SHORT TITLE: Firearms; authorizing license to carry concealed firearm; codification; effective date.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 397 By: Martin

AS INTRODUCED

An Act relating to firearms; recognizing citizens' right to carry concealed handguns; providing short title; determining place of application for license and content of applications; providing for sheriff to conduct investigation; listing persons who are disqualified; determining content and term of license; specifying conditions for grant or denial of license; establishing procedures for appeals of denials; determining fees, rules for revocation and immunities; construing act; requiring the Council on Law Enforcement and Education to promulgate certain rules and procedures; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290 of Title 21, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Citizens Self-Defense Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1291 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. A license to carry a handgun shall be for the purpose of carrying a pistol or revolver concealed on or about one's person or in a vehicle.

B. An individual who is twenty-one (21) years of age or older may apply to a sheriff or chief of police as provided in this subsection for a license to carry a pistol or revolver concealed on or about his person. If the applicant is a resident of this state, the applicant shall make application with the sheriff of the county in which the applicant resides or, if a resident of a city within the county, with the chief of police of that city. Persons who have been residents of the state for less than six (6) months shall not be eligible to apply for a license until the person has been a resident for six (6) months.

C. The application for a license to carry a pistol or revolver shall be uniform throughout this state and shall be on a form prescribed by the Department of Public Safety. The form shall not exceed one page, and shall only require information necessary to determine eligibility for the permit. The application form shall be dated and signed by the applicant and shall contain the following statement:

> I have never been convicted of a felony offense in this state or any other state. I am of sound mind and have never been committed to a mental institution. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understand that if I knowingly make any false statements herein, I am subject to penalties prescribed by law. I authorize the sheriff, or a designee, or, in the case of a city, the chief or head of the police department or a designee, to inspect only those records or documents relevant to information required for this application.

D. The sheriff or chief of police to whom the application is made shall investigate the applicant's record of criminal convictions and shall investigate whether the applicant would be precluded from receiving a license under subsection A of Section 3 of this act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1292 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. 1. A license to carry a handgun shall be for the purpose of carrying a pistol or revolver concealed on or about one's person or in a vehicle and shall be issued if, after an investigation not to exceed fifteen (15) days, it appears that the applicant is not disqualified. A license shall not be issued to any of the following:

a. an individual who is ineligible to possess a firearm by virtue of having been convicted of a felony in a court of this state, of any other state, or of the United States,

b. an individual who has been adjudicated mentally incompetent and has not waited five (5) years from the date of restoration to capacity by court order,

c. an individual who is addicted to, or is an unlawful user of, marihuana or a stimulant, depressant or narcotic drug,

d. an individual who is a habitual drunkard,

e. a resident of another state,

f. an alien who is illegally in the United States,

g. an individual who has been discharged from the Armed Forces of the United States under dishonorable conditions,

h. an individual who is a fugitive from justice, and

i. an individual who is unable to successfully demonstrate competency and marksmanship for the caliber of firearm desired to be carried pursuant to the application for a handgun license. Competence and marksmanship shall be determined by the Council on Law Enforcement Education and Training.

2. The license shall bear the name, address, date of birth, race, sex, citizenship, Social Security number, height, weight, color of hair, color of eyes, the caliber of firearm for which the licensee demonstrated competency and marksmanship and the signature of the licensee; the signature of the sheriff issuing the license; and the period of validation. The sheriff may also require a photograph of the licensee on the license. The license shall be issued to the applicant.

B. A license to carry a handgun issued under subsection A of this section shall be valid throughout this state for a period of five (5) years unless revoked prior to the term expiring.

C. Upon the receipt of an application for a license to carry a handgun, the sheriff shall, within fifteen (15) days, issue or deny a license on the basis of the investigation under subsection D of Section 2 of this act and the accuracy of the information contained in the application. If the sheriff denies a license, the sheriff shall notify the applicant in writing of the denial and the reasons. The notice shall be sent by certified mail to the applicant at the address set forth in the application.

D. Upon denial of the application, the applicant may bring an action in district court. The applicant may be represented by counsel, but counsel shall not be appointed. The final order of the court shall include the court's findings of fact and conclusions of law. Any person denied a license to carry a concealed pistol or revolver by a district court may appeal the decision in the same manner as in other civil cases.

E. The fee for a license to carry a handgun shall be One Hundred Twenty-five Dollars ($125.00). The fee shall be payable to the sheriff or chief of police to whom the application is submitted and is payable at the time of application for the license. Except for any administrative fees, all other fees shall be refunded if the application is denied but shall not be refunded if a license is issued and subsequently revoked.

F. A license to carry a handgun may be revoked by the issuing authority if the licensee becomes disqualified under the criteria set forth in subsection A of this section. Notice of revocation shall be in writing and shall state the reason for revocation. Notice shall be sent by certified mail, and, at that time, a copy shall be forwarded to the Department of Public Safety. An individual whose license is revoked shall surrender the license to the issuing authority within five (5) days of receipt of the notice. An individual who violates the provisions of this subsection commits a misdemeanor offense.

G. A sheriff or chief of police who complies in good faith with the provisions of this act shall be immune from liability resulting or arising from the action or misconduct with a firearm committed by any individual to whom a license to carry a pistol or revolver has been issued.

H. Nothing in this act shall be construed to prohibit the carrying of concealed firearms as may otherwise be authorized by law.

I. The Council on Law Enforcement Education and Training is hereby directed to promulgate rules for determining competency and marksmanship on the caliber of firearm an applicant may desire to carry pursuant to an application for a license authorized by this act, and shall establish procedures for demonstrating such competency and marksmanship and submitting proof of successful completion to the licensing authority.

SECTION 4. This act shall become effective November 1, 1995.

45-1-0830 NP