

1 ENGROSSED SENATE
2 BILL NO. 34

By: Shaw of the Senate

3 and

4 Wright of the House

5
6 An Act relating to the Oklahoma Self-Defense Act;
7 amending 21 O.S. 2011, Section 1289.23, as last
8 amended by Section 5, Chapter 210, O.S.L. 2016 (21
9 O.S. Supp. 2018, Section 1289.23), which relates to
10 concealed firearm for off-duty police officer;
11 requiring certain action; amending 21 O.S. 2011,
12 Section 1290.1, which relates to the short title;
13 modifying inclusions; amending 21 O.S. 2011, Section
14 1290.5, as last amended by Section 1, Chapter 122,
15 O.S.L. 2014 (21 O.S. Supp. 2018, Section 1290.5),
16 which relates to term of license and renewal;
17 modifying certain notification process; amending 21
18 O.S. 2011, Section 1290.8, as last amended by Section
19 3, Chapter 68, O.S.L. 2018 (21 O.S. Supp. 2018,
20 Section 1290.8), which relates to possession of
21 license required; clarifying language; amending 21
22 O.S. 2011, Section 1290.10, as last amended by
23 Section 1, Chapter 86, O.S.L. 2015 (21 O.S. Supp.
24 2018, Section 1290.10), which relates to mandatory
preclusions; clarifying language; amending 21 O.S.
2011, Section 1290.11, as last amended by Section 2,
Chapter 259, O.S.L. 2014 (21 O.S. Supp. 2018, Section
1290.11), which relates to other preclusions;
modifying preclusions; amending 21 O.S. 2011, Section
1290.12, as last amended by Section 1, Chapter 152,
O.S.L. 2018 (21 O.S. Supp. 2018, Section 1290.12),
which relates to procedure for application; modifying
certain requirements; clarifying language; modifying
requirements; updating statutory language; updating
statutory reference; and providing an effective date.

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

1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.23, as
2 last amended by Section 5, Chapter 210, O.S.L. 2016 (21 O.S. Supp.
3 2018, Section 1289.23), is amended to read as follows:

4 Section 1289.23.

5 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

6 A. Notwithstanding any provision of law to the contrary, a
7 full-time duly appointed peace officer who is certified by the
8 Council on Law Enforcement Education and Training (CLEET), pursuant
9 to the provisions of Section 3311 of Title 70 of the Oklahoma
10 Statutes, is hereby authorized to carry a weapon approved by the
11 employing agency anywhere in the state of Oklahoma, both while on
12 active duty and during periods when the officer is not on active
13 duty as provided by the provisions of subsection B of this section.

14 B. When a full-time duly appointed officer carries an approved
15 weapon, the officer shall be wearing the law enforcement uniform
16 prescribed by the employing agency or plainclothes. When not
17 wearing the prescribed law enforcement uniform, the officer shall be
18 required:

19 1. To have the official peace officers badge, Commission Card
20 and CLEET Certification Card on his or her person at all times when
21 carrying a weapon approved by the employing agency; and

22 2. To keep the approved weapon concealed or unconcealed at all
23 times, except when the weapon is used within the guidelines
24 established by the employing agency.

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

4 D. A reserve peace officer who has satisfactorily completed a
5 basic police course of not less than one hundred twenty (120) hours
6 of accredited instruction for reserve police officers and reserve
7 deputies from the Council on Law Enforcement Education and Training
8 or a course of study approved by CLEET may carry an approved weapon
9 when such officer is off duty as provided by subsection E of this
10 section, provided:

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

13 2. The employing agency shall maintain a current list of any
14 officers authorized to carry an approved weapon while the officers
15 are off duty, and shall provide a copy of such list to the Council
16 on Law Enforcement Education and Training. Any change to the list
17 shall be made in writing and mailed to the Council on Law
18 Enforcement Education and Training within five (5) days.

19 E. When an off-duty reserve peace officer carries an approved
20 weapon, the officer shall be wearing the law enforcement uniform
21 prescribed by the employing agency or when not wearing the
22 prescribed law enforcement uniform, the officer shall be required:

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

1 2. To keep the approved weapon concealed or unconcealed at all
2 times, except when the weapon is used within the guidelines
3 established by the employing agency.

4 F. Nothing in subsection D of this section shall be construed
5 to alter or amend the provisions of Section 1750.2 of Title 59 of
6 the Oklahoma Statutes or expand the duties, jurisdiction or
7 authority of any reserve peace officer.

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

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

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

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

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

4 1. The officer shall apply in writing to the Council on Law
5 Enforcement Education and Training (CLEET) stating that the officer
6 desires to have a handgun license pursuant to the Oklahoma Self-
7 Defense Act and certifying that he or she has no preclusions to
8 having such handgun license. The officer shall submit with the
9 application:

10 a. an official letter from his or her employing agency
11 confirming the officer's employment and status as a
12 full-time commissioned peace officer or an active
13 reserve peace officer,

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

16 c. two passport-size photographs of the peace officer
17 applicant;

18 2. Upon receiving the required information, CLEET shall
19 determine whether the peace officer is in good standing, has CLEET
20 certification and training, and is otherwise eligible for a handgun
21 license. Upon verification of the officer's eligibility, CLEET
22 shall send the information to the Oklahoma State Bureau of
23 Investigation (OSBI) and OSBI shall issue a handgun license in the
24 same or similar form as other handgun licenses. All other

1 requirements in Section 1290.12 of this title concerning application
2 for a handgun license shall be waived for active duty peace officers
3 except as provided in this subsection including, but not limited to,
4 training, fingerprints and criminal history records checks unless
5 the officer does not have fingerprints on file or a criminal history
6 records background check conducted prior to employment as a peace
7 officer. The OSBI shall conduct a check of the National Instant
8 Criminal Background Check System (NICS) prior to issuance of a Self-
9 Defense Act License. The OSBI shall not be required to conduct any
10 further investigation into the eligibility of the peace officer
11 applicant and shall not deny a handgun license except when
12 preclusions are found to exist;

13 3. The term of the handgun license for an active duty reserve
14 or full-time commissioned peace officer pursuant to this section
15 shall be as provided in Section 1290.5 of this title, renewable in
16 the same manner provided in this subsection for an original
17 application by a peace officer. The handgun license shall be valid
18 when the peace officer is in possession of a valid driver license
19 and law enforcement commission card;

20 4. If the commission card of a law enforcement officer is
21 terminated, revoked or suspended, the handgun license shall be
22 immediately returned to CLEET. When a peace officer in possession
23 of a handgun license pursuant to this subsection changes employment,
24 the person must notify CLEET within ninety (90) days and send a new

1 letter verifying employment and status as a full-time commissioned
2 or reserve peace officer;

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

7 6. CLEET may promulgate any rules, forms or procedures
8 necessary to implement the provisions of this section; and

9 7. Nothing in this subsection shall be construed to change or
10 amend the application process, eligibility, effective date or fees
11 of any handgun license pending issuance on November 1, 2004, or
12 previously issued to any peace officer prior to November 1, 2004.

13 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.1, is
14 amended to read as follows:

15 Section 1290.1.

16 SHORT TITLE

17 Sections 1 through ~~25~~ 27 of this act shall be known and may be
18 cited as the "Oklahoma Self-Defense Act".

19 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.5, as
20 last amended by Section 1, Chapter 122, O.S.L. 2014 (21 O.S. Supp.
21 2018, Section 1290.5), is amended to read as follows:

22 Section 1290.5.

23 TERM OF LICENSE AND RENEWAL

24

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

12 B. A license may be renewed any time within ninety (90) days
13 prior to the expiration date as provided in this subsection. The
14 Bureau ~~shall send a renewal application to each eligible licensee~~
15 ~~with a return address requested~~ may notify each eligible licensee
16 with an electronic mail address on file at least ninety (90) days
17 prior to the expiration of their license. There shall be a ninety-
18 day grace period on license renewals beginning on the date of
19 expiration, thereafter the license is considered expired. However,
20 any applicant shall have three (3) years from the expiration of the
21 license to comply with the renewal requirements of this section.

22 1. To renew a handgun license, the licensee must first obtain a
23 renewal form from the Oklahoma State Bureau of Investigation.
24

1 2. The applicant must complete the renewal form, attach two
2 current passport size photographs of the applicant, and submit a
3 renewal fee in the amount of Eighty-five Dollars (\$85.00) to the
4 Bureau. The renewal fee may be paid with a nationally recognized
5 credit card as provided in subparagraph b of paragraph 4 of
6 subsection A of Section 1290.12 of this title, by electronic funds
7 transfer, or by a cashier's check or money order made payable to the
8 Oklahoma State Bureau of Investigation.

9 3. Upon receipt of the renewal application, photographs and
10 fee, the Bureau will conduct a criminal history records name search,
11 an investigation of medical records or other records or information
12 deemed by the Bureau to be relevant to the renewal application. If
13 the applicant appears not to have any prohibition to renewing the
14 handgun license, the Bureau shall issue the renewed license for a
15 period of five (5) or ten (10) years.

16 C. Beginning November 1, 2007, any person making application
17 for a handgun license or any licensee seeking to renew a handgun
18 license shall have the option to request that ~~said~~ the license be
19 valid for a period of ten (10) years. The fee for any handgun
20 license issued for a period of ten (10) years shall be double the
21 amount of the fee provided for in paragraph 4 of subsection A of
22 Section 1290.12 of this title. The renewal fee for a handgun
23 license issued for a period of ten (10) years shall be double the
24

1 amount of the fee provided for in paragraph 2 of subsection B of
2 this section.

3 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.8, as
4 last amended by Section 3, Chapter 68, O.S.L. 2018 (21 O.S. Supp.
5 2018, Section 1290.8), is amended to read as follows:

6 Section 1290.8.

7 POSSESSION OF LICENSE REQUIRED

8 NOTIFICATION TO POLICE OF GUN

9 A. Except as otherwise prohibited by law, an eligible person
10 shall have authority to carry a concealed or unconcealed handgun in
11 this state when:

12 1. The person has been issued a handgun license from the
13 Oklahoma State Bureau of Investigation pursuant to the provisions of
14 the Oklahoma Self-Defense Act, provided the person is in compliance
15 with the provisions of the Oklahoma Self-Defense Act, and the
16 license has not expired or been subsequently suspended or revoked;
17 or

18 2. The person is twenty-one (21) years of age or older, and is
19 either:

- 20 a. active military, or
21 b. a member of the Reserve or National Guard to include
22 Drill Status Guard and Reserve, Active Guard Reserves
23 or Military Technicians,
24

1 and presents a valid military identification card that shall be
2 considered a valid handgun license issued pursuant to the Oklahoma
3 Self-Defense Act.

4 B. A person in possession of a valid handgun license or who
5 meets the criteria and presents a valid military identification card
6 as provided for in this section and in compliance with the
7 provisions of the Oklahoma Self-Defense Act shall be authorized to
8 carry such concealed or unconcealed handgun while scouting as it
9 relates to hunting or fishing or while hunting or fishing.

10 C. The person shall be required to have possession of his or
11 her valid handgun license or valid military identification card as
12 provided for qualified persons in this section and a valid ~~Oklahoma~~
13 driver license or ~~an Oklahoma State~~ state photo identification at
14 all times when in possession of an authorized pistol. The person
15 shall display the handgun license or a valid military identification
16 card as provided for qualified persons in this section on demand of
17 a law enforcement officer; provided, however, that in the absence of
18 reasonable and articulable suspicion of other criminal activity, an
19 individual carrying an unconcealed or concealed handgun shall not be
20 disarmed or physically restrained unless the individual fails to
21 display a valid handgun license or a valid military identification
22 card as provided for qualified persons in this section in response
23 to that demand. Any violation of the provisions of this subsection
24 may be punishable as a criminal offense as authorized by Section

1 1272 of this title or pursuant to any other applicable provision of
2 law. Any second or subsequent violation of the provisions of this
3 subsection shall be grounds for the Bureau to suspend the handgun
4 license for a period of six (6) months, in addition to any other
5 penalty imposed.

6 Upon the arrest of any person for a violation of the provisions
7 of this subsection, the person may show proof to the court that a
8 valid handgun license and the other required identification has been
9 issued to such person and the person may state any reason why the
10 handgun license, a valid military identification card as provided
11 for qualified persons in this section or the other required
12 identification was not carried by the person as required by the
13 Oklahoma Self-Defense Act. The court shall dismiss an alleged
14 violation of Section 1272 of this title upon payment of court costs,
15 if proof of a valid handgun license and other required
16 identification is shown to the court within ten (10) days of the
17 arrest of the person. The court shall report a dismissal of a
18 charge to the Bureau for consideration of administrative proceedings
19 against the licensee.

20 D. It shall be unlawful for any person to fail or refuse to
21 identify the fact that the person is in actual possession of a
22 concealed or unconcealed handgun pursuant to the authority of the
23 Oklahoma Self-Defense Act when the person comes into contact with
24 any law enforcement officer of this state or its political

1 subdivisions or a federal law enforcement officer during the course
2 of any arrest, detainment, or routine traffic stop. ~~Said~~ The
3 identification to the law enforcement officer shall be made at the
4 first opportunity. No person shall be required to identify himself
5 or herself as a handgun licensee when no handgun is in the
6 possession of the person or in any vehicle in which the person is
7 driving or is a passenger. Any violation of the provisions of this
8 subsection shall, upon conviction, be a misdemeanor punishable by a
9 fine not exceeding One Hundred Dollars (\$100.00).

10 E. Any law enforcement officer coming in contact with a person
11 whose handgun license is suspended, revoked, or expired, or who is
12 in possession of a handgun license which has not been lawfully
13 issued to that person, shall confiscate the license and return it to
14 the Oklahoma State Bureau of Investigation for appropriate
15 administrative proceedings against the licensee when the license is
16 no longer needed as evidence in any criminal proceeding.

17 F. Nothing in this section shall be construed to authorize a
18 law enforcement officer to inspect any weapon properly concealed or
19 unconcealed without probable cause that a crime has been committed.

20 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1290.10, as
21 last amended by Section 1, Chapter 86, O.S.L. 2015 (21 O.S. Supp.
22 2018, Section 1290.10), is amended to read as follows:

23 Section 1290.10.

24 MANDATORY PRECLUSIONS

1 In addition to the requirements stated in Section 1290.9 of this
2 title, the conditions stated in this section shall preclude a person
3 from eligibility for a handgun license pursuant to the provisions of
4 the Oklahoma Self-Defense Act. The occurrence of any one of the
5 following conditions shall deny the person the right to have a
6 handgun license pursuant to the provisions of the Oklahoma Self-
7 Defense Act. Prohibited conditions are:

8 1. Ineligible to possess a pistol due to any felony conviction
9 or adjudication as a delinquent as provided by Section 1283 of this
10 title, except as provided in subsection B of Section 1283 of this
11 title;

12 2. Any felony conviction pursuant to any law of another state,
13 a felony conviction pursuant to any provision of the United States
14 Code, or any conviction pursuant to the laws of any foreign country,
15 provided such foreign conviction would constitute a felony offense
16 in this state if the offense had been committed in this state,
17 except as provided in subsection B of Section 1283 of this title;

18 3. Adjudication as a mentally incompetent person pursuant to
19 the provisions of the Oklahoma Mental Health Law, or an adjudication
20 of incompetency entered in another state pursuant to any provision
21 of law of that state, unless the person has been granted relief from
22 the disqualifying disability pursuant to Section 1290.27 of this
23 title;

1 4. Any false or misleading statement on the application for a
2 handgun license as provided by paragraph 5 of subsection A of
3 Section 1290.12 of this title;

4 5. Conviction of any one of the following misdemeanor offenses
5 in this state or in any other state:

6 a. any assault and battery which caused serious physical
7 injury to the victim, or any second or subsequent
8 assault and battery conviction,

9 b. any aggravated assault and battery,

10 c. any stalking pursuant to Section 1173 of this title,
11 or a similar law of another state,

12 d. a violation relating to the Protection from Domestic
13 Abuse Act or any violation of a victim protection
14 order of another state,

15 e. any conviction relating to illegal drug use or
16 possession, or

17 f. an act of domestic abuse as defined by Section 644 of
18 this title or an act of domestic assault and battery
19 or any comparable acts under the laws of another
20 state.

21 The preclusive period for a misdemeanor conviction related to
22 illegal drug use or possession shall be ten (10) years from the date
23 of completion of a sentence. For purposes of this subsection, "date
24 of completion of a sentence" shall mean the day an offender

1 completes all incarceration, probation, and parole pertaining to
2 such sentence;

3 6. An attempted suicide or other condition relating to or
4 indicating mental instability or an unsound mind which occurred
5 within the preceding ten-year period from the date of the
6 application for a license to carry a concealed firearm or that
7 occurs during the period of licensure;

8 7. Currently undergoing treatment for a mental illness,
9 condition, or disorder. For purposes of this paragraph, "currently
10 undergoing treatment for a mental illness, condition, or disorder"
11 means the person has been diagnosed by a licensed physician as being
12 afflicted with a substantial disorder of thought, mood, perception,
13 psychological orientation, or memory that significantly impairs
14 judgment, behavior, capacity to recognize reality, or ability to
15 meet the ordinary demands of life;

16 8. Significant character defects of the applicant as evidenced
17 by a ~~misdemeanor~~ criminal record indicating habitual criminal
18 activity;

19 9. Ineligible to possess a pistol due to any provision of law
20 of this state or the United States Code, except as provided in
21 subsection B of Section 1283 of this title;

22 10. Failure to pay an assessed fine or surrender the handgun
23 license as required by a decision by the administrative hearing
24 examiner pursuant to authority of the Oklahoma Self-Defense Act;

1 11. Being subject to an outstanding felony warrant issued in
2 this state or another state or the United States; or

3 12. Adjudication as a delinquent as provided by Section 1283 of
4 this title, except as provided in subsection B of Section 1283 of
5 this title.

6 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1290.11, as
7 last amended by Section 2, Chapter 259, O.S.L. 2014 (21 O.S. Supp.
8 2018, Section 1290.11), is amended to read as follows:

9 Section 1290.11.

10 OTHER PRECLUSIONS

11 A. The following conditions shall preclude a person from being
12 eligible for a handgun license pursuant to the provisions of the
13 Oklahoma Self-Defense Act for a period of time as prescribed in each
14 of the following paragraphs:

15 1. An arrest for an alleged commission of a felony offense or a
16 felony charge pending in this state, another state or pursuant to
17 the United States Code. The preclusive period shall be until the
18 final determination of the matter;

19 2. The person is subject to the provisions of a deferred
20 sentence or deferred prosecution in this state or another state or
21 pursuant to federal authority for the commission of a felony
22 offense. The preclusive period shall be three (3) years and shall
23 begin upon the final determination of the matter;

24

1 3. Any involuntary commitment for a mental illness, condition,
2 or disorder pursuant to the provisions of Section 5-410 of Title 43A
3 of the Oklahoma Statutes or any involuntary commitment in another
4 state pursuant to any provisions of law of that state. The
5 preclusive period shall be permanent as provided by Title 18 of the
6 United States Code Section 922(g)(4) unless the person has been
7 granted relief from the disqualifying disability pursuant to Section
8 ~~3 of this act~~ 1290.27 of this title;

9 4. The person has previously undergone treatment for a mental
10 illness, condition, or disorder which required medication or
11 supervision as defined by paragraph 7 of Section 1290.10 of this
12 title. The preclusive period shall be three (3) years from the last
13 date of treatment or upon presentation of a certified statement from
14 a licensed physician stating that the person is either no longer
15 disabled by any mental or psychiatric illness, condition, or
16 disorder or that the person has been stabilized on medication for
17 ten (10) years or more;

18 5. Inpatient treatment for substance abuse. The preclusive
19 period shall be three (3) years from the last date of treatment or
20 upon presentation of a certified statement from a licensed physician
21 stating that the person has been free from substance use for twelve
22 (12) months or more preceding the filing of an application for a
23 handgun license;

24

1 6. Two or more convictions of public intoxication pursuant to
2 Section 8 of Title 37 of the Oklahoma Statutes, or a similar law of
3 another state. The preclusive period shall be three (3) years from
4 the date of the completion of the last sentence;

5 7. Two or more misdemeanor convictions relating to intoxication
6 or driving under the influence of an intoxicating substance or
7 alcohol. The preclusive period shall be three (3) years from the
8 date of the completion of the last sentence or shall require a
9 certified statement from a licensed physician stating that the
10 person is not in need of substance abuse treatment;

11 8. A court order for a final Victim Protection Order against
12 the applicant, as authorized by the Protection from Domestic Abuse
13 Act, or any court order granting a final victim protection order
14 against the applicant from another state. The preclusive period
15 shall be ~~three (3) years from the date of the entry of the final~~
16 ~~court order, or sixty (60) days from the date an order was vacated,~~
17 ~~canceled or, withdrawn~~ or is otherwise no longer in effect;

18 9. An adjudicated delinquent or convicted felon residing in the
19 residence of the applicant which may be a violation of Section 1283
20 of this title. The preclusive period shall be thirty (30) days from
21 the date the person no longer resides in the same residence as the
22 applicant; or

23 10. An arrest for an alleged commission of, a charge pending
24 for, or the person is subject to the provisions of a deferred

1 prosecution for any one or more of the following misdemeanor
2 offenses in this state or another state:

- 3 a. any assault and battery which caused serious physical
4 injury to the victim or any second or subsequent
5 assault and battery,
- 6 b. any aggravated assault and battery,
- 7 c. any stalking pursuant to Section 1173 of this title,
8 or a similar law of another state,
- 9 d. any violation of the Protection from Domestic Abuse
10 Act or any violation of a victim protection order of
11 another state,
- 12 e. any violation relating to illegal drug use or
13 possession, or
- 14 f. an act of domestic abuse as defined by Section 644 of
15 this title or an act of domestic assault and battery
16 or any comparable acts under the law of another state.

17 The preclusive period shall be until the final determination of the
18 matter. The preclusive period for a person subject to the
19 provisions of a deferred sentence for the offenses mentioned in this
20 paragraph shall be three (3) years and shall begin upon the final
21 determination of the matter.

22 B. Nothing in this section shall be construed to require a full
23 investigation of the applicant by the Oklahoma State Bureau of
24 Investigation.

1 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1290.12, as
2 last amended by Section 1, Chapter 152, O.S.L. 2018 (21 O.S. Supp.
3 2018, 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 as to curriculum by the Council on Law Enforcement
2 Education and Training, and the person shall be required to
3 demonstrate competency and qualification with a pistol authorized
4 for concealed or unconcealed carry by the Oklahoma Self-Defense Act.
5 The original certificate of successful completion of a firearms
6 safety and training course and an original certificate of successful
7 demonstration of competency and qualification to carry and handle a
8 pistol shall be submitted with the application for a handgun
9 license. No duplicate, copy, facsimile or other reproduction of the
10 certificate of training, certificate of competency and qualification
11 or exemption from training shall be acceptable as proof of training
12 as required by the provisions of the Oklahoma Self-Defense Act;

13 3. The application form shall be completed and delivered by the
14 applicant, in person, to the sheriff of the county wherein the
15 applicant resides;

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

22 a. a money order or a cashier's check made payable to the
23 Oklahoma State Bureau of Investigation,
24

1 b. a nationally recognized credit card issued to the
2 applicant. For purposes of this paragraph,
3 "nationally recognized credit card" means any
4 instrument or device, whether known as a credit card,
5 credit plate, charge plate, or by any other name,
6 issued with or without fee by the issuer for the use
7 of the cardholder in obtaining goods, services, or
8 anything else of value on credit which is accepted by
9 over one thousand merchants in the state. The
10 Oklahoma State Bureau of Investigation shall determine
11 which nationally recognized credit cards will be
12 accepted by the Bureau, or

13 c. electronic funds transfer.

14 Any person paying application fees to the Oklahoma State Bureau of
15 Investigation by means of a nationally recognized credit card or by
16 means of an electronic funds transfer shall be required to complete
17 and submit his or her application through the online application
18 process of the Bureau.

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

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

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

23 7. The sheriff shall witness the signature of the applicant and
24 review or take the photographs of the applicant and shall verify

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

8 8. Upon verification of the identity of the applicant, the
9 sheriff shall take two complete sets of fingerprints of the
10 applicant. Both sets of fingerprints shall be submitted by the
11 sheriff with the completed application, certificate of training or
12 an exemption certificate, photographs and processing fee to the
13 Oklahoma State Bureau of Investigation within fourteen (14) days of
14 taking the fingerprints. The cost of the fingerprints shall be paid
15 by the applicant. The sheriff may charge a fee of up to Twenty-five
16 Dollars (\$25.00) for the two sets of fingerprints. All fees
17 collected by the sheriff from taking fingerprints pursuant to the
18 provisions of this paragraph shall be retained by the sheriff and
19 deposited into the Sheriff's Service Fee Account;

20 9. The sheriff shall submit to the Oklahoma State Bureau of
21 Investigation within the fourteen-day period, together with the
22 completed application, including the certificate of training,
23 certificate of competency and qualification, photographs, processing
24 fee and legible fingerprints meeting the Oklahoma State Bureau of

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

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

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

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

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

1 other records or information deemed by the Bureau to be relevant to
2 the 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 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 license,
21 (2) if the Bureau finds no record on the JOLTS
22 indicating the named person was adjudicated
23 delinquent for an offense that would constitute a
24

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

3 (3) 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 8. This act shall become effective November 1, 2019.

13 Passed the Senate the 6th day of March, 2019.

14

15

Presiding Officer of the Senate

16

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

18 2019.

19

20

Presiding Officer of the House
of Representatives

21

22

23

24