

1 **SENATE FLOOR VERSION**

2 February 27, 2019

3 **AS AMENDED**

4 SENATE BILL NO. 34

By: Shaw of the Senate

and

Wright of the House

5
6
7
8 **[Oklahoma Self-Defense Act - concealed firearm for**
9 **off-duty police officer - license and renewal -**
10 **possession of license required - preclusions -**
11 **procedure for application - effective date]**

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

13 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.23, as
14 last amended by Section 5, Chapter 210, O.S.L. 2016 (21 O.S. Supp.
15 2018, Section 1289.23), is amended to read as follows:

16 Section 1289.23.

17 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

18 A. Notwithstanding any provision of law to the contrary, a
19 full-time duly appointed peace officer who is certified by the
20 Council on Law Enforcement Education and Training (CLEET), pursuant
21 to the provisions of Section 3311 of Title 70 of the Oklahoma
22 Statutes, is hereby authorized to carry a weapon approved by the
23 employing agency anywhere in the state of Oklahoma, both while on
24

1 active duty and during periods when the officer is not on active
2 duty as provided by the provisions of subsection B of this section.

3 B. When a full-time duly appointed officer carries an approved
4 weapon, the officer shall be wearing the law enforcement uniform
5 prescribed by the employing agency or plainclothes. When not
6 wearing the prescribed law enforcement uniform, the officer shall be
7 required:

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

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

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

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

24

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

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

9 E. When an off-duty reserve peace officer carries an approved
10 weapon, the officer shall be wearing the law enforcement uniform
11 prescribed by the employing agency or when not wearing the
12 prescribed law enforcement uniform, the officer shall be required:

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

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

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

22 G. Nothing in this section shall be construed to limit or
23 restrict any peace officer or reserve peace officer from carrying a
24 handgun, concealed or unconcealed, as allowed by the Oklahoma Self-

1 Defense Act after issuance of a valid license. An off-duty, full-
2 time peace officer or reserve peace officer shall be deemed to have
3 elected to carry a handgun under the authority of the Oklahoma Self-
4 Defense Act when the officer:

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

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

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

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

16 1. The officer shall apply in writing to the Council on Law
17 Enforcement Education and Training (CLEET) stating that the officer
18 desires to have a handgun license pursuant to the Oklahoma Self-
19 Defense Act and certifying that he or she has no preclusions to
20 having such handgun license. The officer shall submit with the
21 application:

22 a. an official letter from his or her employing agency
23 confirming the officer's employment and status as a
24

1 full-time commissioned peace officer or an active
2 reserve peace officer,

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

5 c. two passport-size photographs of the peace officer
6 applicant;

7 2. Upon receiving the required information, CLEET shall
8 determine whether the peace officer is in good standing, has CLEET
9 certification and training, and is otherwise eligible for a handgun
10 license. Upon verification of the officer's eligibility, CLEET
11 shall send the information to the Oklahoma State Bureau of
12 Investigation (OSBI) and OSBI shall issue a handgun license in the
13 same or similar form as other handgun licenses. All other
14 requirements in Section 1290.12 of this title concerning application
15 for a handgun license shall be waived for active duty peace officers
16 except as provided in this subsection including, but not limited to,
17 training, fingerprints and criminal history records checks unless
18 the officer does not have fingerprints on file or a criminal history
19 records background check conducted prior to employment as a peace
20 officer. The OSBI shall conduct a check of the National Instant
21 Criminal Background Check System (NICS) prior to issuance of a Self-
22 Defense Act License. The OSBI shall not be required to conduct any
23 further investigation into the eligibility of the peace officer
24

1 applicant and shall not deny a handgun license except when
2 preclusions are found to exist;

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

10 4. If the commission card of a law enforcement officer is
11 terminated, revoked or suspended, the handgun license shall be
12 immediately returned to CLEET. When a peace officer in possession
13 of a handgun license pursuant to this subsection changes employment,
14 the person must notify CLEET within ninety (90) days and send a new
15 letter verifying employment and status as a full-time commissioned
16 or reserve peace officer;

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

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

23 7. Nothing in this subsection shall be construed to change or
24 amend the application process, eligibility, effective date or fees

1 of any handgun license pending issuance on November 1, 2004, or
2 previously issued to any peace officer prior to November 1, 2004.

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

5 Section 1290.1.

6 SHORT TITLE

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

9 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.5, as
10 last amended by Section 1, Chapter 122, O.S.L. 2014 (21 O.S. Supp.
11 2018, Section 1290.5), is amended to read as follows:

12 Section 1290.5.

13 TERM OF LICENSE AND RENEWAL

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

1 B. A license may be renewed any time within ninety (90) days
2 prior to the expiration date as provided in this subsection. The
3 Bureau ~~shall send a renewal application to each eligible licensee~~
4 ~~with a return address requested~~ may notify each eligible licensee
5 with an electronic mail address on file at least ninety (90) days
6 prior to the expiration of their license. There shall be a ninety-
7 day grace period on license renewals beginning on the date of
8 expiration, thereafter the license is considered expired. However,
9 any applicant shall have three (3) years from the expiration of the
10 license to comply with the renewal requirements of this section.

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

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

21 3. Upon receipt of the renewal application, photographs and
22 fee, the Bureau will conduct a criminal history records name search,
23 an investigation of medical records or other records or information
24 deemed by the Bureau to be relevant to the renewal application. If

1 the applicant appears not to have any prohibition to renewing the
2 handgun license, the Bureau shall issue the renewed license for a
3 period of five (5) or ten (10) years.

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

14 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.8, as
15 last amended by Section 3, Chapter 68, O.S.L. 2018 (21 O.S. Supp.
16 2018, Section 1290.8), is amended to read as follows:

17 Section 1290.8.

18 POSSESSION OF LICENSE REQUIRED

19 NOTIFICATION TO POLICE OF GUN

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

23 1. The person has been issued a handgun license from the
24 Oklahoma State Bureau of Investigation pursuant to the provisions of

1 the Oklahoma Self-Defense Act, provided the person is in compliance
2 with the provisions of the Oklahoma Self-Defense Act, and the
3 license has not expired or been subsequently suspended or revoked;
4 or

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

- 7 a. active military, or
- 8 b. a member of the Reserve or National Guard to include
9 Drill Status Guard and Reserve, Active Guard Reserves
10 or Military Technicians,

11 and presents a valid military identification card that shall be
12 considered a valid handgun license issued pursuant to the Oklahoma
13 Self-Defense Act.

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

20 C. The person shall be required to have possession of his or
21 her valid handgun license or valid military identification card as
22 provided for qualified persons in this section and a valid ~~Oklahoma~~
23 driver license or an ~~Oklahoma State~~ state photo identification at
24 all times when in possession of an authorized pistol. The person

1 shall display the handgun license or a valid military identification
2 card as provided for qualified persons in this section on demand of
3 a law enforcement officer; provided, however, that in the absence of
4 reasonable and articulable suspicion of other criminal activity, an
5 individual carrying an unconcealed or concealed handgun shall not be
6 disarmed or physically restrained unless the individual fails to
7 display a valid handgun license or a valid military identification
8 card as provided for qualified persons in this section in response
9 to that demand. Any violation of the provisions of this subsection
10 may be punishable as a criminal offense as authorized by Section
11 1272 of this title or pursuant to any other applicable provision of
12 law. Any second or subsequent violation of the provisions of this
13 subsection shall be grounds for the Bureau to suspend the handgun
14 license for a period of six (6) months, in addition to any other
15 penalty imposed.

16 Upon the arrest of any person for a violation of the provisions
17 of this subsection, the person may show proof to the court that a
18 valid handgun license and the other required identification has been
19 issued to such person and the person may state any reason why the
20 handgun license, a valid military identification card as provided
21 for qualified persons in this section or the other required
22 identification was not carried by the person as required by the
23 Oklahoma Self-Defense Act. The court shall dismiss an alleged
24 violation of Section 1272 of this title upon payment of court costs,

1 if proof of a valid handgun license and other required
2 identification is shown to the court within ten (10) days of the
3 arrest of the person. The court shall report a dismissal of a
4 charge to the Bureau for consideration of administrative proceedings
5 against the licensee.

6 D. It shall be unlawful for any person to fail or refuse to
7 identify the fact that the person is in actual possession of a
8 concealed or unconcealed handgun pursuant to the authority of the
9 Oklahoma Self-Defense Act when the person comes into contact with
10 any law enforcement officer of this state or its political
11 subdivisions or a federal law enforcement officer during the course
12 of any arrest, detainment, or routine traffic stop. ~~Said~~ The
13 identification to the law enforcement officer shall be made at the
14 first opportunity. No person shall be required to identify himself
15 or herself as a handgun licensee when no handgun is in the
16 possession of the person or in any vehicle in which the person is
17 driving or is a passenger. Any violation of the provisions of this
18 subsection shall, upon conviction, be a misdemeanor punishable by a
19 fine not exceeding One Hundred Dollars (\$100.00).

20 E. Any law enforcement officer coming in contact with a person
21 whose handgun license is suspended, revoked, or expired, or who is
22 in possession of a handgun license which has not been lawfully
23 issued to that person, shall confiscate the license and return it to
24 the Oklahoma State Bureau of Investigation for appropriate

1 administrative proceedings against the licensee when the license is
2 no longer needed as evidence in any criminal proceeding.

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

6 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1290.10, as
7 last amended by Section 1, Chapter 86, O.S.L. 2015 (21 O.S. Supp.
8 2018, Section 1290.10), is amended to read as follows:

9 Section 1290.10.

10 MANDATORY PRECLUSIONS

11 In addition to the requirements stated in Section 1290.9 of this
12 title, the conditions stated in this section shall preclude a person
13 from eligibility for a handgun license pursuant to the provisions of
14 the Oklahoma Self-Defense Act. The occurrence of any one of the
15 following conditions shall deny the person the right to have a
16 handgun license pursuant to the provisions of the Oklahoma Self-
17 Defense Act. Prohibited conditions are:

18 1. Ineligible to possess a pistol due to any felony conviction
19 or adjudication as a delinquent as provided by Section 1283 of this
20 title, except as provided in subsection B of Section 1283 of this
21 title;

22 2. Any felony conviction pursuant to any law of another state,
23 a felony conviction pursuant to any provision of the United States
24 Code, or any conviction pursuant to the laws of any foreign country,

1 provided such foreign conviction would constitute a felony offense
2 in this state if the offense had been committed in this state,
3 except as provided in subsection B of Section 1283 of this title;

4 3. Adjudication as a mentally incompetent person pursuant to
5 the provisions of the Oklahoma Mental Health Law, or an adjudication
6 of incompetency entered in another state pursuant to any provision
7 of law of that state, unless the person has been granted relief from
8 the disqualifying disability pursuant to Section 1290.27 of this
9 title;

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

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

15 a. any assault and battery which caused serious physical
16 injury to the victim, or any second or subsequent
17 assault and battery conviction,

18 b. any aggravated assault and battery,

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

21 d. a violation relating to the Protection from Domestic
22 Abuse Act or any violation of a victim protection
23 order of another state,

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- 1 e. any conviction relating to illegal drug use or
2 possession, or
3 f. an act of domestic abuse as defined by Section 644 of
4 this title or an act of domestic assault and battery
5 or any comparable acts under the laws of another
6 state.

7 The preclusive period for a misdemeanor conviction related to
8 illegal drug use or possession shall be ten (10) years from the date
9 of completion of a sentence. For purposes of this subsection, "date
10 of completion of a sentence" shall mean the day an offender
11 completes all incarceration, probation, and parole pertaining to
12 such sentence;

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

18 7. Currently undergoing treatment for a mental illness,
19 condition, or disorder. For purposes of this paragraph, "currently
20 undergoing treatment for a mental illness, condition, or disorder"
21 means the person has been diagnosed by a licensed physician as being
22 afflicted with a substantial disorder of thought, mood, perception,
23 psychological orientation, or memory that significantly impairs
24

1 judgment, behavior, capacity to recognize reality, or ability to
2 meet the ordinary demands of life;

3 8. Significant character defects of the applicant as evidenced
4 by a ~~misdemeanor~~ criminal record indicating habitual criminal
5 activity;

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

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

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

14 12. Adjudication as a delinquent as provided by Section 1283 of
15 this title, except as provided in subsection B of Section 1283 of
16 this title.

17 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1290.11, as
18 last amended by Section 2, Chapter 259, O.S.L. 2014 (21 O.S. Supp.
19 2018, Section 1290.11), is amended to read as follows:

20 Section 1290.11.

21 OTHER PRECLUSIONS

22 A. The following conditions shall preclude a person from being
23 eligible for a handgun license pursuant to the provisions of the
24

1 Oklahoma Self-Defense Act for a period of time as prescribed in each
2 of the following paragraphs:

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

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

12 3. Any involuntary commitment for a mental illness, condition,
13 or disorder pursuant to the provisions of Section 5-410 of Title 43A
14 of the Oklahoma Statutes or any involuntary commitment in another
15 state pursuant to any provisions of law of that state. The
16 preclusive period shall be permanent as provided by Title 18 of the
17 United States Code Section 922(g)(4) unless the person has been
18 granted relief from the disqualifying disability pursuant to Section
19 ~~3 of this act~~ 1290.27 of this title;

20 4. The person has previously undergone treatment for a mental
21 illness, condition, or disorder which required medication or
22 supervision as defined by paragraph 7 of Section 1290.10 of this
23 title. The preclusive period shall be three (3) years from the last
24 date of treatment or upon presentation of a certified statement from

1 a licensed physician stating that the person is either no longer
2 disabled by any mental or psychiatric illness, condition, or
3 disorder or that the person has been stabilized on medication for
4 ten (10) years or more;

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

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

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

21 8. A court order for a final Victim Protection Order against
22 the applicant, as authorized by the Protection from Domestic Abuse
23 Act, or any court order granting a final victim protection order
24 against the applicant from another state. The preclusive period

1 shall be ~~three (3) years from the date of the entry of the final~~
2 ~~court order, or~~ sixty (60) days from the date an order was vacated,
3 canceled ~~or~~, withdrawn or is otherwise no longer in effect;

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

9 10. An arrest for an alleged commission of, a charge pending
10 for, or the person is subject to the provisions of a deferred
11 prosecution for any one or more of the following misdemeanor
12 offenses in this state or another state:

- 13 a. any assault and battery which caused serious physical
14 injury to the victim or any second or subsequent
15 assault and battery,
- 16 b. any aggravated assault and battery,
- 17 c. any stalking pursuant to Section 1173 of this title,
18 or a similar law of another state,
- 19 d. any violation of the Protection from Domestic Abuse
20 Act or any violation of a victim protection order of
21 another state,
- 22 e. any violation relating to illegal drug use or
23 possession, or

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1 f. an act of domestic abuse as defined by Section 644 of
2 this title or an act of domestic assault and battery
3 or any comparable acts under the law of another state.
4 The preclusive period shall be until the final determination of the
5 matter. The preclusive period for a person subject to the
6 provisions of a deferred sentence for the offenses mentioned in this
7 paragraph shall be three (3) years and shall begin upon the final
8 determination of the matter.

9 B. Nothing in this section shall be construed to require a full
10 investigation of the applicant by the Oklahoma State Bureau of
11 Investigation.

12 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1290.12, as
13 last amended by Section 1, Chapter 152, O.S.L. 2018 (21 O.S. Supp.
14 2018, Section 1290.12), is amended to read as follows:

15 Section 1290.12.

16 PROCEDURE FOR APPLICATION

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

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

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

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

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

4 4. The person shall deliver to the sheriff at the time of
5 delivery of the completed application form a fee of One Hundred
6 Dollars (\$100.00) for processing the application through the
7 Oklahoma State Bureau of Investigation and processing the required
8 fingerprints through the Federal Bureau of Investigation. The
9 processing fee shall be in the form of:

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

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

24 c. electronic funds transfer.

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

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

12 5. The completed application form shall be signed by the
13 applicant in person before the sheriff. The signature shall be
14 given voluntarily upon a sworn oath that the person knows the
15 contents of the application and that the information contained in
16 the application is true and correct. Any person making any false or
17 misleading statement on an application for a handgun license shall,
18 upon conviction, be guilty of perjury as defined by Section 491 of
19 this title. Any conviction shall be punished as provided in Section
20 500 of this title. In addition to a criminal conviction, the person
21 shall be denied the right to have a handgun license pursuant to the
22 provisions of Section 1290.10 of this title and the Oklahoma State
23 Bureau of Investigation shall revoke the handgun license, if issued;

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1 6. Two passport-size photographs of the applicant shall be
2 submitted with the completed application. The cost of the
3 photographs shall be the responsibility of the applicant. The
4 sheriff is authorized to take the photograph of the applicant for
5 purposes of the Oklahoma Self-Defense Act and, if such photographs
6 are taken by the sheriff, the cost of the photographs shall not
7 exceed Ten Dollars (\$10.00) for the two photos. All money received
8 by the sheriff from photographing applicants pursuant to the
9 provisions of this paragraph shall be retained by the sheriff and
10 deposited into the Sheriff's Service Fee Account;

11 7. The sheriff shall witness the signature of the applicant and
12 review or take the photographs of the applicant and shall verify
13 that the person making application for a handgun license is the same
14 person in the photographs submitted and the same person who signed
15 the application form. Proof of a valid Oklahoma driver license with
16 a photograph of the applicant or an Oklahoma state photo
17 identification for the applicant shall be required to be presented
18 by the applicant to the sheriff for verification of the person's
19 identity;

20 8. Upon verification of the identity of the applicant, the
21 sheriff shall take two complete sets of fingerprints of the
22 applicant. Both sets of fingerprints shall be submitted by the
23 sheriff with the completed application, certificate of training or
24 an exemption certificate, photographs and processing fee to the

1 Oklahoma State Bureau of Investigation within fourteen (14) days of
2 taking the fingerprints. The cost of the fingerprints shall be paid
3 by the applicant. The sheriff may charge a fee of up to Twenty-five
4 Dollars (\$25.00) for the two sets of fingerprints. All fees
5 collected by the sheriff from taking fingerprints pursuant to the
6 provisions of this paragraph shall be retained by the sheriff and
7 deposited into the Sheriff's Service Fee Account;

8 9. The sheriff shall submit to the Oklahoma State Bureau of
9 Investigation within the fourteen-day period, together with the
10 completed application, including the certificate of training,
11 certificate of competency and qualification, photographs, processing
12 fee and legible fingerprints meeting the Oklahoma State Bureau of
13 Investigation's Automated Fingerprint Identification System (AFIS)
14 submission standards, and a report of information deemed pertinent
15 to an investigation of the applicant for a handgun license. The
16 sheriff shall make a preliminary investigation of pertinent
17 information about the applicant and the court clerk shall assist the
18 sheriff in locating pertinent information in court records for this
19 purpose. If no pertinent information is found to exist either for
20 or against the applicant, the sheriff shall so indicate in the
21 report;

22 10. The Oklahoma State Bureau of Investigation, upon receipt of
23 the application and required information from the sheriff, shall
24 forward one full set of fingerprints of the applicant to the Federal

1 Bureau of Investigation for a national criminal history records
2 search. The cost of processing the fingerprints nationally shall be
3 paid from the processing fee collected by the Oklahoma State Bureau
4 of Investigation;

5 11. Notwithstanding the provisions of the Oklahoma Self-Defense
6 Act, or any other provisions of law, any person who has been granted
7 a permanent victim protective order by the court, as provided for in
8 the Protection from Domestic Abuse Act, may be issued a temporary
9 handgun license for a period not to exceed six (6) months. A
10 temporary handgun license may be issued if the person has
11 successfully passed the required weapons course, completed the
12 application process for the handgun license, passed the preliminary
13 investigation of the person by the sheriff and court clerk, and
14 provided the sheriff proof of a certified permanent victim
15 protective order and a valid Oklahoma state photo identification
16 card or driver license. The sheriff shall issue a temporary handgun
17 license on a form approved by the Oklahoma State Bureau of
18 Investigation, at no cost. Any person who has been issued a
19 temporary license shall carry the temporary handgun license and a
20 valid Oklahoma state photo identification on his or her person at
21 all times, and shall be subject to all the requirements of the
22 Oklahoma Self-Defense Act when carrying a handgun. The person may
23 proceed with the handgun licensing process. In the event the victim

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1 protective order is no longer enforceable, the temporary handgun
2 license shall cease to be valid;

3 12. The Oklahoma State Bureau of Investigation shall make a
4 reasonable effort to investigate the information submitted by the
5 applicant and the sheriff, to ascertain whether or not the issuance
6 of a handgun license would be in violation of the provisions of the
7 Oklahoma Self-Defense Act. The investigation by the Bureau of an
8 applicant shall include, but shall not be limited to: a statewide
9 criminal history records search, a national criminal history records
10 search, a Federal Bureau of Investigation fingerprint search, a
11 check of the National Instant Criminal Background Check System
12 (NICS) and if applicable, an investigation of medical records or
13 other records or information deemed by the Bureau to be relevant to
14 the application.

15 a. In the course of the investigation by the Bureau, it
16 shall present the name of the applicant along with any
17 known aliases, the address of the applicant and the
18 Social Security number of the applicant to the
19 Department of Mental Health and Substance Abuse
20 Services. The Department of Mental Health and
21 Substance Abuse Services shall respond within ten (10)
22 days of receiving such information to the Bureau as
23 follows:

24

1 (1) with a "Yes" answer, if the records of the
2 Department indicate that the person was
3 involuntarily committed to a mental institution
4 in Oklahoma,

5 (2) with a "No" answer, if there are no records
6 indicating the name of the person as a person
7 involuntarily committed to a mental institution
8 in Oklahoma, or

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

19 b. In the course of the investigation by the Bureau, it
20 shall check the name of any applicant who is twenty-
21 eight (28) years of age or younger along with any
22 known aliases, the address of the applicant and the
23 Social Security number of the applicant against the
24 records in the Juvenile Online Tracking System (JOLTS)

1 of the Office of Juvenile Affairs. The Office of
2 Juvenile Affairs shall provide the Bureau direct
3 access to check the applicant against the records
4 available on JOLTS:

- 5 (1) if the Bureau finds a record on the JOLTS that
6 indicates the person was adjudicated a delinquent
7 for an offense that would constitute a felony
8 offense if committed by an adult within the last
9 ten (10) years the Bureau shall deny the license,
- 10 (2) if the Bureau finds no record on the JOLTS
11 indicating the named person was adjudicated
12 delinquent for an offense that would constitute a
13 felony offense if committed by an adult within
14 the last ten (10) years, or
- 15 (3) if the records suggest the applicant may have
16 been adjudicated delinquent for an offense that
17 would constitute a felony offense if committed by
18 an adult but such record is inconclusive, the
19 Bureau shall ask the applicant whether he or she
20 was adjudicated a delinquent for an offense that
21 would constitute a felony offense if committed by
22 an adult within the last ten (10) years. If the
23 applicant states under penalty of perjury that he
24 or she was not adjudicated a delinquent within

1 ten (10) years, the Bureau shall continue
2 processing the application for a license; and

3 13. If the background check set forth in paragraph 12 of this
4 subsection reveals no records pertaining to the applicant, the
5 Oklahoma State Bureau of Investigation shall either issue a handgun
6 license or deny the application within sixty (60) days of the date
7 of receipt of the applicant's completed application and the required
8 information from the sheriff. In all other cases, the Oklahoma
9 State Bureau of Investigation shall either issue a handgun license
10 or deny the application within ninety (90) days of the date of the
11 receipt of the applicant's completed application and the required
12 information from the sheriff. The Bureau shall approve an applicant
13 who appears to be in full compliance with the provisions of the
14 Oklahoma Self-Defense Act, if completion of the federal fingerprint
15 search is the only reason for delay of the issuance of the handgun
16 license to that applicant. Upon receipt of the federal fingerprint
17 search information, if the Bureau receives information which
18 precludes the person from having a handgun license, the Bureau shall
19 revoke the handgun license previously issued to the applicant. The
20 Bureau shall deny a license when the applicant fails to properly
21 complete the application form or application process or is
22 determined not to be eligible as specified by the provisions of
23 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall
24 approve an application in all other cases. If an application is

1 denied, the Bureau shall notify the applicant in writing of its
2 decision. The notification shall state the grounds for the denial
3 and inform the applicant of the right to an appeal as may be
4 provided by the provisions of the Administrative Procedures Act.
5 All notices of denial shall be mailed by first-class mail to the
6 address of the applicant listed in the application. Within sixty
7 (60) calendar days from the date of mailing a denial of application
8 to an applicant, the applicant shall notify the Bureau in writing of
9 the intent to appeal the decision of denial or the right of the
10 applicant to appeal shall be deemed waived. Any administrative
11 hearing on a denial which may be provided shall be conducted by a
12 hearing examiner appointed by the Bureau. The decision of the
13 hearing examiner shall be a final decision appealable to a district
14 court in accordance with the Administrative Procedures Act. When an
15 application is approved, the Bureau shall issue the license and
16 shall mail the license by first-class mail to the address of the
17 applicant listed in the application.

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

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1 **SECTION 8.** This act shall become effective November 1, 2019.

2 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
3 February 27, 2019 - DO PASS AS AMENDED
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