

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1050

By: Shurden

COMMITTEE SUBSTITUTE

(Firearms and shooting ranges - amending sections in Title
21 - codification -

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~~;~~, Section 200 et seq. of
Title 3A of the Oklahoma Statutes; and

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 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~~ authority 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 constituting a city hall, county courthouse, or any state offices or buildings or federal offices or buildings, excluding parking areas and lands adjacent to such structure, building or office space;

2. Any meeting of any municipal, 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 hold or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent;

4. Any structure, building, or office space owned, leased or regularly used by any college or university facility of this state for purposes of instruction, student activities, or sports events, excluding parking areas and lands adjacent to such structure, building, or office space. Provided, however, a person may carry a concealed handgun pursuant to a valid license as authorized by the Oklahoma Self-Defense Act with the written permission of the president of the college or university; or

5. Any other place specifically prohibited by law.

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. Any person convicted of violating the provisions of this section shall have the concealed handgun license permanently revoked and shall be liable for an administrative fine of Five Hundred Dollars (\$500.00) 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. 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, or upon retirement.

SECTION 3. 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 OF CONCEALED WEAPON BY RETIRED PEACE OFFICER

Any person retired as a peace officer of this state, county, municipal or retired as a peace officer of any political subdivision of this state, or any retired federal peace officer retired due to length of service and who is receiving retirement benefits may carry a concealed pistol pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 Section 1290.1 et seq. of this act title, or may carry a concealed pistol upon the written approval from the Commissioner of Public Safety. The person carrying a concealed pistol pursuant to the Oklahoma Self-Defense Act shall be required to comply with the provisions of Section ~~15~~ 1290.1 et seq. of this act and the Oklahoma Self-Defense Act, Sections 1 through 25 of this act title. The person carrying a concealed pistol pursuant to the written approval of the Commissioner of Public Safety shall be required to:

1. Have no physical or mental disability which would prevent the proper handling of the pistol;

2. Have been certified by the Council on Law Enforcement Education and Training (CLEET) or certified by a law enforcement training program recognized by CLEET; and

3. Qualify annually by a CLEET-approved firearms training program at their own expense.

The Commissioner of Public Safety shall promulgate rules and procedures relating to his or her authority to approve a retired peace officer to carry a concealed pistol as provided in this section.

SECTION 4. 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, 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.

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

1. To have the official peace officers badge, Commission Card and C.L.E.E.T. 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 may carry a certified weapon when such officer is off duty 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 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 law enforcement uniform prescribed by the employing agency or when not wearing the prescribed law enforcement uniform shall be required:

1. To have his or her official peace officer's badge, Commission Card, C.L.E.E.T. 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 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.

SECTION 5. 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, as authorized by Section 22-110 of Title 11 of the Oklahoma Statutes.

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, 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~~ laws of this state.

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 6. 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 any other applicable provision of law. In addition to any criminal prosecution which may result from not carrying the handgun license

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 person may show proof to the court that a valid handgun license has been issued to such person and may state any reason why the license 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 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 upon the arrest of any person for any felony offense, any misdemeanor offense enumerated as a preclusion to a handgun license, or for any handgun license violation, shall confiscate the license and return it to the Oklahoma State Bureau of Investigation for appropriate administrative proceedings against the licensee.

SECTION 7. 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;
3. Be at least twenty-three (23) years of age;
4. Complete a firearms safety and training course and demonstrate ~~competence and~~ qualifications 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 or an

exemption for training and qualification 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 8. 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 another state or a federal felony
conviction pursuant to any provision of law of that state or the
United States Code;

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,
- 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~~ any 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~~ offense relating to illegal drug use or possession;

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

7. Significant character defects of the applicant as evidenced by a criminal record indicating habitual criminal activity; and

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

SECTION 9. 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:~~

~~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;~~

~~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;~~

~~3. Any involuntary commitment for a mental illness or condition 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;~~

~~4. Currently undergoing treatment for a mental illness, condition or disorder which requires medication or supervision;~~

~~5~~ 2. Inpatient treatment for substance abuse;

~~6~~ 3. 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;

~~7~~ 4. Two or more misdemeanor convictions relating to intoxication or driving under the influence of an intoxicating substance or alcohol;

~~8~~ 5. Upon the entry of 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 from another state;

~~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; or~~

~~10~~ 6. 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,
- 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~~ 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 violation relating to illegal drug use or possession.

B. 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, Section 1290.1 et seq. of this title, until the condition has been removed:

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;

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;

3. Currently undergoing treatment for a mental illness, condition or disorder which requires medication or supervision; and

4. An adjudicated delinquent or convicted felon residing in the residence of the applicant which may be a violation of Section 1283 of this title.

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

SECTION 10. 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 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 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 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 exemption certificate must be submitted with the application for a handgun license when the person claims an exemption from training and qualification;

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~~ 1290.14 of this ~~act~~ title. 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;

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 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 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. The sheriff shall make a reasonable effort to locate pertinent information about the applicant. If no 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 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 applicant and 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)~~ one hundred twenty (120) days of the date of receipt of the required information from the sheriff. The Bureau may issue a temporary denial upon the expiration of the ninety-day period when the application is still processing with the Federal Bureau of Investigation on a national criminal history records search. The temporary denial shall not be grounds for forfeiting the application fee or cancelling the processing of any application prior to the results of the national criminal history records search. 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 11. 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 be available only 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 performance of their duties.

SECTION 12. AMENDATORY Section 14, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1290.14), is amended to read as follows:

Section 1290.14

SAFETY AND TRAINING COURSE

A. Each applicant for a license to carry a concealed handgun 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 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 1 through 25~~ Section 1290.1 et

seq. of this ~~act~~ title, except certain persons may be exempt from such training requirement as provided by the provisions of Section ~~15~~ 1290.15 of this ~~act~~ title.

B. The Council on Law Enforcement Education and Training (CLEET) shall establish criteria for approving firearms instructors for purposes of training and qualifying 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 9~~ Section 1290.9, ~~10~~ 1290.10, and ~~11~~ 1290.11 of this ~~act~~ title and, in addition, each instructor shall be fingerprinted and have a national and state criminal history records search ~~and be fingerprinted by the Oklahoma State Bureau of Investigation~~ conducted. 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 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 course to assure compliance with the rules and course contents. Any violation of the rules may result in the revocation or suspension of the approval. Unless the approval being has been revoked or suspended a firearms instructor's CLEET approval shall be for a term which exactly coincides with the registration issued by the Oklahoma State Bureau of Investigation.

C. All firearms instructors approved by CLEET to train and qualify individuals for a concealed handgun license shall be required to register ~~annually~~ 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 course. Each approved firearms instructor shall
complete a registration form provided by the Bureau and shall pay a
~~one-hundred-dollar~~ registration fee of Seventy-five Dollars (\$75.00)
to the Bureau at the time of each registration. Registration
certificates issued by the Bureau shall be valid for one (1) year
from the date of issuance. The Bureau may issue a one-year handgun
license to an approved firearms instructor at the time of the
issuance of the registration certificate and no additional fee shall
be required or charged. A firearms instructor shall not be
precluded from making an application for a four-year handgun license
by paying the required fee. 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 required firearms safety and training course and the
~~actual~~ demonstration of ~~competency and~~ qualification 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
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 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 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 on either a derringer, a revolver, a semiautomatic pistol or any combination of a derringer, a revolver and a semiautomatic pistol; provided, the pistol is must be capable of firing no larger than .45 caliber ammunition. Any applicant who successfully trains and qualifies 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 person who qualifies on a derringer or revolver shall not be eligible for a semiautomatic rating until the person has demonstrated ~~competence and qualifications~~ qualification on a semiautomatic pistol. Upon successful completion of the training and qualification 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 ~~12~~ 1290.12 of this ~~act~~ title.

E. 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 1 through 25~~ Section 1290.1 et seq. of this ~~act~~ title. All funds received shall be deposited to the fund. All monies accruing to the credit of ~~said~~ the 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 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~~ the 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 13. 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 course established pursuant to the provisions of Section ~~14~~ 1290.14 of this ~~act~~ title:

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

2. A 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 to carry a firearm;

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

~~4.~~ 5. A person on active military duty, National Guard duty or regular military reserve duty 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) years preceding the date of the application for a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Section 1290.1 et seq. of this title, 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 exemption by CLEET.

Provided, however, persons applying for an exemption pursuant to paragraph 3, 4 or, 5 or 6 of this subsection shall 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 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 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) be

charged for processing an exemption certificate. The 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 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 any police or peace officer 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.

SECTION 14. 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, whichever period is longer. 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 alleged to have committed any felony offense or any criminal offense enumerated as a preclusion to a handgun license and for any violation of the provisions of the Oklahoma Self-Defense Act occurring in the officer's presence. Unless the handgun license is needed as evidence in a criminal matter, the license shall be returned to the Bureau for administrative proceedings.

SECTION 15. 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 16. 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 this act:

1. "Sport shooting range" or "qualifying sport shooting range" means any public or private establishment whether operated for profit or not-for-profit that operates an area for the discharge or other use of firearms or archery equipment for silhouette, skeet, trap, black powder, target, self-defense, 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 (100) decibels;

2. "Outdoor shooting range" means an outdoor shooting range, outdoor firing range, or other open property on which persons may fire a weapon for a fee or other consideration but does not include any lease of property for the purpose of hunting;

3. "Local unit of government" means a county, city, township, or village, or any governmental entity, board, council or committee operating under the authority of a county, city, township, or village;

4. "Governmental official" means any elected, appointed, or employed person or group of persons acting on behalf of, or exercising the authority of any local unit of government;

5. "Department" means the State Department of Health or other agency which by law shall have the power to adopt rules governing shooting ranges; and

6. "Person" means an individual, proprietorship, partnership, corporation, club, governmental entity, or other legal entity.

SECTION 17. 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. Notwithstanding any municipal or county ordinance, order, or rule regulating noise to the contrary, a governmental official may not seek a civil or criminal penalty, or injunction against a qualifying sport shooting range, or its owners or operators on the basis of noise emanating from the range.

B. No person shall bring any suit in law or equity or any other claim for relief against a qualifying sport shooting range, or its owner or operators based upon noise emanating from the range.

C. Notwithstanding any law to the contrary, any ordinance, order, or rule relating to noise adopted by any local unit of government whether before, on, or after the effective date of this act shall be deemed to be unenforceable against a qualifying sport shooting range. Such ordinance, order, 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 18. 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. This section applies only to outdoor shooting ranges located in a county with a population of more than one hundred fifty thousand (150,000) persons.

B. The owner of an outdoor shooting range shall construct and maintain the range according to standards established by the State Department of Health. In determining 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 the safe handling and use of firearms, or the Department may adopt other recognized standards.

C. The Department shall, from time to time, review and revise the standards for outdoor shooting ranges as deemed necessary by the Department to maintain public safety.

D. Within two (2) years from the effective date of this act, the Department shall inspect all outdoor shooting ranges and shall certify that the range is in compliance with applicable standards. Shooting ranges in existence on the effective date of this act may continue to operate until such time as inspected and certified by the Department.

E. Upon inspection, any range found to be in noncompliance with the standards established by the Department shall be issued a written notification specifically enumerating those areas deemed deficient. The owner or operator of the shooting range shall have

sixty (60) days to correct these deficiencies and, upon a finding that the deficiencies have been corrected, shall be certified by the Department.

F. The owner of an outdoor shooting range who, after notification, fails to correct deficiencies enumerated in the notice of noncompliance issued by the Department shall be subject to an administrative fine of Fifty Dollars (\$50.00) for each day of noncompliance beginning on the sixty-first day following notification; provided, however, that in no event shall the administrative fine exceed Five Hundred Dollars (\$500.00).

G. Notwithstanding any law adopted by any local unit of government to the contrary, an outdoor shooting range previously certified by the Department shall have the power to build, repair, remodel, restore, reconstruct or make improvements to any facility or device existing or erected within the confines of the range.

SECTION 19. 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.

45-2-2435

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