STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1050

By: Shurden and Campbell of the Senate

and

Stanley of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to firearms; amending 21 O.S. 1991, Sections 908, 1272, as last amended by Section 26, Chapter 272, O.S.L. 1995, 1272.1, as amended by Section 27, Chapter 272, O.S.L. 1995, 1277, as last amended by Section 31, Chapter 272, O.S.L. 1995, 1280.1, as last amended by Section 35, Chapter 272, O.S.L. 1995, 1289.8, as last amended by Section 46, Chapter 272, O.S.L. 1995, 1289.10, as amended by Section 48, Chapter 272, O.S.L. 1995, 1289.23, as last amended by Section 55, Chapter 272, O.S.L. 1995, 1289.24, as amended by Section 56, Chapter 272, O.S.L. 1995, and Sections 8, 9, 10, 11, 12, 13, 15, 17 and 22, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Sections 1272, 1272.1, 1277, 1280.1, 1289.8, 1289.10, 1289.23, 1289.24, 1290.8, 1290.9, 1290.10, 1290.11, 1290.12, 1290.13, 1290.15, 1290.17 and 1290.22) and Section 14, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1290.14), as amended by Section 1 of Enrolled House Bill No. 3024 of the 2nd Session of the 45th Oklahoma Legislature, which relate to Sabbath-breaking, unlawful carrying of weapons, certain establishments, prohibited places for firearms, possession of firearms on school property, carrying concealed weapons, furnishing firearms to incompetent persons, off-duty peace officers, preemption law, and the Oklahoma Self-Defense Act; removing prohibition against shooting on Sunday; allowing peace officer to carry certain weapons while performing official duties; modifying language; modifying statutory references; modifying certain prohibitions to where firearms may be carried; exempting certain property; expanding authorization for firearms on school property for certain training courses; authorizing eligible retired peace officers to carry concealed pistol; requiring certain identification card; directing Council on Law Enforcement Education and Training to issue certain identification cards; requiring certain criminal history records search; requiring officers to submit certain information to CLEET; directing CLEET to promulgate certain rules; providing penalty for violation; deleting disparaging terms; clarifying language; providing penalty for certain violation by off-duty peace officer; deleting certain authority for municipal ordinance; requiring confiscation

of handgun license for certain violations; defining terms; deleting language; prohibiting eligibility for handgun license based on certain convictions from other states and foreign countries; expanding assault and battery prohibitions; making certain mental infirmity a prohibited condition; clarifying length of time on preclusions; providing for certain physician statement for certain conditions; expanding preclusions to include conditions from other states; removing distribution requirement for instructors list; requiring certain preliminary investigation of information; requiring assistance by court clerks; construing certain provisions; authorizing approval for license under certain condition; requiring revocation of a license upon receipt of information making the person ineligible; clarifying use of automated listing; requiring firearms instructors be processed as provided for other applicants; exempting application fee for firearms instructors; requiring firearms instructors to pay photo and fingerprint fees; directing instructor approval coincide with registration period; authorizing four-year license without additional charge for firearms instructors; providing for certain registration or license previously issued; authorizing approval and registration for firearms instructors in certain instance; clarifying eligibility for training exemptions; deleting provisions for certain retired officers; recognizing permit or license of another state under certain conditions; requiring certain compliance; defining terms; requiring adoption of safety standards for shooting ranges; directing the Department of Wildlife Conservation to promulgate rules and adopt safety standards within certain time; requiring periodic review of adopted standards; requiring inspections and permits; providing for inspection of existing shooting ranges within certain time; providing certain time to comply with standards; providing penalty for noncompliance; prohibiting certain actions for noise; providing exception; repealing 11 O.S. 1991, Section 50-125, which relates to authority of a municipality to allow retired peace officer to carry a firearm; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 908, is amended to read as follows:

Section 908. The following are the acts forbidden to be done on the first day of the week, the doing of any of which is Sabbath-breaking:

1. Servile labor, except works of necessity or charity.

2. Trades, manufactures, and mechanical employment.

3. All ~~shooting, and~~ horse racing or gaming except as authorized by the Oklahoma Horse Racing Commission pursuant to the provisions of the Oklahoma Horse Racing Act.

4. All manner of public selling, or offering or exposing for sale publicly, of any commodities, except that meats, bread, fish, and all other foods may be sold at any time, and except that food and drink may be sold to be eaten and drank upon the premises where sold, and drugs, medicines, milk, ice, and surgical appliances and burial appliances and all other necessities may be sold at any time of the day.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1272, as last amended by Section 26, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1272), is amended to read as follows:

Section 1272.

UNLAWFUL CARRY

It shall be unlawful for any person to carry upon or about his or her person, or in a purse or other container belonging to the person, any pistol, revolver, shotgun or rifle whether loaded or unloaded or any dagger, bowie knife, dirk knife, switchblade knife, spring-type knife, sword cane, knife having a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, blackjack, loaded cane, billy, hand chain, metal knuckles, or any other offensive weapon, whether such weapon be concealed or unconcealed, except this section shall not prohibit ~~the~~:

1. The proper use of guns and knives for hunting, fishing, educational or recreational purposes ~~and shall not prohibit the~~;

2. The carrying or ~~any~~ use of weapons in a manner otherwise permitted by statute or ~~as may be~~ authorized by the Oklahoma Self-Defense Act, ~~Sections 1 through 25~~ Section 1290.1 et seq. of this ~~act, when the person possesses a valid handgun license~~ title; or

3. The carrying, possession and use of any weapon by a peace officer in the performance of official duties and in compliance with the rules of the employing agency. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor punishable as provided in Section 1276 of this title.

SECTION 3. AMENDATORY 21 O.S. 1991, Section 1272.1, as amended by Section 27, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1272.1), is amended to read as follows:

Section 1272.1

CARRYING FIREARMS WHEN LIQUOR IS CONSUMED

A. It shall be unlawful for any person to carry ~~into~~ or ~~to~~ possess any weapon designated in Section 1272 of this title in any establishment where low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or alcoholic beverages, as defined by Section 506 of Title 57 of the Oklahoma Statutes, are consumed ~~any of the weapons designated in Section 1272 of this title, except this~~. This provision shall not apply to a peace officer, as defined in Section 99 of this title, and shall not apply to an owner or proprietor of the establishment having a pistol, rifle, or shotgun on the premises. Provided however, a person possessing a valid concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through 25~~ Section 1290.1 et seq. of this ~~act~~ title may carry the concealed handgun into any restaurant or other establishment licensed to dispense low-point beer or alcoholic beverages where the sale of ~~such~~ low-point beer or alcoholic beverages does not constitute the primary purpose of the business.

Provided ~~however~~ further, nothing in this section shall be interpreted to authorize ~~such~~ any peace officer in actual physical possession of a weapon to consume low-point beer or alcoholic beverages, except in the authorized line of duty as an undercover officer.

B. Any person violating the provisions of this section shall be punished as provided in Section 1272.2 of this title.

SECTION 4. AMENDATORY 21 O.S. 1991, Section 1277, as last amended by Section 31, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1277), is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

A. It shall be unlawful for any person ~~having~~ in possession of a valid concealed handgun license issued pursuant to the

provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through 25~~ Section 1290.1 et seq. of this ~~act~~ title, to carry any concealed handgun into any of the following places:

1. Any structure, building, or office space which is owned or leased by a city ~~hall~~, town, county ~~courthouse~~, state ~~offices~~, or ~~buildings or~~ federal ~~offices or buildings~~ governmental authority for the purpose of conducting business with the public;

2. Any meeting of any ~~municipal~~ city, town, county, state or federal officials ~~or any meeting of~~, school board members, legislative members, or any ~~meeting of~~ other elected or appointed officials ~~which is open to the public~~;

3. Any prison, jail, detention facility or any facility used to process, hold, or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent;

4. Any structure, building, or office space which is owned or leased by any college or university ~~facility~~ in this state for purposes of instruction, student activities, or sports events. Provided, however, a person may carry a concealed handgun pursuant to a valid license as authorized by the Oklahoma Self-Defense Act on prohibited college or university property with the written permission of the president of the college or university; ~~or~~

5. Any elementary, secondary, or vocational-technical school property as provided in Section 1280.1 of this title;

6. Any sports arena during a professional sporting event;

7. Any place where pari-mutuel wagering is authorized by law; and

8. Any other place specifically prohibited by law.

B. For purposes of paragraphs 1, 2, 3, 4, 6 and 7 of subsection A of this section, the prohibited place does not include and specifically excludes the following property:

a. any property set aside for the use of any vehicle, whether attended or unattended, by a city, town, county, state, or federal governmental authority,

b. any property set aside for the use of any vehicle, whether attended or unattended, by any college or university, by any entity offering any professional

sporting event which is open to the public for admission, or by any entity engaged in pari-mutuel wagering authorized by law,

c. any property adjacent to a structure, building, or office space in which concealed weapons are prohibited by the provisions of this section,

d. any property designated by a city, town, county, or state, governmental authority as a park, recreational area, or fairgrounds; provided nothing in this subparagraph shall be construed to authorize any entry by a person in possession of a concealed handgun into any structure, building, or office space which is specifically prohibited by the provisions of subsection A of this section.

C. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed ~~Five Hundred Dollars ($500.00), by imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment~~ Two Hundred Fifty Dollars ($250.00). Any person convicted of violating the provisions of this section ~~shall have the concealed handgun license permanently revoked and shall~~ may be liable for an administrative fine of ~~Five Hundred Dollars ($500.00)~~ Two Hundred Fifty Dollars ($250.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

~~B.~~ D. The provisions of subsection A of this section shall not apply to any law enforcement officer or to any person authorized by law to carry a pistol in the course of their employment.

SECTION 5. AMENDATORY 21 O.S. 1991, Section 1280.1, as last amended by Section 35, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1280.1), is amended to read as follows:

Section 1280.1

POSSESSION OF FIREARM ON SCHOOL PROPERTY

A. It shall be unlawful for any person, except a peace officer or other person authorized by the board of education of that district or governing body for any public or private school, to have in his or her possession on any public or private school property or while in any school bus or vehicle used by any school for transportation of students or teachers any firearm or weapon designated in Section 1272 of this title.

B. "School property" means any publicly or privately owned property held for purposes of elementary, secondary or vocational-technical education, and shall not include property owned by public school districts or private educational entities where such property is leased or rented to an individual or corporation and used for purposes other than educational.

C. A gun or knife designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law, or a handgun carried in a vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act, shall not be in violation of the provisions of this section, provided such vehicle containing said gun or knife is driven onto school property only to transport a student to and from school and such vehicle does not remain unattended on school property. However, for the purposes of participating in the Oklahoma Department of Wildlife certified hunter training education course or any other hunting, safety or firearms training courses, the principal or chief administrator of any public or private school where said course is offered may authorize firearms or other weapons to be brought onto school property and used in such training course.

D. Any person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Five Thousand Dollars ($5,000.00), and imprisonment for not more than two (2) years. Any person convicted of violating the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall have the license permanently revoked and shall be liable for an

administrative fine of One Hundred Dollars ($100.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 6. AMENDATORY 21 O.S. 1991, Section 1289.8, as last amended by Section 46, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1289.8), is amended to read as follows:

Section 1289.8

CARRYING CONCEALED WEAPON

A. Any state, county, or municipal ~~or federal~~ peace officer of this state who is retired ~~due to length of service and who is receiving retirement benefits~~, or any federal law enforcement officer who is retired may retain their status as a peace officer, retired, in the State of Oklahoma, and as such may carry a concealed pistol pursuant to the provisions of ~~the Oklahoma Self-Defense Act, Sections 1 through 25 of this act. The person shall be required to comply with the provisions of Section 15 of this act and the Oklahoma Self-Defense Act, Sections 1 through 25 of this act~~ subsection B of this section. A retired state, county, or municipal peace officer may in times of great emergency or danger serve to enforce the law, keep the peace, or to protect the public in keeping with their availability and ability at the request of the Governor, the sheriff, or the mayor of their retirement jurisdiction.

B. The Council on Law Enforcement Education and Training (CLEET) shall issue an identification card to eligible retired federal, state, county and municipal peace officers which authorizes the retired peace officer to carry a concealed pistol in this state. The identification card shall bear the full name of the retired officer, the signature of the retired officer, the date of issuance, and such other information as may be deemed appropriate by CLEET. The card shall not expire, but may be denied, suspended, or revoked as provided by the rules promulgated by CLEET or upon the discovery of any preclusion prescribed in Section 1290.10 or 1290.11 of this title. CLEET shall request the Oklahoma State Bureau of Investigation to conduct a state and

national criminal history records search on each retired peace officer authorized to carry a concealed firearm pursuant to the provisions of this section every four (4) years, and unless a preclusion prescribed in Section 1290.10 or 1290.11 of this title is found to exist, no action shall be necessary. When a preclusion is discovered, the Council shall notify the retired peace officer and shall hold a hearing before taking any action to suspend or revoke the authority to carry a concealed pistol.

C. The retired peace officer shall be required to submit the following information to the Council on Law Enforcement Education and Training (CLEET) and any other information requested by CLEET:

1. A statement from the appropriate retirement system verifying the status of the person as a retired peace officer of the jurisdiction;

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

a. has not been convicted of and is currently not subject to any pending criminal prosecution for any felony offense, any drug-related offense, aggravated assault and battery, or any offense involving impairment by drugs or alcohol,

b. has not been forced into retirement due to any mental disorder, and

c. has not suffered any injury or any physical or mental impairment which would render the person unsafe to carry a concealed pistol.

D. The Council on Law Enforcement Education and Training shall promulgate rules and procedures necessary to implement the provisions of this section within thirty (30) days of the effective date of this act.

E. Any peace officer, retired, who carries any pistol in violation of the provisions of this section shall be deemed to be in violation of Section 1272 of this title and may be prosecuted as provided by law for a violation of that section.

SECTION 7. AMENDATORY 21 O.S. 1991, Section 1289.10, as amended by Section 48, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1289.10), is amended to read as follows:

Section 1289.10

FURNISHING FIREARMS TO INCOMPETENT PERSONS

It shall be unlawful for any person to knowingly transmit, transfer, sell, lend or furnish any shotgun, rifle or pistol to any person who is under an adjudication of mental incompetency, or to any person who is ~~a moron, idiot or is insane~~ mentally deficient or of unsound mind. Any person convicted of a violation of the provisions of this section shall be punished as provided in Section 1289.15 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through 25~~ Section 1290.1 et seq. of this ~~act~~ title, shall have the license suspended for a term of six (6) months and shall be subject to an administrative fine of Fifty Dollars ($50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 8. AMENDATORY 21 O.S. 1991, Section 1289.23, as last amended by Section 55, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1289.23), is amended to read as follows:

Section 1289.23

CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

A. A full-time duly appointed peace officer who is certified by the Council on Law Enforcement Education and Training (CLEET), pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes, is hereby authorized to carry a weapon certified and approved by the employing agency during periods when the officer is not on active duty as provided by the provisions of subsection B of this section.

B. When an off-duty officer carries a certified weapon, the officer shall be ~~in~~ wearing the law enforcement uniform prescribed

by the employing agency or when not wearing the prescribed law enforcement uniform, the officer shall be required:

1. To have the official peace officers badge, Commission Card and ~~C.L.E.E.T.~~ CLEET Certification Card on his or her person at all times when carrying a weapon certified and approved by the employing agency; and

2. To keep the authorized weapon concealed from view at all times, except when the weapon is used within the guidelines~~, rules and regulations~~ established by the employing agency.

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

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

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

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

E. When an off-duty reserve peace officer carries a certified weapon, the officer shall be ~~in~~ wearing the law enforcement uniform prescribed by the employing agency or when not wearing the prescribed law enforcement uniform, the officer shall be required:

1. To have his or her official peace officer's badge, Commission Card, ~~C.L.E.E.T.~~ CLEET Certification Card and written authorization on his or her person at all times when carrying a weapon certified and approved by the employing agency; and

2. To keep the authorized weapon concealed from view at all times, except when the weapon is used within the guidelines~~, rules and regulations~~ established by the employing agency.

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

G. Any law enforcement officer authorized by the provisions of this section to carry a concealed weapon when off duty may carry a concealed handgun as provided by the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through 25~~ Section 1290.1 et seq. of this ~~act~~ title, notwithstanding the provisions of this section.

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

SECTION 9. AMENDATORY 21 O.S. 1991, Section 1289.24, as amended by Section 56, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1289.24), is amended to read as follows:

Section 1289.24

FIREARM REGULATION - STATE PREEMPTION

A. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way firearms, components, ammunition, and supplies to the complete exclusion of any order, ordinance, or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances, or regulations in this field, except as provided for in subsection C of this section, are null and void. Provided, however, a municipality may adopt any ordinance relating to the discharge of firearms within the jurisdiction of the municipality.

B. No municipality or other political subdivision of this state shall adopt any order, ordinance, or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, carrying, bearing,

transportation, licensing, permit, registration, taxation other than sales and compensating use taxes, or other controls on firearms, components, ammunition, and supplies.

C. ~~1. Nothing contained in this section shall prohibit any ordinance of any municipality which conforms exactly, except for penalty provisions, with any of the provisions of Sections 1272 through 1289.23 of Title 21 of the Oklahoma Statutes and Sections 1 through 25 of this act.~~

~~2.~~ Nothing contained in this section shall prohibit any order, ordinance, or regulation by any municipality concerning the confiscation of property used in violation of the ordinances of the municipality as provided for in Section 28-121 of Title 11 of the Oklahoma Statutes.

SECTION 10. AMENDATORY Section 8, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1290.8), is amended to read as follows:

Section 1290.8

POSSESSION OF LICENSE REQUIRED

NOTIFICATION TO POLICE OF GUN

A. Except as otherwise prohibited by law, an eligible person shall have authority to carry a concealed handgun in this state when the person has been issued a handgun license from the Oklahoma State Bureau of Investigation pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through 25~~ Section 1290.1 et seq. of this ~~act~~ title, provided the person is in compliance with the provisions of the Oklahoma Self-Defense Act, and the license has not expired or been subsequently suspended or revoked.

B. The person shall be required to have possession of his or her valid handgun license and a valid Oklahoma driver license or an Oklahoma State photo identification at all times when in possession of an authorized pistol. Any violation of the provisions of this subsection may be punishable as a criminal offense as authorized by Section 1272 of ~~Title 21 of the Oklahoma Statutes~~ this title or pursuant to any other applicable provision of law. In addition to any criminal prosecution which may result

from not carrying the handgun license and the required identification with the authorized pistol as required by the provisions of this subsection, the person may be subject to an administrative fine for violation of the provisions of this subsection. The administrative fine shall be Fifty Dollars ($50.00) and shall be assessed by the Oklahoma State Bureau of Investigation after a hearing and determination that the licensee is in violation of the provisions of this subsection. Any second or subsequent violation of the provisions of this subsection shall be grounds for the Bureau to suspend the handgun license for a period of six (6) months, in addition to any other penalty imposed.

~~The~~ Upon the arrest of any person for a violation of the provisions of this subsection, the person may show proof to the court that a valid handgun license and the other required identification has been issued to such person and the person may state any reason why the handgun license or the other required identification was not carried by the person as required by the Oklahoma Self-Defense Act. The court shall dismiss an alleged violation of Section 1272 of ~~Title 21 of the Oklahoma Statutes~~ this title upon payment of court costs, if proof of a valid handgun license and other required identification is shown to the court within ten (10) days of the arrest of the person. The court shall report a dismissal of a charge to the Bureau for consideration of administrative proceedings against the licensee.

C. It shall be unlawful for any person to fail or refuse to identify the fact that the person is in actual possession of a concealed handgun pursuant to the authority of the Oklahoma Self-Defense Act when the person first comes into contact with any law enforcement officer of this state or its political subdivisions or a federal law enforcement officer during the course of any arrest, detainment, or routine traffic stop. Any violation of the provisions of this subsection shall, upon conviction, be a misdemeanor punishable by a fine not exceeding Five Hundred Dollars ($500.00), by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and

imprisonment. In addition to any criminal prosecution for a violation of the provisions of this subsection, the licensee shall be subject to an administrative fine of Fifty Dollars ($50.00), upon a hearing and determination by the Bureau that the person is in violation of the provisions of this subsection.

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

SECTION 11. AMENDATORY Section 9, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1290.9), is amended to read as follows:

Section 1290.9

ELIGIBILITY

The following requirements shall apply to any person making application to the Oklahoma State Bureau of Investigation for a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through 25~~ Section 1290.1 et seq. of this ~~act~~ title. The person must:

1. Be a citizen of the United States;

2. Be a current legal resident of the State of Oklahoma and have been a legal resident for at least six (6) consecutive months immediately preceding the date of submitting the application for a handgun license. For purposes of the Oklahoma Self-Defense Act, the term "legal resident" shall not apply to any military person or other person who does not claim permanent residency in this state for purposes of state and federal income tax, does not possess a valid Oklahoma driver license or state photo identification card for at least six (6) consecutive months immediately preceding the date of submitting the application for a handgun license, and does not physically reside for at least six

(6) months of each year in this state at a permanent residence address;

3. Be at least twenty-three (23) years of age;

4. Complete a firearms safety and training course and demonstrate ~~competence and qualifications~~ familiarization with the type of pistol to be carried by the person as provided in Section ~~14~~ 1290.14 of this ~~act~~ title, and submit proof of training and ~~qualification~~ familiarization or an exemption for training ~~and qualification~~ or familiarization as authorized by Section ~~14~~ 1290.14 of this ~~act~~ title;

5. Submit the required fee and complete the application process as provided in Section ~~12~~ 1290.12 of this ~~act~~ title; and

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

SECTION 12. AMENDATORY Section 10, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1290.10), is amended to read as follows:

Section 1290.10

MANDATORY PRECLUSIONS

In addition to the requirements stated in Section ~~9~~ 1290.9 of this ~~act~~ title, the conditions stated in this section shall preclude a person from eligibility for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through 25~~ Section 1290.1 et seq. of this ~~act~~ title. The occurrence of any one of the following conditions shall deny the person the right to have a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. Prohibited conditions are:

1. Ineligible to possess a pistol due to any felony conviction or adjudication as a delinquent as provided by Section 1283 of ~~Title 21 of the Oklahoma Statutes~~ this title;

2. Any felony conviction ~~in~~ pursuant to any law of another state ~~or~~, a ~~federal~~ felony conviction pursuant to any provision of ~~law of that state or~~ the United States Code, or any conviction pursuant to the laws of any foreign country, provided such foreign

conviction would constitute a felony offense in this state if the offense had been committed in this state;

3. Adjudication as an incompetent person pursuant to the provisions of the Oklahoma Mental Health Law, Section 1-101 et seq. of Title 43A of the Oklahoma Statutes or an adjudication of incompetency entered in another state pursuant to any provision of law of that state;

4. Any ~~conviction for a~~ false or misleading statement on the application for a handgun license as provided by paragraph 5 of Section ~~12~~ 1290.12 of this ~~act~~ title;

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

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

b. any aggravated assault and battery,

c. any stalking pursuant to Section 1173 of ~~Title 21 of the Oklahoma Statutes~~ this title, or a similar law of another state,

d. a ~~conviction of any provision of~~ violation relating to the Protection from Domestic Abuse Act, Section 60 et seq. of Title 22 of the Oklahoma Statutes, or any violation of a victim protection order of another state, or

e. any conviction relating to illegal drug use or possession;

6. An attempted suicide or other condition relating to or indicating mental instability or an unsound mind;

7. Currently undergoing treatment for a mental illness, condition, or disorder. For purposes of this paragraph, "currently undergoing treatment for a mental illness, condition, or disorder" means the person has been diagnosed by a licensed physician as being afflicted with a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to

recognize reality, or ability to meet the ordinary demands of life;

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

~~8.~~ 9. Ineligible to possess a pistol due to any provision of law of this state or the United States Code.

SECTION 13. AMENDATORY Section 11, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1290.11), is amended to read as follows:

Section 1290.11

OTHER PRECLUSIONS

A. The following conditions shall preclude a person from being eligible for a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through 25~~ Section 1290.1 et seq. of this ~~act,~~ title for a period of ~~three (3) years from the date of the occurrence of the condition or until the condition has been removed~~ time as prescribed in each of the following paragraphs:

1. An arrest for an alleged commission of a felony offense or a felony charge pending in this state, another state or pursuant to the United States Code. The preclusive period shall be three (3) years and shall begin upon the final determination of the matter;

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

3. Any involuntary commitment for a mental illness ~~or~~, condition, or disorder pursuant to the provisions of Section 5-401 of Title 43A of the Oklahoma Statutes or any involuntary commitment in another state pursuant to any provisions of law of that state. The preclusive period shall be three (3) years from the last date of treatment or discharge from commitment, whichever is longer, or upon presentation of a certified statement from a

licensed physician stating that the person is no longer disabled by any mental or psychiatric illness, condition, or disorder;

4. ~~Currently undergoing~~ The person has previously undergone treatment for a mental illness, condition, or disorder which ~~requires~~ required medication or supervision as defined by paragraph 7 of Section 1290.10 of this title. The preclusive period shall be three (3) years from the last date of treatment or upon presentation of a certified statement from a licensed physician stating that the person is no longer disabled by any mental or psychiatric illness, condition, or disorder;

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

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

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

8. ~~Upon the entry of a~~ A court order for a Victim Protection Order against the applicant, as authorized by Section 60 et seq. of Title 22 of the Oklahoma Statutes, or any court order granting a victim protection order against the applicant from another state. The preclusive period shall be five (5) years from the date of the entry of the court order, if the order does not have an expiration date, or three (3) years from the expiration date of the order;

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

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

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

b. any aggravated assault and battery,

c. any stalking pursuant to Section 1173 of ~~Title 21 of the Oklahoma Statutes~~ this title, or a similar law of another state,

d. ~~a~~ any violation of the Protection from Domestic Abuse Act, Section 60 et seq. of Title 22 of the Oklahoma Statutes, or any violation of a victim protection order of another state, or

e. any violation relating to illegal drug use or possession.

The preclusive period for this paragraph shall be three (3) years and shall begin upon the final determination of the matter.

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

SECTION 14. AMENDATORY Section 12, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1290.12), is amended to read as follows:

Section 1290.12

PROCEDURE FOR APPLICATION

A. The procedure for applying for or renewing a concealed handgun license and processing the application shall be as follows:

1. An eligible person may request an application packet for a concealed handgun license from the Oklahoma State Bureau of Investigation either in person or by mail on and after January 1, 1996. The Bureau shall provide the following information in the application packet:

a. an application form,

b. procedures to follow to process the application form, and

c. ~~a list of registered approved firearms instructors in this state where the required training and qualification certificate or exemption from training may be obtained, and~~

~~d.~~ a copy of ~~this act~~ the Oklahoma Self-Defense Act with any modifications thereto;

2. The person shall be required to successfully complete a firearms safety and training course from a firearms instructor who is approved and registered in this state as provided in Section ~~14~~ 1290.14 of this ~~act~~ title, and the person shall be required to demonstrate ~~competency and qualification~~ familiarization with a pistol authorized for concealed carry by the Oklahoma Self-Defense Act. The original certificate of training shall be submitted with the application for a handgun license. No duplicate, copy, facsimile or other reproduction of the certificate of training or exemption from training shall be acceptable as proof of training as required by the provisions of the Oklahoma Self-Defense Act. A person exempt from the training or familiarization requirements as provided in Section ~~15~~ 1290.15 of this ~~act~~ title must show the required proof of such exemption to the firearms instructor to receive an exemption certificate. The original exemption certificate must be submitted with the application for a handgun license when the person claims an exemption from training ~~and qualification~~ or familiarization;

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

4. The person shall deliver to the sheriff at the time of delivery of the completed application form a ~~one-hundred-dollar~~ fee of One Hundred Dollars ($100.00) for processing the application through the Oklahoma State Bureau of Investigation and processing the required fingerprints through the Federal Bureau of Investigation ~~except as otherwise provided in subsection C of Section 15 of this act~~. The processing fee shall be in the form of a money order or a cashier's check made payable to the Oklahoma State Bureau of Investigation. The processing fee shall not be refundable in the event of a denial of a handgun license or any suspension or revocation subsequent to the issuance of a license. Persons making application for a firearms instructor shall not be required to pay the application fee as provided in this section, but shall be required to pay the costs provided in paragraphs 6 and 8 of this subsection;

5. The completed application form shall be signed by the applicant in person before the sheriff. The signature shall be given voluntarily upon a sworn oath that the person knows the contents of the application and that the information contained in the application is true and correct. Any person making any false or misleading statement on an application for a handgun license shall, upon conviction, be guilty of perjury as defined by Section 491 of ~~Title 21 of the Oklahoma Statutes~~ this title. Any conviction shall be punished as provided in Section 500 of ~~Title 21 of the Oklahoma Statutes~~ this title. In addition to a criminal conviction, the person shall be denied the right to have a concealed handgun license pursuant to the provisions of Section ~~10~~ 1290.10 of this ~~act~~ title and the Oklahoma State Bureau of Investigation shall revoke the handgun license, if issued;

6. Two passport size photographs of the applicant shall be submitted with the completed application. The cost of the photographs shall be the responsibility of the applicant. The sheriff is authorized to take the applicant's photograph for purposes of the Oklahoma Self-Defense Act and, if such photographs are taken by the sheriff the ~~costs~~ cost of the photographs shall not exceed Ten Dollars ($10.00) for the two photos. All money

received by the sheriff from photographing applicants pursuant to the provisions of this paragraph shall be retained by the sheriff and deposited into the Sheriff's Service Fee Account;

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

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

9. The sheriff shall submit to the Oklahoma State Bureau of Investigation within the fourteen-day period, together with the completed application, certificate of training or exemption certificate, photographs, processing fee and fingerprints, a report of information deemed pertinent to an investigation of the applicant for a handgun license. <u>The sheriff shall make a preliminary investigation of pertinent information about the applicant and the court clerk shall assist the sheriff in locating pertinent information in court records for this purpose.</u> If no <u>pertinent</u> information is found to exist either for or against the applicant, the sheriff shall so indicate in the report;

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

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

12. The Oklahoma State Bureau of Investigation shall either issue a concealed handgun license or deny the application within ninety (90) days of the date of receipt of the required information from the sheriff. The Bureau shall approve an applicant who appears to be in full compliance with the provisions of the Oklahoma Self-Defense Act, if completion of the federal fingerprint search is the only reason for delay of the issuance of the handgun license to that applicant. Upon receipt of the federal fingerprint search information, if the Bureau receives information which precludes the person from having a concealed handgun license, the Bureau shall revoke the concealed handgun license previously issued to the applicant. The Bureau shall deny a license when the applicant fails to properly complete the application form or application process or is determined not to be eligible as specified by the provisions of Section ~~9~~ 1290.9, ~~10~~ 1290.10 or ~~11~~ 1290.11 of this ~~act~~ title. The Bureau shall approve an application in all other cases. If an application is denied, the Bureau shall notify the applicant in writing of its decision.

The notification shall state the grounds for the denial and inform the applicant of the right to an appeal as may be provided by the provisions of the Oklahoma Administrative Procedures Act. When an application is approved, the Bureau shall issue the license and mail it to the sheriff of the county wherein the applicant resides. The applicant may pick up the concealed handgun license from the sheriff's office.

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

SECTION 15. AMENDATORY Section 13, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1290.13), is amended to read as follows:

Section 1290.13

AUTOMATIC LISTING OF LICENSES

The Oklahoma State Bureau of Investigation shall maintain an automated listing of all persons issued a concealed handgun license in this state pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through 25~~ Section 1290.1 et seq. of this ~~act~~ title, and all subsequent suspended or revoked licenses. Information from the automated listing shall only be available to ~~any~~ a law enforcement officer or law enforcement agency upon request for law enforcement purposes. The Bureau shall also maintain for each applicant the original application or a copy of the original application form and any subsequent renewal application forms together with the photographs, fingerprints and other pertinent information on the applicant which shall be confidential, except to law enforcement officers or law enforcement agencies in the performance of their duties.

SECTION 16. AMENDATORY Section 14, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1290.14), as amended by

Section 1 of Enrolled House Bill No. 3024 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1290.14

SAFETY AND TRAINING COURSE

A. Each applicant for a license to carry a concealed handgun pursuant to the Oklahoma Self-Defense Act, Section 1290.1 et seq. of this title, must successfully complete a firearms safety and training course in this state conducted by a registered and approved firearms instructor as provided by the provisions of this section. The applicant must further demonstrate ~~competence and qualification~~ familiarization with an authorized pistol of the type or types that the applicant desires to carry as a concealed handgun pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Sections~~ Section 1290.1 ~~through 1290.25~~ et seq. of this title, except certain persons may be exempt from such training or familiarization requirement as provided by the provisions of Section 1290.15 of this title.

B. The Council on Law Enforcement Education and Training (CLEET) shall establish criteria for approving firearms instructors for purposes of training and ~~qualifying~~ familiarizing individuals for a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. All firearms instructors shall be required to meet the eligibility requirements for a concealed handgun license as provided in Sections 1290.9, 1290.10, and 1290.11 of this title and~~, in addition,~~ each instructor shall ~~have a national and state criminal history records search and be fingerprinted by the Oklahoma State Bureau of Investigation~~ have their application processed as provided for applicants in Section 1290.12 of this title, including the state and national criminal history records search and fingerprint search. A firearms instructor shall be required to pay a ~~one-hundred-dollar~~ fee of One Hundred Dollars ($100.00) to the Council on Law Enforcement Education and Training (CLEET) each ~~year when applying for an approval~~ time the person makes application for CLEET approval as a firearms instructor pursuant to the provisions of the Oklahoma Self-Defense Act. The fee shall be retained by

CLEET and shall be deposited into the Firearms Instructors Revolving Fund. CLEET shall promulgate the rules, forms and procedures necessary to implement the approval of firearms instructors as authorized by the provisions of this subsection. CLEET shall periodically review each approved instructor during a training and ~~qualification~~ familiarization course to assure compliance with the rules and course contents. Any violation of the rules may result in the revocation or suspension of the CLEET and OSBI approval. Unless the approval ~~being~~ has been revoked or suspended, a firearm instructor's CLEET approval shall be for a term which exactly coincides with the registration issued by the Oklahoma State Bureau of Investigation.

C. ~~The Oklahoma State Bureau of Investigation shall issue a temporary approval to a firearms instructor applicant who is in full compliance with CLEET rules regarding firearms instructors and the provisions of subsection B of this section, if completion of a federal background check is the only reason for delay of full approval of that firearms instructor applicant. Upon receipt of the federal background information, the Oklahoma State Bureau of Investigation shall notify the firearms instructor applicant of the information received and shall grant or deny full approval to the firearms instructor applicant and a one-year concealed handgun license. The Oklahoma State Bureau of Investigation shall promulgate rules to implement this process.~~

~~D.~~ All firearms instructors approved by CLEET to train and ~~qualify~~ familiarize individuals for a concealed handgun license shall be required to ~~register annually~~ apply for registration with the Oklahoma State Bureau of Investigation ~~and shall~~ within thirty (30) days after receiving CLEET approval. All firearms instructors teaching the approved course for a concealed handgun license must display their ~~approval and~~ registration ~~credentials~~ certificate during each training and ~~qualification~~ familiarization course. Each approved firearms instructor shall complete a registration form provided by the Bureau and shall pay a ~~one-hundred-dollar~~ registration fee of One Hundred Dollars ($100.00) to the Bureau at the time of each application for registration.

Registration certificates issued by the Bureau shall be valid for one (1) year from the date of issuance. The Bureau shall issue a four-year handgun license to an approved firearms instructor at the time of issuance of a registration certificate and no additional fee shall be required or charged. The Bureau shall maintain a current listing of all registered ~~and approved~~ firearms instructors in this state ~~and the list shall be made available to each applicant in the application packet provided by the Bureau~~.

D. The Oklahoma State Bureau of Investigation shall approve registration for a firearms instructor applicant who is in full compliance with CLEET rules regarding firearms instructors and the provisions of subsection B of this section, if completion of the federal fingerprint search is the only reason for delay of registration of that firearms instructor applicant. Upon receipt of the federal fingerprint search information, if the Bureau receives information which precludes the person from having a concealed handgun license, the Bureau shall revoke both the registration and the concealed handgun license previously issued to the firearms instructor. On the effective date of this act, any firearms instructor who has been issued a one-year concealed handgun license shall not be eligible for the four-year license until the expiration of the license previously issued.

E. The required firearms safety and training course and the actual demonstration of ~~competency and qualification~~ familiarization required of the applicant shall be designed and conducted in such a manner ~~to be~~ that the course can be reasonably completed by the applicant within an eight-hour period. CLEET shall establish the course content and promulgate rules, procedures and forms necessary to implement the provisions of this subsection. For the training and ~~qualification~~ familiarization course, an applicant may be charged a fee not to exceed Sixty Dollars ($60.00). The instructor to student ratio ~~should be not more than~~ shall not exceed ten students to any one instructor. CLEET may establish criteria for assistant instructors, maximum class size and any other requirements deemed necessary to conduct a safe and effective training and ~~qualification~~ familiarization

course. The course content shall include a safety inspection of the firearm to be used by the applicant in the training course; instruction on pistol handling, safety and storage; dynamics of ammunition and firing; methods or positions for firing a pistol; information about the criminal provisions of the Oklahoma law relating to firearms; the requirements of the Oklahoma Self-Defense Act as it relates to the applicant; self-defense and the use of appropriate force; a practice shooting session; and a familiarization course. The firearms instructor shall refuse to train or ~~qualify~~ familiarize any person when the pistol to be used or carried by the person is either deemed unsafe or unfit for firing or is a weapon not authorized by the Oklahoma Self-Defense Act. The course shall provide an opportunity for the applicant to ~~qualify~~ familiarize himself or herself on either a derringer, a revolver, a semiautomatic pistol or any combination of a derringer, a revolver and a semiautomatic pistol, provided ~~the~~ no pistol ~~is~~ shall be capable of firing ~~no~~ larger than .45 caliber ammunition. Any applicant who successfully trains and ~~qualifies~~ familiarizes himself or herself with a semiautomatic pistol may be approved by the firearms instructor on the training certificate for a semiautomatic pistol, a revolver and a derringer upon request ~~but any~~ of the applicant. Any person who ~~qualifies~~ familiarizes himself or herself on a derringer or revolver shall not be eligible for a semiautomatic rating until the person has demonstrated ~~competence and qualifications~~ familiarization on a semiautomatic pistol. Upon successful completion of the training and ~~qualification~~ familiarization course, a certificate shall be issued to each applicant who successfully completes the course. The certificate of training shall comply with the form established by CLEET and shall be submitted with an application for a concealed handgun license pursuant to the provisions of paragraph 2 of Section 1290.12 of this title.

F. There is hereby created a revolving fund for the Council on Law Enforcement Education and Training (CLEET), to be designated the "Firearms Instructors Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year

limitations, and shall consist of all funds received for approval of firearms instructors for purposes of the Oklahoma Self-Defense Act, ~~Sections~~ Section 1290.1 ~~through 1290.25~~ et seq. of this title. All funds received shall be deposited to the fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Council on Law Enforcement Education and Training, for implementation of the training and ~~qualification~~ familiarization course contents, approval of firearms instructors and any other CLEET requirement pursuant to the provisions of the Oklahoma Self-Defense Act or as may otherwise be deemed appropriate by CLEET. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 17. AMENDATORY Section 15, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1290.15), is amended to read as follows:

Section 1290.15

PERSONS EXEMPT FROM TRAINING COURSE

A. The following individuals may be exempt from all or part of the required training and ~~qualification~~ familiarization course established pursuant to the provisions of Section ~~14~~ 1290.14 of this ~~act~~ title:

1. A ~~CLEET certified~~ firearms instructor registered with the Oklahoma State Bureau of Investigation for purposes of the Oklahoma Self-Defense Act;

2. ~~A~~ An active duty law enforcement officer ~~or a~~ of this state or any of its political subdivisions or of the federal government;

3. A retired law enforcement officer authorized by this state ~~or any of its political subdivisions or authorized by the federal government~~ pursuant to Section 1289.8 of this title to carry a firearm;

~~3.~~ 4. A CLEET certified armed security officer, armed guard, correctional officer, or any other person having a CLEET

certification to carry a firearm in the course of their employment;

~~4.~~ 5. A person on active military duty, National Guard duty or regular military reserve duty who is a legal resident of this state and who is trained and qualified in the use of handguns;

~~5.~~ 6. A person honorably discharged from active military duty, National Guard duty or military reserves within ~~three (3)~~ twenty (20) years preceding the date of the application for a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, who is a legal resident of this state, and who has been trained and qualified in the use of handguns; and

~~6.~~ 7. Any person who is otherwise deemed qualified ~~as a firearms instructor~~ for a training or familiarization exemption by CLEET.

Provided, however, persons applying for an exemption pursuant to paragraph 3, 4, ~~or~~ 5, 6 or 7 of this subsection ~~shall~~ may be required to successfully complete the classroom portion of the training course. The classroom portion of the training course shall not exceed a ~~thirty-dollar~~ fee of Thirty Dollars ($30.00). ~~In all other cases, the person applying for an exemption shall not be required to complete the training and qualification course upon proper proof of an exemption.~~

B. The Council on Law Enforcement Education and Training (CLEET) shall establish criteria for providing proof of an exemption. Before any person shall be considered exempt from all or part of the required training and ~~qualification~~ familiarization course pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through 25~~ Section 1290.1 et seq. of this ~~act~~ title, ~~each~~ the person shall present the required proof of exemption to a registered ~~and approved~~ firearms instructor. Each person determined to be exempt from training or ~~qualification~~ familiarization as provided in this subsection shall receive an exemption certificate from the registered ~~and approved~~ firearms instructor. The rules promulgated by CLEET to implement the provisions of this section and Section ~~14~~ 1290.14 of this ~~act~~ title may require that a fee not to exceed ~~Two Dollars ($2.00)~~

Five Dollars ($5.00) be charged for processing an exemption certificate. The original exemption certificate must be submitted with an application for a handgun license as provided in paragraph 2 of Section ~~12~~ 1290.12 of this ~~act~~ title. No person who is determined to be exempt from training or ~~qualification~~ familiarization may carry a concealed firearm pursuant to the authority of the Oklahoma Self-Defense Act until issued a valid handgun license.

C. ~~A law enforcement officer who is retired from length of service and who is receiving retirement benefits upon proper proof of such facts shall be exempt from the training and qualification requirements required by Section 14 of this act and shall be exempt from the application processing fee, fingerprint fee, fingerprinting and criminal history records search, but shall be required to complete the other provisions of the application process and submit the required photographs. The Oklahoma State Bureau of Investigation shall issue the concealed handgun license upon receipt of the completed application and photographs within the ninety-day requirement. The provisions of this subsection shall not apply to any other law enforcement officer.~~

~~D.~~ Nothing contained in any provision of the Oklahoma Self-Defense Act shall be construed to ~~prohibit~~ alter, amend, or modify the authority of any ~~police or peace~~ active duty law enforcement officer, or any person certified by the Council on Law Enforcement Education and Training~~, any federal law enforcement officer, any correctional officer or any other person authorized by law~~ to carry a pistol during the course of their employment ~~or upon retirement from such employment~~, from carrying any pistol in any manner ~~otherwise~~ authorized by law or authorized by the employing agency.

SECTION 18. AMENDATORY Section 17, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1290.17), is amended to read as follows:

Section 1290.17

SUSPENSION AND REVOCATION OF LICENSE

A. The Oklahoma State Bureau of Investigation shall have authority pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through 25~~ Section 1290.1 et seq. of this ~~act~~ title, and any other provision of law to suspend or revoke any concealed handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act. After a concealed handgun license has been issued, the discovery of or the occurrence of any condition which directly affects a person's eligibility for a handgun license as provided by the provisions of Section ~~9~~ 1290.9 or ~~10~~ 1290.10 of this ~~act~~ title shall require a revocation of the license by the Bureau. The discovery of or the occurrence of any condition pursuant to Section ~~11~~ 1290.11 of this ~~act~~ title, after a license has been issued, shall cause a suspension of the handgun license for ~~three (3) years or until the condition is removed~~ a period of time as prescribed for the condition. Any provision of law that requires a revocation of a concealed handgun license upon a conviction shall cause the Bureau to suspend the concealed handgun license upon the discovery of the arrest of the person for such offense until a determination of the criminal case at which time the Bureau shall proceed with the appropriate administrative action.

B. Any concealed handgun license which is subsequently suspended or revoked shall be immediately returned to the Oklahoma State Bureau of Investigation upon notification. Any person refusing or failing to return a license after notification of its suspension or revocation shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not exceeding Five Hundred Dollars ($500.00), by imprisonment in the county jail for not exceeding six (6) months, or by both such fine and imprisonment. In addition, the person shall be subject to an administrative fine of Five Hundred Dollars ($500.00), upon a hearing and determination by the Bureau that the person is in violation of the provisions of this subsection.

C. Any law enforcement officer of this state shall confiscate a concealed handgun license in the possession of any person and return it to the Oklahoma State Bureau of Investigation for

appropriate administrative proceedings against the licensee when the license is no longer needed as evidence in any criminal proceeding, as follows:

1. Upon the arrest of the person for any felony offense;

2. Upon the arrest of the person for any misdemeanor offense enumerated as a preclusion to a handgun license;

3. For any violation of the provisions of the Oklahoma Self-Defense Act;

4. When the officer has been called to assist or is investigating any situation which would be a preclusion to having a handgun license; or

5. As provided in subsection D of Section 1290.8 of this title.

SECTION 19. AMENDATORY Section 22, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1290.22), is amended to read as follows:

Section 1290.22

BUSINESS OWNER'S RIGHTS

Nothing contained in any provision of the Oklahoma Self-Defense Act, Section 1290.1 et seq. of this title, shall be construed to limit, restrict or prohibit in any manner the existing rights of any person, property owner, tenant, employer, or ~~other~~ business entity to control the possession of weapons on any property owned or controlled by the person or business entity.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.26 of Title 21, unless there is created a duplication in numbering, reads as follows:

RECIPROCAL AGREEMENT AUTHORITY

The State of Oklahoma hereby recognizes any valid concealed carry weapons permit or license issued by another state, provided the issuing state:

1. Requires a state and national criminal history records search to be conducted on each applicant;

2. Prohibits any person convicted of a felony offense from obtaining a concealed carry weapons permit or license;

3. Requires familiarization or training with the firearm to be carried by the person; and

4. Does not authorize any weapon to be carried which would be a violation of Oklahoma law.

Any person entering this state in possession of a firearm authorized for concealed carry upon the authority of a valid concealed carry weapons permit or license issued from his or her resident state is authorized to continue to carry a concealed firearm in this state; provided the firearm remains fully concealed from detection and view, and that upon coming in contact with any peace officer of this state, the person discloses the fact that he or she is in possession of a concealed firearm pursuant to a valid concealed carry weapons permit or license issued in another state.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 709 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in Sections 22 and 23 of this act:

1. "Shooting range" means any public or private establishment, whether the establishment is indoor, outdoor, or mobile, and whether it operates for profit or not-for-profit or whether a commercial or noncommercial range, that supervises or designates an area for the discharge or other use of firearms or archery equipment for silhouette, skeet, trap, black powder, target, self-defense, hunter safety, or similar recreational or competitive shooting, provided the noise decibel level when measured at any point along the property line of the range does not exceed one hundred fifty (150) decibels;

2. "Indoor shooting range" means a shooting range established inside a building or other structure which is fully or partially enclosed in which persons may fire a weapon for a fee or other consideration;

3. "Outdoor shooting range" means a shooting range established outside on open property on which persons may fire a

weapon for a fee or other consideration, and shall not include any lease of property for hunting purposes;

4. "Mobile shooting range" means a shooting range established inside a structure, trailer, or compartment which is partially or fully enclosed and which is capable of being moved by motor vehicle, motor carrier, or other conveyance from one place to another in which persons may fire a weapon for a fee or other consideration;

5. "Commercial range" means a shooting range operated as a business for profit;

6. "Noncommercial range" means a shooting range operated by any not-for-profit organization or any club, association or group which is formed for social or recreational purposes; and

7. "Local unit of government" means a county, city, town, or village, or any governmental entity, board, council, or committee operating pursuant to the authority of a county, city, town, or village.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 709.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Every indoor, outdoor, or mobile shooting range shall be required to conform to safety standards adopted by the Department of Wildlife Conservation pursuant to the provisions of this section before beginning its operation. The Department shall inspect each shooting range established in this state, and, if the range is deemed in compliance with the safety standards adopted by the Department, the shooting range shall be issued a two-year permit to operate. Any owner or operator of a shooting range who fails to obtain an inspection and permit, or whose range fails to meet the safety standards adopted by the Department of Wildlife Conservation shall be deemed guilty of operating an unlawful shooting range. Any owner or operator who continues the operation of the shooting range after failing to meet the inspection standards and without a permit as provided in this section shall

be guilty of a misdemeanor punishable, upon conviction, by a fine of One Hundred Dollars ($100.00).

B. The Department of Wildlife Conservation is directed to promulgate rules and adopt safety standards for shooting ranges operating in this state within thirty (30) days of the effective date of this act. In determining safety standards, the Department may adopt those standards and practices recommended by a nationally recognized nonprofit membership organization that provides voluntary firearm safety programs, including training of individuals in safe handling and use of firearms, or the Department may adopt other recognized standards. The Department shall from time to time review and revise the safety standards for shooting ranges as deemed necessary by the Department to maintain public safety and the Department shall provide necessary forms to implement the provisions of this section.

C. Within two (2) years from the effective date of this act, the Department shall cause to be inspected all shooting ranges operating in this state on the effective date of this act. Following the inspection, the Department shall issue a written notification to the owner or operator of any range deemed deficient in safety standards, specifically enumerating the deficiencies to be corrected and the owner or operator shall be required to correct such deficiencies within the time provided in this subsection. Any owner or operator of a commercial range shall have sixty (60) days from the date of notification to be in compliance with the safety standards. Noncommercial ranges shall have one (1) year after the date of notification to be in compliance with the safety standards. Shooting ranges in existence on the effective date of this act may continue to operate until inspected, and thereafter as provided by the provisions of this section.

D. Any owner or operator of a shooting range may appeal any ruling of the Department of Wildlife Conservation as provided in the Administrative Procedures Act.

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 709.2 of Title 63,

unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding any municipal ordinance or rule regulating noise to the contrary, a governmental official may not seek a civil or criminal penalty or injunction against a shooting range, or its owner or operators, on the basis of noise emanating from the range, provided the noise at the property line of the shooting range does not exceed one hundred fifty (150) decibels.

B. No person shall bring any suit in law or equity or any other claim for relief against a shooting range, or its owners or operators, based upon noise emanating from the shooting range, provided the noise at the property line of the range does not exceed one hundred fifty (150) decibels.

C. Notwithstanding any law to the contrary, any ordinance or rule relating to noise adopted by any local unit of government, whether before, on, or after the effective date of this act, shall not be deemed to be enforceable against a shooting range, provided the noise at the property line of the range does not exceed one hundred fifty (150) decibels. The ordinance or rule shall not serve as the basis for any suit in law or equity, whether brought by a governmental official or person. In no event shall the provisions of this subsection affect the outcome of any suit brought prior to the effective date of this act in which a final order of judgment or relief has been entered.

SECTION 24. REPEALER 11 O.S. 1991, Section 50-125, is hereby repealed.

SECTION 25. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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