STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 834 By: Shurden of the Senate

and

Stanley, Smithson and
Braddock of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to firearms; amending 21 O.S. 2001, Section 1272, which relates to unlawful carry; providing exception for certain persons; providing definition; amending 21 O.S. 2001, Section 1280.1, which relates to possession of firearm on school property; modifying language; authorizing certain exceptions to weapons on school property; amending 21 O.S. 2001, Section 1283, as amended by Section 1, Chapter 136, O.S.L. 2002 (21 O.S. Supp. 2002, Section 1283), which relates to convicted felony having firearms; providing certain exception for federal law and expungement of records; amending 21 O.S. 2002, Section 1289.13, which relates to transporting loaded firearms; modifying references; making exception for certain criminal provisions; providing for issuance of traffic citation for transporting loaded pistol; setting citation amount; stating exceptions to traffic citation; amending 21 O.S. 2002, Section 1289.24, which relates to the state preemption law; authorizing civil action for violation of preemption laws; amending 21 O.S. 2002, Section 1290.8, which relates to notification to police of handgun license; providing no notification when handgun is not in the person's possession; amending 21 O.S. 2001, Section 1290.9, which relates to eligibility for handgun license; changing definition of legal resident to residency; deleting certain requirements; recognizing certain military orders and residency for eligibility of handgun license; reducing age of eligibility; amending 21 O.S. 2001, Section 1290.14, which relates to safety and training course; increasing instructor license term; granting five-year handgun license to instructor; amending 21 O.S. 2001, Section 1290.26, which relates to reciprocal agreements; recognizing valid concealed licenses from other states; deleting certain limitations; authorizing immediate application for certain license upon certain conditions; amending 22 O.S. 2001, Section 18, as last amended by Section 17 of Enrolled House Bill No. 1816 of the 1st Session of the 49th Oklahoma Legislature, which relates to application for expungement; providing for certain time period for persons under eighteen years of age; authorizing application for certain nonviolent offenses under certain conditions; providing for restoration of civil rights following expungement; providing for

codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1272, is amended to read as follows:

Section 1272.

UNLAWFUL CARRY

A. 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:

1. The proper use of guns and knives for hunting, fishing, educational or recreational purposes;

2. The carrying or use of weapons in a manner otherwise permitted by statute or authorized by the Oklahoma Self-Defense Act~~, Section 1290.1 et seq. of this title~~; ~~or~~

3. The carrying, possession and use of any weapon by a peace officer or other person authorized by law to carry a weapon in the performance of official duties and in compliance with the rules of the employing agency; or

4. The carrying and use of firearms and other weapons provided in this subsection when used for the purpose of living history reenactment. For purposes of this paragraph, "living history reenactment" means depiction of historical characters, scenes, historical life or events for entertainment, education, or historical documentation through the wearing or use of period,

historical, antique or vintage clothing, accessories, firearms, weapons, and other implements of the historical period.

B. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor punishable as provided in Section 1276 of this title.

SECTION 2. AMENDATORY 21 O.S. 2001, 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, except as provided in subsection C of this section or as otherwise authorized by law.

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. Firearms and weapons are allowed on school property and deemed not in violation of subsection A of this section as follows:

1. 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~~;

2. A concealed 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,~~;

3. A gun or knife used for the purposes of participating in the Oklahoma Department of Wildlife Conservation certified hunter training education course or any other hunting, fishing, 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~~ or a recognized firearms sports event, team shooting program or competition, provided the weapon is properly displayed or stored as required by law pending participation in the course, event, program or competition; and

4. Firearms or weapons carried by or in the possession of any peace officer or other person authorized by law to carry, use or possess any weapon.

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~~, Section 1290.1 et seq. of this title,~~ 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 3. AMENDATORY 21 O.S. 2001, Section 1283, as amended by Section 1, Chapter 136, O.S.L. 2002 (21 O.S. Supp. 2002, Section 1283), is amended to read as follows:

Section 1283.

CONVICTED FELONS AND DELINQUENTS

A. Except as otherwise provided in ~~subsection B of~~ this section, it shall be unlawful for any person convicted of any felony in any court of this state or of another state or of the United States to have in his or her possession or under his or her immediate control, or in any vehicle which the person is operating, or in which the person is riding as a passenger, or at the residence where the convicted person resides, any pistol, imitation or homemade pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm which could be easily concealed on the person, in personal effects or in an automobile.

B. Any person who has previously been convicted of a nonviolent felony in any court of this state or of another state or of the United States, and who has received a full and complete pardon from the proper authority or has had such record expunged with full restoration of civil rights, and has not been convicted of any other felony offense which has not been pardoned or expunged, shall have restored the right to possess any firearm or other weapon prohibited by subsection A of this section, the right to apply for and carry a concealed handgun pursuant to the Oklahoma Self-Defense Act, Section 1290.1 et seq. of this title, and the right to perform the duties of a peace officer, gunsmith, or for firearms repair.

C. It shall be unlawful for any person supervised by the Department of Corrections or any division thereof to have in his or her possession or under his or her immediate control, or at his or her residence, or in any passenger vehicle which the supervised person is operating or is riding as a passenger, any pistol, shotgun or rifle, including any imitation or homemade pistol, shotgun or rifle, while such person is subject to supervision, probation, parole or inmate status.

D. It shall be unlawful for any person previously adjudicated as a delinquent child or a youthful offender for the commission of an offense, which would have constituted a felony offense if

committed by an adult, to have in said person's possession or under the person's immediate control, or have in any vehicle which he or she is driving or in which said person is riding as a passenger, or at the person's residence, any pistol, imitation or homemade pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm which could be easily concealed on the person, in personal effects or in an automobile, within ten (10) years after such adjudication.

E. Any person having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act~~, Section 1290.1 et seq. of this title,~~ and who thereafter knowingly or intentionally allows a convicted felon or adjudicated delinquent or a youthful offender as prohibited by the provisions of subsections A, C, or D of this section to possess or have control of any pistol authorized by the Oklahoma Self-Defense Act shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Five Thousand Dollars ($5,000.00). In addition, the person shall have the handgun license revoked by the Oklahoma State Bureau of Investigation after a hearing and determination that the person has violated the provisions of this section.

F. Any convicted or adjudicated person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable as provided in Section 1284 of this title.

G. For purposes of this section, "sawed-off shotgun or rifle" shall mean any shotgun or rifle which has been shortened to any length <u>not allowed by state or federal law</u>.

SECTION 4. AMENDATORY 21 O.S. 2001, Section 1289.13, is amended to read as follows:

Section 1290.13

TRANSPORTING A LOADED FIREARM

Except as otherwise provided by the provisions of the Oklahoma Self-Defense Act~~, Sections 1 through 25 of this act,~~ or another

provision of law ~~of this state~~, it shall be unlawful to transport a loaded pistol, rifle or shotgun in a landborne motor vehicle over a public highway or roadway. However, a rifle or shotgun may be transported when clip or magazine loaded and not chamber loaded when transported in an exterior locked compartment of the vehicle or trunk of the vehicle.

Any person convicted of a violation of this section shall be punished as provided in Section 1289.15 of this title.

Any person who is the operator of a vehicle or is a passenger in any vehicle wherein another person who is licensed pursuant to the Oklahoma Self-Defense Act~~, Sections 1 through 25 of this act,~~ to carry a concealed handgun and is carrying a concealed handgun or has concealed the handgun in such vehicle, shall not be deemed in violation of the provisions of this section provided the licensee is in or near the vehicle.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1289.13A of Title 21, unless there is created a duplication in numbering, reads as follows:

Notwithstanding the provisions of Sections 1272 or 1289.13 of Title 21 of the Oklahoma Statutes, any person stopped pursuant to a moving traffic violation who is transporting a loaded pistol in the motor vehicle without a valid concealed handgun permit authorized by the Oklahoma Self-Defense Act or valid license from another state, whether the loaded firearm is concealed or open in the vehicle, shall be issued a traffic citation in the amount of Seventy Dollars ($70.00), plus court costs for transporting a firearm improperly, except when:

1. The person is detained for the alleged commission of a crime preceding the traffic stop;

2. The firearm is alleged to have been involved in a crime preceding the traffic stop;

3. The person is eighteen (18) years of age or younger;

4. The pistol or ammunition is illegal or stolen;

5. The person is detained based upon an outstanding criminal warrant;

6. The person is a convicted felon or adjudicated delinquent who is prohibited from possessing any firearm pursuant to Section 1283 of Title 21 of the Oklahoma Statutes;

7. The person is detained for outstanding traffic citations, a revoked or suspended driver license, or no driver license;

8. The person has pending criminal charges; or

9. The person is intoxicated and is prohibited from possessing a firearm pursuant to Section 1289.9 of Title 21 of the Oklahoma Statutes.

If any exception stated in paragraphs 1 through 9 of this section is applicable, the person may be arrested pursuant to the applicable criminal provision of law.

SECTION 6. AMENDATORY 21 O.S. 2001, 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. 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.

D. When a person's rights pursuant to the protection of the preemption provisions of this section have been violated, the person shall have the right to bring a civil action against the persons, municipality, and political subdivision jointly and severally for injunctive relief or monetary damages or both.

SECTION 7. AMENDATORY 21 O.S. 2001, 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~~, Section 1290.1 et seq. of this 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. A person in possession of a valid handgun license and in compliance with the provisions of the Oklahoma Self-Defense Act shall be authorized to carry such concealed handgun while bow hunting or fishing.

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 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.

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 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. No person shall be required to identify himself or herself as a concealed handgun licensee when no handgun is in the person's possession or in any vehicle in which the person is driving or is a passenger. 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 a six-month suspension of the license and 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.

E. Nothing in this section shall be construed to authorize a law enforcement officer to inspect any weapon properly concealed without probable cause that a crime has been committed.

SECTION 8. AMENDATORY 21 O.S. 2001, 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~~, Section 1290.1 et seq. of this title~~. The person must:

1. Be a citizen of the United States;

2. ~~Be a current legal resident of the~~ Establish a residency in 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"~~ "residency" shall apply to any ~~military~~ person who either possesses 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 physically resides ~~for at least six (6) months of each year~~ in this state ~~at a permanent residence address~~ or has permanent military orders within this state and possesses a valid driver license from another state where such person claims residency;

3. Be at least ~~twenty-three (23)~~ twenty-one (21) 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 1290.14 of this title, and submit proof of training and qualification or an exemption for training and qualification as authorized by Section 1290.14 of this title;

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

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

SECTION 9. AMENDATORY 21 O.S. 2001, 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 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 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, except certain persons may be exempt from such training 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 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 ~~each instructor shall have their~~ the application shall be 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 fee of One Hundred Dollars ($100.00) to the Council on Law Enforcement Education and Training (CLEET) each 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 course to assure

compliance with the rules and course contents. Any violation of the rules may result in the revocation or suspension of CLEET and Oklahoma State Bureau of Investigation approval. Unless the approval has been revoked or suspended, a ~~firearm~~ firearms instructor's CLEET approval shall be for a term of ~~four (4)~~ five (5) years. Beginning ~~July 1, 2000~~ on the effective date of this act, any firearms instructor who has been issued a ~~one-year~~ four-year CLEET approval shall not be eligible for the ~~four-year~~ five-year approval until the expiration of the approval previously issued. CLEET shall be responsible for notifying all approved firearms instructors of statutory and policy changes related to the Oklahoma Self-Defense Act.

C. All firearms instructors approved by CLEET to train and qualify individuals for a concealed handgun license shall be required to apply for registration with the Oklahoma State Bureau of Investigation ~~within thirty (30) days~~ after receiving CLEET approval. All firearms instructors teaching the approved course for a concealed handgun license must display their registration certificate during each training and qualification course. Each approved firearms instructor shall complete a registration form provided by the Bureau and shall pay a 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 ~~four (4)~~ five (5) years from the date of issuance. The Bureau shall issue a ~~four-year~~ five-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 firearms instructors in this state. Nothing in this subsection shall be construed to eliminate the requirement for registration and training with CLEET as provided in subsection B of this section. Failure to register or be trained as required shall

result in a revocation or suspension of the instructor certificate 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. ~~Beginning May 16, 1996, 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 required of the applicant shall be designed and conducted in such a manner 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 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 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 no pistol shall be capable of firing larger than .45 caliber ammunition. Any applicant who successfully trains and qualifies 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 of the applicant. 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 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 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. 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 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 10. AMENDATORY 21 O.S. 2001, Section 1290.26, is amended to read as follows:

Section 1290.26

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 recognizes this state's concealed handgun license and the reciprocal 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 competence qualification, 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 and license of ~~a reciprocal~~ another state is authorized to continue to carry a concealed firearm and license in this state; provided the license from the other state remains valid. The firearm ~~remains~~ must be carried fully concealed from detection and view, and ~~that~~ upon

coming in contact with any peace officer of this state, the person ~~discloses~~ must disclose 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. Any person who is twenty-one (21) years of age or older having a valid firearm license from another state may apply for a concealed handgun license in this state immediately upon establishing a residence in this state.

SECTION 11. AMENDATORY 22 O.S. 2001, Section 18, as last amended by Section 17 of Enrolled House Bill No. 1816 of the 1st Session of the 49th Oklahoma Legislature, is amended to read as follows:

Section 18. Persons authorized to file a motion for expungement, as provided herein, must be within one of the following categories:

1. The person has been acquitted;

2. The conviction was reversed with instructions to dismiss by an appellate court of competent jurisdiction, or an appellate court of competent jurisdiction reversed the conviction and the district attorney subsequently dismissed the charge;

3. The factual innocence of the person was established by the use of deoxyribonucleic acid (DNA) evidence subsequent to conviction;

4. The person was arrested and no charges of any type, including charges for an offense different than that for which the person was originally arrested are filed or charges are dismissed within one (1) year of the arrest;

5. The statute of limitations on the offense had expired and no charges were filed;

6. The person was under eighteen (18) years of age at the time the nonviolent offense was committed ~~and~~, at least ten years have passed since the completion of the sentence, and

a. the person has not been convicted of any other misdemeanor or felony offense nor are any felony or misdemeanor charges pending, or

b. the person has received a full pardon for the offense;

7. The offense was a misdemeanor~~, the person has not been convicted of any other misdemeanor~~ or a nonviolent felony offense, no felony or misdemeanor charges are pending against the person, and at least ten (10) years have passed since the judgment was entered; or

8. The offense was a nonviolent felony, as defined in Section 571 of Title 57 of the Oklahoma Statutes, the person has received a full pardon for the offense, the person has not been convicted of any other misdemeanor or felony, no felony or misdemeanor charges are pending against the person, and at least ten (10) years have passed since the conviction.

For purposes of this act, "expungement" shall mean the sealing of criminal records.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 19A of Title 22, unless there is created a duplication in numbering, reads as follows:

Following an order for expungement pursuant to Sections 18 and 19 of Title 22 of the Oklahoma Statutes, the person shall have restored all civil rights in this state.

SECTION 13. This act shall become effective July 1, 2003.

SECTION 14. 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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