

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1226

By: Brecheen

4  
5  
6 AS INTRODUCED

7 An Act relating to firearm applications; amending 21  
8 O.S. 2011, Section 1290.5, as last amended by Section  
9 1, Chapter 122, O.S.L. 2014 (21 O.S. Supp. 2017,  
10 Section 1290.5), which relates to term of license and  
11 renewal; modifying renewal fees; amending 21 O.S.  
12 2011, Section 1290.12, as last amended by Section 2,  
13 Chapter 298, O.S.L. 2017 (21 O.S. Supp. 2017, Section  
14 1290.12), which relates to the procedure for  
15 application; modifying application fees; and  
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.5, as  
19 last amended by Section 1, Chapter 122, O.S.L. 2014 (21 O.S. Supp.  
20 2017, Section 1290.5), is amended to read as follows:

21 Section 1290.5.

22 TERM OF LICENSE AND RENEWAL

23 A. A handgun license when issued shall authorize the person to  
24 whom the license is issued to carry a loaded or unloaded handgun,  
concealed or unconcealed, as authorized by the provisions of the  
Oklahoma Self-Defense Act, and any future modifications thereto.

The license shall be valid in this state for a period of five (5) or

1 ten (10) years, unless subsequently surrendered, suspended or  
2 revoked as provided by law. The person shall have no authority to  
3 continue to carry a concealed or unconcealed handgun in this state  
4 pursuant to the Oklahoma Self-Defense Act when a license is expired  
5 or when a license has been voluntarily surrendered or suspended or  
6 revoked for any reason.

7 B. A license may be renewed any time within ninety (90) days  
8 prior to the expiration date as provided in this subsection. The  
9 Bureau shall send a renewal application to each eligible licensee  
10 with a return address requested. There shall be a ninety-day grace  
11 period on license renewals beginning on the date of expiration,  
12 thereafter the license is considered expired. However, any  
13 applicant shall have three (3) years from the expiration of the  
14 license to comply with the renewal requirements of this section.

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

17 2. The applicant must complete the renewal form, attach two  
18 current passport size photographs of the applicant, and submit a  
19 renewal fee in the amount of ~~Eighty-five Dollars (\$85.00)~~ Twenty-  
20 five Dollars (\$25.00) to the Bureau for a five-year license renewal.

21 The renewal fee may be paid with a nationally recognized credit card  
22 as provided in subparagraph b of paragraph 4 of subsection A of  
23 Section 1290.12 of this title, by electronic funds transfer, or by a  
24

1 cashier's check or money order made payable to the Oklahoma State  
2 Bureau of Investigation.

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

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

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

22 Section 1290.12.

23 PROCEDURE FOR APPLICATION

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

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

- 10       a. an application form,
- 11       b. procedures to follow to process the application form,
- 12       and
- 13       c. a copy of the Oklahoma Self-Defense Act with any  
14       modifications thereto;

15       2. The person shall be required to successfully complete a  
16 firearms safety and training course from a firearms instructor who  
17 is approved and registered in this state as provided in Section  
18 1290.14 of this title or from an interactive online firearms safety  
19 and training course available electronically via the Internet which  
20 has been approved as to curriculum by the Council on Law Enforcement  
21 Education and Training, and the person shall be required to  
22 demonstrate competency and qualification with a pistol authorized  
23 for concealed or unconcealed carry by the Oklahoma Self-Defense Act.  
24 The original certificate of successful completion of a firearms

1 safety and training course and an original certificate of successful  
2 demonstration of competency and qualification to carry and handle a  
3 pistol shall be submitted with the application for a handgun  
4 license. No duplicate, copy, facsimile or other reproduction of the  
5 certificate of training, certificate of competency and qualification  
6 or exemption from training shall be acceptable as proof of training  
7 as required by the provisions of the Oklahoma Self-Defense Act;

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

11 4. The person shall deliver to the sheriff at the time of  
12 delivery of the completed application form a fee of ~~One Hundred~~  
13 ~~Dollars (\$100.00)~~ Twenty-five Dollars (\$25.00) for processing the  
14 application for a five-year license through the Oklahoma State  
15 Bureau of Investigation and processing the required fingerprints  
16 through the Federal Bureau of Investigation. The processing fee  
17 shall be in the form of:

- 18 a. a money order or a cashier's check made payable to the  
19 Oklahoma State Bureau of Investigation,
- 20 b. a nationally recognized credit card issued to the  
21 applicant. For purposes of this paragraph,  
22 "nationally recognized credit card" means any  
23 instrument or device, whether known as a credit card,  
24 credit plate, charge plate, or by any other name,

1 issued with or without fee by the issuer for the use  
2 of the cardholder in obtaining goods, services, or  
3 anything else of value on credit which is accepted by  
4 over one thousand merchants in the state. The  
5 Oklahoma State Bureau of Investigation shall determine  
6 which nationally recognized credit cards will be  
7 accepted by the Bureau, or  
8 c. electronic funds transfer.

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

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

20 5. The completed application form shall be signed by the  
21 applicant in person before the sheriff. The signature shall be  
22 given voluntarily upon a sworn oath that the person knows the  
23 contents of the application and that the information contained in  
24 the application is true and correct. Any person making any false or

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

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

18       7. The sheriff shall witness the signature of the applicant and  
19 review or take the photographs of the applicant and shall verify  
20 that the person making application for a handgun license is the same  
21 person in the photographs submitted and the same person who signed  
22 the application form. Proof of a valid Oklahoma driver license with  
23 a photograph of the applicant or an Oklahoma state photo  
24 identification for the applicant shall be required to be presented

1 by the applicant to the sheriff for verification of the person's  
2 identity;

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

15 9. The sheriff shall submit to the Oklahoma State Bureau of  
16 Investigation within the fourteen-day period, together with the  
17 completed application, including the certificate of training,  
18 certificate of competency and qualification, photographs, processing  
19 fee and legible fingerprints meeting the Oklahoma State Bureau of  
20 Investigation's Automated Fingerprint Identification System (AFIS)  
21 submission standards, and a report of information deemed pertinent  
22 to an investigation of the applicant for a handgun license. The  
23 sheriff shall make a preliminary investigation of pertinent  
24 information about the applicant and the court clerk shall assist the



1 sheriff in locating pertinent information in court records for this  
2 purpose. If no pertinent information is found to exist either for  
3 or against the applicant, the sheriff shall so indicate in the  
4 report;

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

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

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

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

19 a. In the course of the investigation by the Bureau, it  
20 shall present the name of the applicant along with any  
21 known aliases, the address of the applicant and the  
22 social security number of the applicant to the  
23 Department of Mental Health and Substance Abuse  
24 Services. The Department of Mental Health and

1 Substance Abuse Services shall respond within ten (10)  
2 days of receiving such information to the Bureau as  
3 follows:

- 4 (1) with a "Yes" answer, if the records of the  
5 Department indicate that the person was  
6 involuntarily committed to a mental institution  
7 in Oklahoma,
- 8 (2) with a "No" answer, if there are no records  
9 indicating the name of the person as a person  
10 involuntarily committed to a mental institution  
11 in Oklahoma, or
- 12 (3) with an "Inconclusive" answer if the records of  
13 the Department suggest the applicant may be a  
14 formerly committed person. In the case of an  
15 inconclusive answer, the Bureau shall ask the  
16 applicant whether he or she was involuntarily  
17 committed. If the applicant states under penalty  
18 of perjury that he or she has not been  
19 involuntarily committed, the Bureau shall  
20 continue processing the application for a  
21 license.

- 22 b. In the course of the investigation by the Bureau, it  
23 shall check the name of any applicant who is twenty-  
24 eight (28) years of age or younger along with any

1 known aliases, the address of the applicant and the  
2 social security number of the applicant against the  
3 records in the Juvenile Online Tracking System (JOLTS)  
4 of the Office of Juvenile Affairs. The Office of  
5 Juvenile Affairs shall provide the Bureau direct  
6 access to check the applicant against the records  
7 available on JOLTS:

- 8 (1) if the Bureau finds a record on the JOLTS that  
9 indicates the person was adjudicated a delinquent  
10 for an offense that would constitute a felony  
11 offense if committed by an adult within the last  
12 ten (10) years the Bureau shall deny the license,
- 13 (2) if the Bureau finds no record on the JOLTS  
14 indicating the named person was adjudicated  
15 delinquent for an offense that would constitute a  
16 felony offense if committed by an adult within  
17 the last ten (10) years, or
- 18 (3) if the records suggest the applicant may have  
19 been adjudicated delinquent for an offense that  
20 would constitute a felony offense if committed by  
21 an adult but such record is inconclusive, the  
22 Bureau shall ask the applicant whether he or she  
23 was adjudicated a delinquent for an offense that  
24 would constitute a felony offense if committed by

1 an adult within the last ten (10) years. If the  
2 applicant states under penalty of perjury that he  
3 or she was not adjudicated a delinquent within  
4 ten (10) years, the Bureau shall continue  
5 processing the application for a license; and

6 13. If the background check set forth in paragraph 12 of this  
7 subsection reveals no records pertaining to the applicant, the  
8 Oklahoma State Bureau of Investigation shall either issue a handgun  
9 license or deny the application within sixty (60) days of the date  
10 of receipt of the applicant's completed application and the required  
11 information from the sheriff. In all other cases, the Oklahoma  
12 State Bureau of Investigation shall either issue a handgun license  
13 or deny the application within ninety (90) days of the date of the  
14 receipt of the applicant's completed application and the required  
15 information from the sheriff. The Bureau shall approve an applicant  
16 who appears to be in full compliance with the provisions of the  
17 Oklahoma Self-Defense Act, if completion of the federal fingerprint  
18 search is the only reason for delay of the issuance of the handgun  
19 license to that applicant. Upon receipt of the federal fingerprint  
20 search information, if the Bureau receives information which  
21 precludes the person from having a handgun license, the Bureau shall  
22 revoke the handgun license previously issued to the applicant. The  
23 Bureau shall deny a license when the applicant fails to properly  
24 complete the application form or application process or is

1 determined not to be eligible as specified by the provisions of  
2 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall  
3 approve an application in all other cases. If an application is  
4 denied, the Bureau shall notify the applicant in writing of its  
5 decision. The notification shall state the grounds for the denial  
6 and inform the applicant of the right to an appeal as may be  
7 provided by the provisions of the Administrative Procedures Act.  
8 All notices of denial shall be mailed by first-class mail to the  
9 address of the applicant listed in the application. Within sixty  
10 (60) calendar days from the date of mailing a denial of application  
11 to an applicant, the applicant shall notify the Bureau in writing of  
12 the intent to appeal the decision of denial or the right of the  
13 applicant to appeal shall be deemed waived. Any administrative  
14 hearing on a denial which may be provided shall be conducted by a  
15 hearing examiner appointed by the Bureau. The decision of the  
16 hearing examiner shall be a final decision appealable to a district  
17 court in accordance with the Administrative Procedures Act. When an  
18 application is approved, the Bureau shall issue the license and  
19 shall mail the license by first-class mail to the address of the  
20 applicant listed in the application.

21 B. Nothing contained in any provision of the Oklahoma Self-  
22 Defense Act shall be construed to require or authorize the  
23 registration, documentation or providing of serial numbers with  
24 regard to any firearm. For purposes of the Oklahoma Self-Defense

1 Act, the sheriff may designate a person to receive, fingerprint,  
2 photograph or otherwise process applications for handgun licenses.

3 SECTION 3. This act shall become effective November 1, 2018.

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