

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 4120

By: Hardin and **Wallace** of the
House

and

Weaver of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to firearms; amending 21 O.S. 2021,
12 Section 1289.8, which relates to the Oklahoma
13 Firearms Act of 1971; modifying procedures for
14 renewing identification cards; deeming expired
15 firearms permits irrelevant under certain
16 circumstances; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1289.8, is
19 amended to read as follows:

20 Section 1289.8.

21 CARRYING WEAPON

22 A. Any fire marshal inspector who is retired, state, county or
23 municipal peace officer of this state who is retired, or any state,
24 county or municipal peace officer classified as a reserve who is
retired, or any federal law enforcement officer who is retired may

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

11 B. The Council on Law Enforcement Education and Training
12 (CLEET) shall issue an identification card to eligible retired
13 federal, state, county, and municipal peace officers which
14 authorizes the retired peace officer to carry a firearm throughout
15 the State of Oklahoma. The identification card shall bear the full
16 name of the retired officer, the signature of the retired officer,
17 the date of issuance, and such other information as may be deemed
18 appropriate by CLEET. The identification card ~~shall expire every~~
19 ~~ten (10) years~~ and may be denied, suspended or revoked as provided
20 by the rules promulgated by CLEET or upon the discovery of any
21 preclusion prescribed in Section 1290.10 or 1290.11 of this title.
22 ~~In order to renew the permit, the Council on Law Enforcement~~
23 ~~Education and Training shall request, pursuant to Section 150.9 of~~
24 ~~Title 74 of the Oklahoma Statutes, the Oklahoma State Bureau of~~

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

13 C. The In the event a preclusion prescribed in Section 1290.10
14 or 1290.11 of this title is discovered or a retired peace officer is
15 requesting a firearms permit, the retired peace officer shall be
16 required to submit the following information to the Council on Law
17 Enforcement Education and Training (CLEET) and any other information
18 requested by CLEET:

19 1. A statement from the appropriate law enforcement agency
20 verifying the status of the person as a retired peace officer of
21 that jurisdiction; and

22 2. A notarized statement, signed by the retired peace officer,
23 stating that the officer:

24

- 1 a. has not been convicted of and is currently not subject
2 to any pending criminal prosecution for any preclusion
3 prescribed in Section 1290.10 or 1290.11 of this
4 title,
- 5 b. has not been forced into retirement due to any mental
6 disorder, and
- 7 c. has not suffered any injury or any physical or mental
8 impairment which would render the person unsafe to
9 carry a firearm.

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

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

19 F. Any peace officer, retired, who carries any firearm 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.

23 G. Any firearms permit issued to a retired peace officer in
24 accordance with the provisions of this section that previously

1 expired and a preclusion has not been discovered by CLEET, shall
2 remain valid and the expiration date on the original firearms permit
3 shall be deemed irrelevant.

4 SECTION 2. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
10 02/29/2024 - DO PASS, As Amended and Coauthored.

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