

SHORT TITLE: Firearms; requiring certain law enforcement officer meet certain eligibility requirements; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1020

By: Shurden

AS INTRODUCED

An Act relating to firearms; amending 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), which relates to retired law enforcement officers carrying handguns; modifying reference; modifying language; requiring retired law enforcement officers to meet certain eligibility requirements; providing for application process; providing exception for application fee and qualification with handgun; amending Section 15, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1995, Section 1290.15), which relates to exemption for training; modifying language; waiving certain fee for retired law enforcement officers; deleting language; and declaring an emergency.

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

SECTION 1. 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 state, county, municipal or 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~~ 1290.1 through ~~25~~ 1290.25 of this ~~act~~ title. The person shall be required to comply with the provisions of ~~Section 15~~ Sections 1290.9, 1290.10 and 1290.11 of this ~~act~~ title and the ~~Oklahoma Self-Defense Act, Sections 1 through~~ 25 application procedure, Section 1290.12 of this ~~act~~ title. The application fee shall be waived and the actual qualification with a

handgun shall further be waived as provided in Section 1290.15 of this title.

SECTION 2. 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, Sections 1290.1 through 1290.25 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~~ paragraphs 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.~~ Any retired law enforcement officer who retired due to length of service and who is receiving retirement benefits shall be exempt from the classroom fee.

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 ~~4~~ 1290.1 through ~~25~~ 1290.25 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 3. 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.