

EHB 1544

THE STATE SENATE
Wednesday, April 13, 2005

ENGROSSED

House Bill No. 1544

As Amended

ENGROSSED HOUSE BILL NO. 1544 - By: CALVEY, HAMILTON, BRANNON,
SMITHSON, DUNCAN, WESSELHOFT, BRADDOCK and SWEEDEN of the House and
SHURDEN, COATES and RABON of the Senate.

**[Oklahoma Self-Defense Act - terms and renewal of licenses
- concealed handgun license - codification - effective
date]**

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1290.5, as
amended by Section 1, Chapter 122, O.S.L. 2003 (21 O.S. Supp. 2004,
Section 1290.5), is amended to read as follows:

Section 1290.5

TERM OF LICENSE AND RENEWAL

A. A concealed handgun license when issued shall authorize the
person to whom the license is issued to carry a loaded or unloaded
concealed handgun as authorized by the provisions of the Oklahoma
Self-Defense Act, and any future modifications thereto. The license
shall be valid in this state for a period of five (5) years, unless
subsequently surrendered, suspended or revoked as provided by law.
The person shall have no authority to continue to carry a concealed
handgun in this state pursuant to the Oklahoma Self-Defense Act when

1 a license is expired or when a license has been voluntarily
2 surrendered or suspended or revoked for any reason.

3 B. A license may be renewed any time within ninety (90) days
4 prior to the expiration date as provided in this subsection. The
5 Bureau shall send a renewal application to each eligible licensee
6 with a return address requested. There shall be a thirty-day grace
7 period on license renewals beginning on the date of expiration,
8 thereafter the license is considered expired. However, any
9 applicant shall have one (1) year from the expiration of the license
10 to comply with the renewal requirements of this section.

11 1. To renew a handgun license, the licensee must first obtain a
12 renewal form from the Oklahoma State Bureau of Investigation.

13 2. The applicant must complete the renewal form, attach two
14 current passport size photographs of the applicant, and submit a
15 renewal fee in the amount of Eighty-five Dollars (\$85.00) to the
16 Bureau. The renewal fee may be paid with a nationally recognized
17 credit card as provided in subparagraph b of paragraph 4 of
18 subsection A of Section 1290.12 of this title, or by a cashier's
19 check or money order made payable to the Oklahoma State Bureau of
20 Investigation. No person sixty-five (65) years of age or older
21 shall be charged a renewal fee for the concealed handgun license.

22 3. Upon receipt of the renewal application, photographs and
23 fee, the Bureau will conduct a criminal history records name search,

1 an investigation of medical records or other records or information
2 deemed by the Bureau to be relevant to the renewal application. If
3 the applicant appears not to have any prohibition to renewing the
4 handgun license, the Bureau shall issue the renewed license for a
5 period of five (5) years.

6 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1290.14, as
7 last amended by Section 4, Chapter 549, O.S.L. 2004 (21 O.S. Supp.
8 2004, Section 1290.14), is amended to read as follows:

9 Section 1290.14

10 SAFETY AND TRAINING COURSE

11 A. Each applicant for a license to carry a concealed handgun
12 pursuant to the Oklahoma Self-Defense Act must successfully complete
13 a firearms safety and training course in this state conducted by a
14 registered and approved firearms instructor as provided by the
15 provisions of this section. The applicant must further demonstrate
16 competence and qualification with an authorized pistol of the type
17 or types that the applicant desires to carry as a concealed handgun
18 pursuant to the provisions of the Oklahoma Self-Defense Act, except
19 certain persons may be exempt from such training requirement as
20 provided by the provisions of Section 1290.15 of this title.

21 B. The Council on Law Enforcement Education and Training
22 (CLEET) shall establish criteria for approving firearms instructors
23 for purposes of training and qualifying individuals for a concealed

1 handgun license pursuant to the provisions of the Oklahoma Self-
2 Defense Act. Prior to submitting an application for CLEET approval
3 as a firearms instructor, applicants shall attend a firearms
4 instructor school, meeting the following minimum requirements:

5 1. Firearms instructor training conducted by one of the
6 following entities:

7 a. Council on Law Enforcement Education and Training,

8 b. National Rifle Association,

9 c. Oklahoma Rifle Association,

10 d. federal law enforcement agencies, or

11 e. other professionally recognized organizations;

12 2. The course shall be at least sixteen (16) hours in length;

13 3. Upon completion of the course, the applicant shall be
14 qualified to provide instruction on revolvers, semiautomatic
15 pistols, or both; and

16 4. Receive a course completion certificate.

17 All firearms instructors shall be required to meet the eligibility
18 requirements for a concealed handgun license as provided in Sections
19 1290.9, 1290.10, and 1290.11 of this title, and the application
20 shall be processed as provided for applicants in Section 1290.12 of
21 this title, including the state and national criminal history
22 records search and fingerprint search. A firearms instructor shall
23 be required to pay a fee of One Hundred Dollars (\$100.00) to the

1 Council on Law Enforcement Education and Training (CLEET) each time
2 the person makes application for CLEET approval as a firearms
3 instructor pursuant to the provisions of the Oklahoma Self-Defense
4 Act. The fee shall be retained by CLEET and shall be deposited into
5 the Firearms Instructors Revolving Fund. CLEET shall promulgate the
6 rules, forms and procedures necessary to implement the approval of
7 firearms instructors as authorized by the provisions of this
8 subsection. CLEET shall periodically review each approved
9 instructor during a training and qualification course to assure
10 compliance with the rules and course contents. Any violation of the
11 rules may result in the revocation or suspension of CLEET and
12 Oklahoma State Bureau of Investigation approval. Unless the
13 approval has been revoked or suspended, a firearms instructor's
14 CLEET approval shall be for a term of five (5) years. Beginning on
15 the effective date of this act, any firearms instructor who has been
16 issued a four-year CLEET approval shall not be eligible for the
17 five-year approval until the expiration of the approval previously
18 issued. CLEET shall be responsible for notifying all approved
19 firearms instructors of statutory and policy changes related to the
20 Oklahoma Self-Defense Act.

21 C. 1. All firearms instructors approved by CLEET to train and
22 qualify individuals for a concealed handgun license shall be
23 required to apply for registration with the Oklahoma State Bureau of

1 Investigation after receiving CLEET approval. All firearms
2 instructors teaching the approved course for a concealed handgun
3 license must display their registration certificate during each
4 training and qualification course. Each approved firearms
5 instructor shall complete a registration form provided by the Bureau
6 and shall pay a registration fee of One Hundred Dollars (\$100.00) to
7 the Bureau at the time of each application for registration, except
8 as provided in paragraph 2 of this subsection. Registration
9 certificates issued by the Bureau shall be valid for five (5) years
10 from the date of issuance. The Bureau shall issue a five-year
11 handgun license to an approved firearms instructor at the time of
12 issuance of a registration certificate and no additional fee shall
13 be required or charged. The Bureau shall maintain a current listing
14 of all registered firearms instructors in this state. Nothing in
15 this paragraph shall be construed to eliminate the requirement for
16 registration and training with CLEET as provided in subsection B of
17 this section. Failure to register or be trained as required shall
18 result in a revocation or suspension of the instructor certificate
19 by the Bureau.

20 2. On the effective date of this act, the registered
21 instructors listed in subparagraphs a and b of this paragraph shall
22 not be required to renew the firearms instructor registration
23 certificate with the Oklahoma State Bureau of Investigation at the

1 expiration of the registration term, provided the instructor is not
2 subject to any suspension or revocation of the firearm instructor
3 certificate. The firearms instructor registration with the Oklahoma
4 State Bureau of Investigation shall automatically renew together
5 with the handgun license authorized in paragraph 1 of this
6 subsection for an additional five-year term and no additional cost
7 or fee may be charged for the following individuals:

- 8 a. an active duty law enforcement officer of this state
9 or any of its political subdivisions or of the federal
10 government who has a valid CLEET approval as a
11 firearms instructor pursuant to the Oklahoma Self-
12 Defense Act, and
- 13 b. a retired law enforcement officer authorized to carry
14 a firearm pursuant to Section 1289.8 of this title who
15 has a valid CLEET approval as a firearms instructor
16 pursuant to the Oklahoma Self-Defense Act.

17 D. The Oklahoma State Bureau of Investigation shall approve
18 registration for a firearms instructor applicant who is in full
19 compliance with CLEET rules regarding firearms instructors and the
20 provisions of subsection B of this section, if completion of the
21 federal fingerprint search is the only reason for delay of
22 registration of that firearms instructor applicant. Upon receipt of
23 the federal fingerprint search information, if the Bureau receives

1 information which precludes the person from having a concealed
2 handgun license, the Bureau shall revoke both the registration and
3 the concealed handgun license previously issued to the firearms
4 instructor.

5 E. The required firearms safety and training course and the
6 actual demonstration of competency and qualification required of the
7 applicant shall be designed and conducted in such a manner that the
8 course can be reasonably completed by the applicant within an eight-
9 hour period. CLEET shall establish the course content and
10 promulgate rules, procedures and forms necessary to implement the
11 provisions of this subsection. For the training and qualification
12 course, an applicant may be charged a fee not to exceed Sixty
13 Dollars (\$60.00). The instructor to student ratio shall not exceed
14 ten students to any one instructor. CLEET may establish criteria
15 for assistant instructors, maximum class size and any other
16 requirements deemed necessary to conduct a safe and effective
17 training and qualification course. The course content shall include
18 a safety inspection of the firearm to be used by the applicant in
19 the training course; instruction on pistol handling, safety and
20 storage; dynamics of ammunition and firing; methods or positions for
21 firing a pistol; information about the criminal provisions of the
22 Oklahoma law relating to firearms; the requirements of the Oklahoma
23 Self-Defense Act as it relates to the applicant; self-defense and

1 the use of appropriate force; a practice shooting session; and a
2 familiarization course. The firearms instructor shall refuse to
3 train or qualify any person when the pistol to be used or carried by
4 the person is either deemed unsafe or unfit for firing or is a
5 weapon not authorized by the Oklahoma Self-Defense Act. The course
6 shall provide an opportunity for the applicant to qualify himself or
7 herself on either a derringer, a revolver, a semiautomatic pistol or
8 any combination of a derringer, a revolver and a semiautomatic
9 pistol, provided no pistol shall be capable of firing larger than
10 .45 caliber ammunition. Any applicant who successfully trains and
11 qualifies himself or herself with a semiautomatic pistol may be
12 approved by the firearms instructor on the training certificate for
13 a semiautomatic pistol, a revolver and a derringer upon request of
14 the applicant. Any person who qualifies on a derringer or revolver
15 shall not be eligible for a semiautomatic rating until the person
16 has demonstrated competence and qualifications on a semiautomatic
17 pistol. Upon successful completion of the training and
18 qualification course, a certificate shall be issued to each
19 applicant who successfully completes the course. The certificate of
20 training shall comply with the form established by CLEET and shall
21 be submitted with an application for a concealed handgun license
22 pursuant to the provisions of paragraph 2 of Section 1290.12 of this
23 title.

1 F. There is hereby created a revolving fund for the Council on
2 Law Enforcement Education and Training (CLEET), to be designated the
3 "Firearms Instructors Revolving Fund". The fund shall be a
4 continuing fund, not subject to fiscal year limitations, and shall
5 consist of all funds received for approval of firearms instructors
6 for purposes of the Oklahoma Self-Defense Act. All funds received
7 shall be deposited to the fund. All monies accruing to the credit
8 of said fund are hereby appropriated and may be budgeted and
9 expended by the Council on Law Enforcement Education and Training,
10 for implementation of the training and qualification course
11 contents, approval of firearms instructors and any other CLEET
12 requirement pursuant to the provisions of the Oklahoma Self-Defense
13 Act or as may otherwise be deemed appropriate by CLEET.
14 Expenditures from said fund shall be made upon warrants issued by
15 the State Treasurer against claims filed as prescribed by law with
16 the Director of State Finance for approval and payment.

17 **SECTION 3.** This act shall become effective November 1, 2005.

18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-6-05 - DO
19 PASS, As Amended and Coauthored.