal injury,

11 c. can be held and fired by the use of one or both hands,
12 and

13 d. uses a combustible propellant charge to propel the
14 projectile or projectiles;

15 4. "Resident" means any person who either possesses a valid
16 Oklahoma driver license or state photo identification card and
17 physically maintains a residence in this state or any person,
18 including the spouse of the person, who has permanent military
19 orders within this state and possesses a valid driver license from
20 another state where such person and spouse of such person claim
21 residency; and

22 5. "Nonresident" means a person who has not resided in this
23 state.

24

1 B. The definition of pistol or handgun for purposes of the
2 Oklahoma Self-Defense Act shall not apply to imitation pistols,
3 flare guns, underwater fishing guns or blank pistols.

4 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.5, as
5 last amended by Section 1, Chapter 122, O.S.L. 2014 (21 O.S. Supp.
6 2017, Section 1290.5), is amended to read as follows:

7 Section 1290.5

8 TERM OF LICENSE AND RENEWAL

9 A. A handgun license when issued shall authorize the person to
10 whom the license is issued to carry a loaded or unloaded handgun,
11 concealed or unconcealed, as authorized by the provisions of the
12 Oklahoma Self-Defense Act, and any future modifications thereto.
13 The license shall be valid in this state for a period of five (5) ~~or~~
14 ~~ten (10)~~ years, unless subsequently surrendered, suspended or
15 revoked as provided by law. The person shall have no authority to
16 continue to carry a concealed or unconcealed handgun in this state
17 pursuant to the Oklahoma Self-Defense Act when a license is expired
18 or when a license has been voluntarily surrendered or suspended or
19 revoked for any reason.

20 B. A license may be renewed any time within ninety (90) days
21 prior to the expiration date as provided in this subsection. The
22 Bureau shall send a renewal application to each eligible licensee
23 with a return address requested. There shall be a ninety-day grace
24 period on license renewals beginning on the date of expiration,

1 thereafter the license is considered expired. However, any
2 applicant shall have three (3) years from the expiration of the
3 license to comply with the renewal requirements of this section.

4 1. ~~To renew a handgun license, the licensee must first obtain a~~
5 Oklahoma residents may submit renewal form from applications to the
6 Oklahoma State Bureau of Investigation at its headquarters or any
7 other facility designated by the Bureau for receiving applications.

8 2. The applicant must ~~complete the renewal form~~ submit either a
9 completed paper application, in person or by mail, or complete an
10 online application, attach or upload two current passport-size
11 photographs of the applicant, and submit a renewal fee in the amount
12 of ~~Eighty-five Dollars (\$85.00) to the Bureau~~ Twenty-five Dollars
13 (\$25.00) for Oklahoma residents or Fifty Dollars (\$50.00) for
14 nonresidents. The renewal fee may be paid with a nationally
15 recognized credit card as provided in subparagraph b of paragraph 4
16 5 of subsection A of Section 1290.12 of this title, by electronic
17 funds transfer, or by a cashier's check or money order made payable
18 to the Oklahoma State Bureau of Investigation.

19 3. Upon receipt of the renewal application, photographs and
20 fee, the Bureau will conduct a ~~criminal history records name search,~~
21 ~~an investigation of medical records or other records or information~~
22 ~~deemed by the Bureau to be relevant to the renewal application~~
23 background check of the applicant using the National Instant
24 Criminal Background Check System (NICS) of the Federal Bureau of

1 Investigation. Approval or denial of the renewal application,
2 notification of the denial, and the appeals process of the renewal
3 application shall be subject to the same procedures for new
4 applicants. If the NICS background check provides a "proceed"
5 response pertaining to the applicant ~~appears not to have any~~
6 ~~prohibition to renewing the handgun license,~~ the Bureau shall issue
7 the renewed license for a period of five (5) ~~or ten (10)~~ years.

8 ~~C. Beginning November 1, 2007, any person making application~~
9 ~~for a handgun license or any licensee seeking to renew a handgun~~
10 ~~license shall have the option to request that said license be valid~~
11 ~~for a period of ten (10) years. The fee for any handgun license~~
12 ~~issued for a period of ten (10) years shall be double the amount of~~
13 ~~the fee provided for in paragraph 4 of subsection A of Section~~
14 ~~1290.12 of this title. The renewal fee for a handgun license issued~~
15 ~~for a period of ten (10) years shall be double the amount of the fee~~
16 ~~provided for in paragraph 2 of subsection B of this section.~~

17 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.9, as
18 last amended by Section 2, Chapter 4, O.S.L. 2017 (21 O.S. Supp.
19 2017, Section 1290.9), is amended to read as follows:

20 Section 1290.9

21 ELIGIBILITY

22 The following requirements shall apply to any person making
23 application to the Oklahoma State Bureau of Investigation for a
24

1 handgun license pursuant to the provisions of the Oklahoma Self-
2 Defense Act. The person must:

3 1. Be a citizen of the United States;

4 2. ~~Establish a residency in the State of Oklahoma. For~~
5 ~~purposes of the Oklahoma Self-Defense Act, the term "residency"~~
6 ~~shall apply to any person who either possesses a valid Oklahoma~~
7 ~~driver license or state photo identification card, and physically~~
8 ~~maintains a residence in this state or to any person, including the~~
9 ~~spouse of such person, who has permanent military orders within this~~
10 ~~state and possesses a valid driver license from another state where~~
11 ~~such person and spouse of such person claim residency;~~

12 ~~3.~~ Be at least:

13 a. twenty-one (21) years of age, or

14 b. eighteen (18) years of age but not yet twenty-one (21)
15 years of age and the person is a member or veteran of
16 the United States Armed Forces, the Reserves or
17 National Guard, or the person was discharged under
18 honorable conditions from the United States Armed
19 Forces, Reserves or National Guard;

20 ~~4.~~ 3. Complete a firearms safety and training course and
21 demonstrate competence and qualifications with the type of pistol to
22 be carried by the person as provided in Section 1290.14 of this
23 title, and submit proof of training and qualification or an
24

1 exemption for training and qualification as authorized by Section
2 1290.14 of this title;

3 ~~5.~~ 4. Submit the required fee and complete the application
4 process as provided in Section 1290.12 of this title; and

5 ~~6.~~ 5. Comply in good faith with the provisions of the Oklahoma
6 Self-Defense Act.

7 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.12, as
8 last amended by Section 2, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
9 2017, Section 1290.12), is amended to read as follows:

10 Section 1290.12

11 PROCEDURE FOR APPLICATION

12 A. Except as provided in paragraph ~~11~~ 9 of this subsection, the
13 procedure for applying for a handgun license and processing the
14 application shall be as follows:

15 1. Applications shall be submitted to the Oklahoma State Bureau
16 of Investigation at its headquarters or any other location
17 designated by the Bureau for receiving applications;

18 2. An eligible person may request an application packet for a
19 handgun license from the Oklahoma State Bureau of Investigation ~~or~~
20 ~~the county sheriff's office either~~ via the Internet, in person or by
21 mail. ~~The Bureau may provide application packets to each sheriff~~
22 ~~not exceeding two hundred packets per request.~~ The Bureau shall
23 provide the following information in the application packet:

24 a. an application form,

- 1 b. procedures to follow to process the application form,
2 and
3 c. a copy of the Oklahoma Self-Defense Act with any
4 modifications thereto;

5 ~~2.~~ 3. The person shall be required to successfully complete a
6 firearms safety and training course from a firearms instructor who
7 is approved and registered in this state as provided in Section
8 1290.14 of this title or from an interactive online firearms safety
9 and training course available electronically via the Internet which
10 has been approved as to curriculum by the Council on Law Enforcement
11 Education and Training, and the person shall be required to
12 demonstrate competency and qualification with a pistol authorized
13 for concealed or unconcealed carry by the Oklahoma Self-Defense Act.
14 The original certificate of successful completion of a firearms
15 safety and training course and an original certificate of successful
16 demonstration of competency and qualification to carry and handle a
17 pistol shall be submitted with the application for a handgun
18 license. No duplicate, copy, facsimile or other reproduction of the
19 certificate of training, certificate of competency and qualification
20 or exemption from training shall be acceptable as proof of training
21 as required by the provisions of the Oklahoma Self-Defense Act;

22 ~~3.~~ 4. The application form shall be completed and delivered by
23 the applicant, in person, to ~~the sheriff of the county wherein the~~
24

1 ~~applicant resides~~ a facility designated by the Bureau for receiving
2 applications;

3 ~~4. 5.~~ The ~~person~~ applicant shall deliver to the ~~sheriff~~ Bureau
4 at the time of delivery of the completed application form a fee of
5 One Hundred Dollars (\$100.00) for processing the application ~~through~~
6 ~~the Oklahoma State Bureau of Investigation and processing the~~
7 ~~required fingerprints through the Federal Bureau of Investigation.~~
8 Beginning January 1, 2020, the application fee shall be Twenty-five
9 Dollars (\$25.00) for processing the application. An applicant who
10 is not a resident of the State of Oklahoma shall deliver to the
11 Bureau at the time of delivery of the completed application form, a
12 fee of Fifty Dollars (\$50.00) for processing the application. The
13 processing fee shall be in the form of:

- 14 a. a money order or a cashier's check made payable to the
15 Oklahoma State Bureau of Investigation,
- 16 b. a nationally recognized credit card issued to the
17 applicant. For purposes of this paragraph,
18 "nationally recognized credit card" means any
19 instrument or device, whether known as a credit card,
20 credit plate, charge plate, or by any other name,
21 issued with or without fee by the issuer for the use
22 of the cardholder in obtaining goods, services, or
23 anything else of value on credit which is accepted by
24 over one thousand merchants in the state. The

1 Oklahoma State Bureau of Investigation shall determine
2 which nationally recognized credit cards will be
3 accepted by the Bureau, or

4 c. electronic funds transfer.

5 Any person paying application fees to the Oklahoma State Bureau of
6 Investigation by means of a nationally recognized credit card or by
7 means of an electronic funds transfer shall be required to complete
8 and submit his or her application through the online application
9 process of the Bureau.

10 The processing fee shall not be refundable in the event of a
11 denial of a handgun license or any suspension or revocation
12 subsequent to the issuance of a license. Persons making application
13 for a firearms instructor shall not be required to pay the
14 application fee as provided in this section, but shall be required
15 to pay the costs provided in ~~paragraphs 6 and 8~~ paragraph 7 of this
16 subsection;

17 ~~5. The completed application form shall be signed by the~~
18 ~~applicant in person before the sheriff.~~

19 6. The signature of the applicant on the application shall be
20 given voluntarily upon a sworn oath that the person knows the
21 contents of the application ~~and,~~ that the information contained in
22 the application is true and correct and that the applicant is the
23 same person named on the application. Any person making any false
24 or misleading statement on an application for a handgun license

1 shall, upon conviction, be guilty of perjury as defined by Section
2 491 of this title. Any conviction shall be punished as provided in
3 Section 500 of this title. ~~In addition to a criminal conviction,~~
4 ~~the person shall be denied the right to have a handgun license~~
5 ~~pursuant to the provisions of Section 1290.10 of this title and the~~
6 ~~Oklahoma State Bureau of Investigation shall revoke the handgun~~
7 ~~license, if issued;~~

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

20 ~~7.~~ ~~The sheriff shall witness the signature of the applicant and~~
21 ~~review or take the photographs of the applicant and shall verify~~
22 ~~that the person making application for a handgun license is the same~~
23 ~~person in the photographs submitted and the same person who signed~~
24 ~~the application form. Proof~~

1 8. A photocopy of a valid ~~Oklahoma~~ driver license with a
2 photograph of the applicant or an ~~Oklahoma state~~ state-issued photo
3 identification card for the applicant shall be required to be
4 presented by the applicant ~~to the sheriff~~ with the application for
5 verification of the ~~person's~~ identity of the applicant;

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

18 ~~9.~~ The sheriff shall submit to the Oklahoma State Bureau of
19 Investigation within the fourteen-day period, together with the
20 completed application, including the certificate of training,
21 certificate of competency and qualification, photographs, processing
22 fee and legible fingerprints meeting the Oklahoma State Bureau of
23 Investigation's Automated Fingerprint Identification System (AFIS)
24 submission standards, and a report of information deemed pertinent

1 ~~to an investigation of the applicant for a handgun license. The~~
2 ~~sheriff shall make a preliminary investigation of pertinent~~
3 ~~information about the applicant and the court clerk shall assist the~~
4 ~~sheriff in locating pertinent information in court records for this~~
5 ~~purpose. If no pertinent information is found to exist either for~~
6 ~~or against the applicant, the sheriff shall so indicate in the~~
7 ~~report;~~

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

15 ~~11.~~ Notwithstanding the provisions of the Oklahoma Self-Defense
16 Act, or any other provisions of law, any person who has been granted
17 a permanent victim protective order by the court, as provided for in
18 the Protection from Domestic Abuse Act, may be issued a temporary
19 handgun license for a period not to exceed six (6) months. A
20 temporary handgun license may be issued if the person has
21 successfully passed the required weapons course, completed the
22 application process for the handgun license, ~~passed the preliminary~~
23 ~~investigation of the person by the sheriff and court clerk,~~ and
24 provided the ~~sheriff~~ Bureau proof of a certified permanent victim

1 protective order and a valid Oklahoma state photo identification
2 card or driver license. The ~~sheriff~~ Bureau shall issue a temporary
3 handgun license on a form approved by the Oklahoma State Bureau of
4 Investigation, at no cost. Any person who has been issued a
5 temporary license shall carry the temporary handgun license and a
6 valid Oklahoma state photo identification on his or her person at
7 all times, and shall be subject to all the requirements of the
8 Oklahoma Self-Defense Act when carrying a handgun. The person may
9 proceed with the handgun licensing process. In the event the victim
10 protective order is no longer enforceable, the temporary handgun
11 license shall cease to be valid;

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

22 a. ~~In the course of the investigation by the Bureau, it~~
23 ~~shall present the name of the applicant along with any~~
24 ~~known aliases, the address of the applicant and the~~

1 ~~social security number of the applicant to the~~
2 ~~Department of Mental Health and Substance Abuse~~
3 ~~Services. The Department of Mental Health and~~
4 ~~Substance Abuse Services shall respond within ten (10)~~
5 ~~days of receiving such information to the Bureau as~~
6 ~~follows:~~

7 ~~(1) with a "Yes" answer, if the records of the~~
8 ~~Department indicate that the person was~~
9 ~~involuntarily committed to a mental institution~~
10 ~~in Oklahoma,~~

11 ~~(2) with a "No" answer, if there are no records~~
12 ~~indicating the name of the person as a person~~
13 ~~involuntarily committed to a mental institution~~
14 ~~in Oklahoma, or~~

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

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

11 ~~(1) if the Bureau finds a record on the JOLTS that~~
12 ~~indicates the person was adjudicated a delinquent~~
13 ~~for an offense that would constitute a felony~~
14 ~~offense if committed by an adult within the last~~
15 ~~ten (10) years the Bureau shall deny the license,~~

16 ~~(2) if the Bureau finds no record on the JOLTS~~
17 ~~indicating the named person was adjudicated~~
18 ~~delinquent for an offense that would constitute a~~
19 ~~felony offense if committed by an adult within~~
20 ~~the last ten (10) years, or~~

21 ~~(3) if the records suggest the applicant may have~~
22 ~~been adjudicated delinquent for an offense that~~
23 ~~would constitute a felony offense if committed by~~
24 ~~an adult but such record is inconclusive, the~~

~~Bureau shall ask the applicant whether he or she was adjudicated a delinquent for an offense that would constitute a felony offense if committed by an adult within the last ten (10) years. If the applicant states under penalty of perjury that he or she was not adjudicated a delinquent within ten (10) years, the Bureau shall continue processing the application for a license~~

conduct a background check of the applicant using the National Instant Criminal Background Check System (NICS) of the Federal Bureau of Investigation; and

~~13. 11. If the NICS background check set forth in paragraph 12 of this subsection reveals no records provides a "proceed" response pertaining to the applicant, the Oklahoma State Bureau of Investigation shall either issue a handgun license or deny the application within sixty (60) days of the date of receipt of the applicant's completed application and the required information from the sheriff. In all other cases, the Oklahoma State Bureau of Investigation shall either issue a handgun license or deny the application within ninety (90) days of the date of the receipt of the applicant's completed application and the required information from the sheriff. The Bureau shall approve an applicant who appears to be in full compliance with the provisions of the Oklahoma Self-Defense Act, if completion of the federal fingerprint search is the~~

1 ~~only reason for delay of the issuance of the handgun license to that~~
2 ~~applicant. Upon receipt of the federal fingerprint search~~
3 ~~information, if the Bureau receives information which precludes the~~
4 ~~person from having a handgun license, the Bureau shall revoke the~~
5 ~~handgun license previously issued to the applicant. The Bureau~~
6 ~~shall deny a license when the applicant fails to properly complete~~
7 ~~the application form or application process or is determined not to~~
8 ~~be eligible as specified by the provisions of Section 1290.9,~~
9 ~~1290.10 or 1290.11 of this title. The Bureau shall approve an~~
10 ~~application in all other cases. If an application is denied the~~
11 ~~NICS background check provides a "deny" response pertaining to the~~
12 ~~applicant, the Bureau shall notify the applicant in writing ~~of its~~~~
13 ~~decision that the application has been denied and shall provide~~
14 ~~information from the NICS background check as to why the application~~
15 ~~was denied. The notification shall ~~state the grounds for the denial~~~~
16 ~~~~and~~ inform the applicant of the right to an appeal ~~as may be~~~~
17 ~~~~provided by the provisions of the Administrative Procedures Act and~~~~
18 ~~~~the procedures by which the applicant may appeal the denial. If the~~~~
19 ~~NICS background check provides a "delayed" response pertaining to~~
20 ~~the applicant and the Bureau does not receive a "proceed" response~~
21 ~~within sixty (60) days of the date of receipt of the initial~~
22 ~~"delayed" response, the application shall be denied. All notices of~~
23 ~~denial shall be mailed by first-class mail to the address of the~~
24 ~~applicant listed in the application. Within sixty (60) calendar~~

1 days from the date of mailing a denial of application to an
2 applicant, the applicant shall notify the Bureau in writing of the
3 intent to appeal the decision of denial or the right of the
4 applicant to appeal shall be deemed waived. Any administrative
5 hearing on a denial which may be provided shall be conducted by a
6 hearing examiner appointed by the Bureau. If the applicant has
7 corrected any error pertaining to the NICS background check, the
8 hearing examiner shall approve the application. The decision of the
9 hearing examiner shall be a final decision appealable to a district
10 court in accordance with the Administrative Procedures Act. When an
11 application is approved, the Bureau shall issue the license and
12 shall mail the license by first-class mail to the address of the
13 applicant listed in the application.

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

20 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1290.14, as
21 last amended by Section 2, Chapter 207, O.S.L. 2015 (21 O.S. Supp.
22 2017, Section 1290.14), is amended to read as follows:

23 Section 1290.14

24 SAFETY AND TRAINING COURSE

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

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

1 application for CLEET approval as a firearms instructor, applicants
2 shall attend a firearms instructor school, meeting the following
3 minimum requirements:

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

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

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

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

15 4. Receive a course completion certificate.

16 All firearms instructors shall be required to meet the
17 eligibility requirements for a handgun license as provided in
18 ~~Sections~~ Section 1290.9, 1290.10, and 1290.11 of this title and the
19 application shall be processed as provided for applicants in Section
20 1290.12 of this title, including the ~~state and national criminal~~
21 ~~history records search and fingerprint search~~ background check
22 conducted through the National Instant Criminal Background Check
23 System (NICS) of the Federal Bureau of Investigation. A firearms
24 instructor shall be required to pay a fee of One Hundred Dollars

1 (\$100.00) to the Council on Law Enforcement Education and Training
2 (CLEET) each time the person makes application for CLEET approval as
3 a firearms instructor pursuant to the provisions of the Oklahoma
4 Self-Defense Act. The fee shall be retained by CLEET and shall be
5 deposited into the Firearms Instructors Revolving Fund. CLEET shall
6 promulgate the rules, forms and procedures necessary to implement
7 the approval of firearms instructors as authorized by the provisions
8 of this subsection. CLEET shall periodically review each approved
9 instructor during a training and qualification course to assure
10 compliance with the rules and course contents. Any violation of the
11 rules may result in the revocation or suspension of CLEET and
12 Oklahoma State Bureau of Investigation approval. Unless the
13 approval has been revoked or suspended, a firearms instructor's
14 CLEET approval shall be for a term of five (5) years. Beginning on
15 July 1, 2003, any firearms instructor who has been issued a four-
16 year CLEET approval shall not be eligible for the five-year approval
17 until the expiration of the approval previously issued. CLEET shall
18 be responsible for notifying all approved firearms instructors of
19 statutory and policy changes related to the Oklahoma Self-Defense
20 Act. A firearms instructor shall not be required to submit his or
21 her fingerprints for a fingerprint search when applying for or
22 renewing a firearms instructor's CLEET approval.

23 C. 1. All firearms instructors approved by CLEET to train and
24 qualify individuals for a handgun license shall be required to apply

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

24

1 2. On or after July 1, 2003, the registered instructors listed
2 in subparagraphs a and b of this paragraph shall not be required to
3 renew the firearms instructor registration certificate with the
4 Oklahoma State Bureau of Investigation at the expiration of the
5 registration term, provided the instructor is not subject to any
6 suspension or revocation of the firearms instructor certificate.
7 The firearms instructor registration with the Oklahoma State Bureau
8 of Investigation shall automatically renew together with the handgun
9 license authorized in paragraph 1 of this subsection for an
10 additional five-year term and no additional cost or fee may be
11 charged for the following individuals:

12 a. an active duty law enforcement officer of this state
13 or any of its political subdivisions or of the federal
14 government who has a valid CLEET approval as a
15 firearms instructor pursuant to the Oklahoma Self-
16 Defense Act, and

17 b. a retired law enforcement officer authorized to carry
18 a firearm pursuant to Section 1289.8 of this title who
19 has a valid CLEET approval as a firearms instructor
20 pursuant to the Oklahoma Self-Defense Act.

21 D. The Oklahoma State Bureau of Investigation shall approve
22 registration for a firearms instructor applicant who is in full
23 compliance with CLEET rules regarding firearms instructors and the
24 provisions of subsection B of this section, ~~if completion of the~~

1 ~~federal fingerprint search is the only reason for delay of~~
2 ~~registration of that firearms instructor applicant. Upon receipt of~~
3 ~~the federal fingerprint search information, if the Bureau receives~~
4 ~~information which precludes the person from having a handgun~~
5 ~~license, the Bureau shall revoke both the registration and the~~
6 ~~handgun license previously issued to the firearms instructor.~~

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

1 methods or positions for firing a pistol; information about the
2 criminal provisions of the Oklahoma law relating to firearms; the
3 requirements of the Oklahoma Self-Defense Act as it relates to the
4 applicant; self-defense and the use of appropriate force; a practice
5 shooting session; and a familiarization course. The firearms
6 instructor shall refuse to train or qualify any person when the
7 pistol to be used or carried by the person is either deemed unsafe
8 or unfit for firing or is a weapon not authorized by the Oklahoma
9 Self-Defense Act. The course shall provide an opportunity for the
10 applicant to qualify himself or herself on either a derringer, a
11 revolver, a semiautomatic pistol or any combination of a derringer,
12 a revolver and a semiautomatic pistol, provided no pistol shall be
13 capable of firing larger than .45 caliber ammunition. Any applicant
14 who successfully trains and qualifies himself or herself with a
15 semiautomatic pistol may be approved by the firearms instructor on
16 the training certificate for a semiautomatic pistol, a revolver and
17 a derringer upon request of the applicant. Any person who qualifies
18 on a derringer or revolver shall not be eligible for a semiautomatic
19 rating until the person has demonstrated competence and
20 qualifications on a semiautomatic pistol. Upon successful
21 completion of the training and qualification course, a certificate
22 of training and a certificate of competency and qualification shall
23 be issued to each applicant who successfully completes the course.
24 The firearms instructor shall require each applicant to provide a

1 photocopy or digital copy of the state-issued identification card or
2 driver license of the applicant to verify the identity of the
3 applicant before providing a course completion certificate. The
4 certificate of training and certificate of competency and
5 qualification shall comply with the forms established by CLEET and
6 shall be submitted with an application for a handgun license
7 pursuant to the provisions of paragraph ~~2~~ 3 of subsection A of
8 Section 1290.12 of this title. The certificate of training and
9 certificate of competency and qualification issued to an applicant
10 shall be valid for a period of three (3) years.

11 F. There is hereby created a revolving fund for the Council on
12 Law Enforcement Education and Training (CLEET), to be designated the
13 "Firearms Instructors Revolving Fund". The fund shall be a
14 continuing fund, not subject to fiscal year limitations, and shall
15 consist of all funds received for approval of firearms instructors
16 for purposes of the Oklahoma Self-Defense Act. All funds received
17 shall be deposited to the fund. All monies accruing to the credit
18 of said fund are hereby appropriated and may be budgeted and
19 expended by the Council on Law Enforcement Education and Training,
20 for implementation of the training and qualification course
21 contents, approval of firearms instructors and any other CLEET
22 requirement pursuant to the provisions of the Oklahoma Self-Defense
23 Act or as may otherwise be deemed appropriate by CLEET.
24 Expenditures from said fund shall be made upon warrants issued by

1 the State Treasurer against claims filed as prescribed by law with
2 the Director of the Office of Management and Enterprise Services for
3 approval and payment.

4 G. Firearms instructors shall keep on file for a period of not
5 less than three (3) years a roster of each training class, a
6 photocopy or digital copy of the state-issued identification card or
7 driver license of the individual, the safety test score of each
8 individual, the caliber and type of weapon each individual used when
9 qualifying and whether or not each individual successfully completed
10 the training course. Firearms instructors shall be authorized to
11 destroy all training documents and records upon expiration of the
12 three-year time period.

13 H. Nothing herein contained shall be construed to prohibit an
14 Oklahoma resident from obtaining or possessing a nonresident weapon
15 or handgun license issued by another state.

16 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1290.18, as
17 last amended by Section 1, Chapter 200, O.S.L. 2015 (21 O.S. Supp.
18 2017, Section 1290.18), is amended to read as follows:

19 Section 1290.18

20 APPLICATION FORM CONTENTS

21 The application shall be completed upon the sworn oath of the
22 applicant as provided in paragraph ~~5~~ 6 of subsection A of Section
23 1290.12 of this title. The application form shall be provided by
24 the Oklahoma State Bureau of Investigation and shall contain the

1 following ~~information in addition to any other information deemed~~
2 ~~relevant by the Bureau:~~

- 3 1. Applicant's full legal name;
- 4 2. Applicant's birth name, alias names or nicknames;
- 5 3. Maiden name, if applicable;
- 6 4. County of residence;
- 7 5. Length of residency at the current address;
- 8 6. Previous addresses for the preceding three (3) years;
- 9 7. Place of birth;
- 10 8. Date of birth;
- 11 9. Declaration of citizenship and date United States
12 citizenship was acquired, if applicable;
- 13 10. Race;
- 14 11. Weight;
- 15 12. Height;
- 16 13. Sex;
- 17 14. Color of eyes;
- 18 15. ~~Current~~ Valid state-issued identification card number or
19 driver license number and the name of the state that issued the
20 identification card or driver license;
- 21 16. Military service number, if applicable;
- 22 17. Law enforcement identification numbers, if applicable;
- 23 18. Current occupation;

24

1 19. Authorized type or types of pistol for which the applicant
2 qualified as stated on the certificate of training or exemption of
3 training which shall be stated as either derringer, revolver,
4 semiautomatic pistol, or some combination of derringer, revolver and
5 semiautomatic pistol and the maximum ammunition capacity of the
6 firearm shall be .45 caliber;

7 20. An acknowledgment that the applicant desires a handgun
8 license as a means of lawful self-defense and self-protection and
9 for no other intent or purpose;

10 21. A statement that the applicant has never been convicted of
11 any felony offense in this state, another state or pursuant to any
12 federal offense;

13 22. A statement that the applicant ~~has none of the conditions~~
14 ~~which would preclude the issuing of a handgun license pursuant to~~
15 ~~any of the provisions of Sections 1290.10 and 1290.11 of this title~~
16 ~~and that the applicant further~~ meets all of the eligibility criteria
17 required by Section 1290.9 of this title;

18 23. An authorization for the Oklahoma State Bureau of
19 Investigation to investigate the applicant and any or all records
20 relating to the applicant for purposes of approving or denying a
21 handgun license pursuant to the provisions of the Oklahoma Self-
22 Defense Act;

1 24. An acknowledgment that the applicant, if he or she is a
2 resident of Oklahoma, has been furnished a copy of the Oklahoma
3 Self-Defense Act and is knowledgeable about its provisions;

4 25. A statement that the applicant is the identical person who
5 completed the firearms training course for which the original
6 training certificate is submitted as part of the application or a
7 statement that the applicant is the identical person who is exempt
8 from firearms training for which the original exemption certificate
9 is submitted as part of the application, whichever is applicable to
10 the applicant;

11 26. A conspicuous warning that the application is executed upon
12 the sworn oath of the applicant and that any false or misleading
13 answer to any question or the submission of any false information or
14 documentation by the applicant is punishable by criminal penalty as
15 provided in paragraph ~~5~~ 6 of subsection A of Section 1290.12 of this
16 title;

17 27. A signed verification that the contents of the application
18 are known to the applicant and are true and correct;

19 28. Two separate places for the original signature of the
20 applicant;

21 29. A place for attachment of a passport size photograph of the
22 applicant; and

23 30. ~~A place for the signature and verification of the identity~~
24 ~~of the applicant by the sheriff or the sheriff's designee~~ Any other

1 information required by the Bureau of Alcohol, Tobacco, Firearms and
2 Explosives (BATFE) to be provided on forms the BATFE requires for
3 the transfer of a firearm from a federally licensed firearms dealer
4 to the public.

5 Information provided by the person on an application for a
6 handgun license shall be confidential except to law enforcement
7 officers or law enforcement agencies.

8 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1290.19, as
9 amended by Section 38, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
10 Section 1290.19), is amended to read as follows:

11 Section 1290.19

12 LICENSE FORM

13 The handgun license shall be on a form prescribed by the
14 Oklahoma State Bureau of Investigation and shall contain the
15 following information in addition to any other information deemed
16 relevant by the Bureau:

- 17 1. The full name of the person;
- 18 2. Current address;
- 19 3. County of residence;
- 20 4. Date of birth;
- 21 5. Weight;
- 22 6. Height;
- 23 7. Sex;
- 24 8. Race;

- 1 9. Color of eyes;
- 2 10. Handgun license identification number;
- 3 11. Expiration date of the handgun license; ~~and~~
- 4 12. Authorized pistol to be either: (D) derringer, (R)
- 5 revolver, (S) semiautomatic pistol, or some combination of
- 6 derringer, revolver and semiautomatic pistol as may be authorized by
- 7 the Oklahoma Self-Defense Act for which the person demonstrated
- 8 qualification pursuant to the certificate of training or an
- 9 exemption certificate; and
- 10 13. Whether the license is issued to a resident or nonresident
- 11 of Oklahoma.

12 Licenses issued to instructors pursuant to Section 1290.14 of

13 this title shall reflect that the licensee is a firearms instructor.

14 Sheriffs that have elected to issue licenses must use the form

15 prescribed by the Bureau. The Bureau may change the form not more

16 than once every five (5) years.

17 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1290.23, as

18 amended by Section 41, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,

19 Section 1290.23), is amended to read as follows:

20 Section 1290.23

21 DEPOSIT OF FEES BY OSBI

22 A. All money submitted ~~by the sheriffs~~ to the Oklahoma State

23 Bureau of Investigation as processing fees for applications

24 submitted for handgun licenses shall be deposited in the Oklahoma

1 State Bureau of Investigation Revolving Fund and shall be expended
2 for purposes of implementing the provisions of the Oklahoma Self-
3 Defense act or as otherwise provided by law.

4 B. 1. Beginning November 1, 2018, the first Two Hundred Fifty
5 Thousand Dollars (\$250,000.00) of the processing fees collected for
6 handgun license applications shall be used by the Bureau for the
7 acquisition of information technology software, hardware, equipment
8 and any other related services, tools or resources deemed necessary
9 to facilitate the reporting of all adjudicated mental health cases
10 and victim protective order cases in the State of Oklahoma to the
11 National Instant Criminal Background Check System (NICS) of the
12 Federal Bureau of Investigation.

13 2. Each year thereafter, ten percent (10%) of the processing
14 fees collected for handgun license applications shall be used by the
15 Bureau to pay for all costs associated with the maintenance,
16 replacement and upgrade of the information technology software,
17 hardware and equipment provided for in paragraph 1 of this
18 subsection.

19 SECTION 9. REPEALER 21 O.S. 2011, Sections 1290.10, as
20 last amended by Section 1, Chapter 86, O.S.L. 2015, 1290.11, as last
21 amended by Section 2, Chapter 259, O.S.L. 2014 and 1290.20, as
22 amended by Section 39, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
23 Sections 1290.10, 1290.11 and 1290.20), are hereby repealed.

24 SECTION 10. This act shall become effective November 1, 2018.

1 Passed the House of Representatives the 14th day of March, 2018.

2
3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2018.

6
7
8 _____
9 Presiding Officer of the Senate