

SB 421

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

THE STATE SENATE
Monday, February 19, 2007

Senate Bill No. 421
As Amended

SENATE BILL NO. 421 - By: RILEY of the Senate and ELLIS of the House.

An Act relating to the Oklahoma Self-Defense Act; amending 21 O.S. 1006, Section 1290.14, as last amended by Section 1, Chapter 455, O.S.L. 2005 (21 O.S. Supp. 2006, Section 1290.14), which relates to concealed handgun training; requiring certain target hit rate to qualify in certain training; 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 1290.14, as last amended by Section 1, Chapter 455, O.S.L. 2005 (21 O.S. Supp. 2006, 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 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

1 certain persons may be exempt from such training requirement as
2 provided by the provisions of Section 1290.15 of this title.

3 B. The Council on Law Enforcement Education and Training
4 (CLEET) shall establish criteria for approving firearms instructors
5 for purposes of training and qualifying individuals for a concealed
6 handgun license pursuant to the provisions of the Oklahoma Self-
7 Defense Act. Prior to submitting an application for CLEET approval
8 as a firearms instructor, applicants shall attend a firearms
9 instructor school, meeting the following minimum requirements:

10 1. Firearms instructor training conducted by one of the
11 following entities:

- 12 a. Council on Law Enforcement Education and Training,
- 13 b. National Rifle Association,
- 14 c. Oklahoma Rifle Association,
- 15 d. federal law enforcement agencies, or
- 16 e. other professionally recognized organizations;

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

18 3. Upon completion of the course, the applicant shall be
19 qualified to provide instruction on revolvers, semiautomatic
20 pistols, or both; and

21 4. Receive a course completion certificate.

22 All firearms instructors shall be required to meet the eligibility
23 requirements for a concealed handgun license as provided in Sections

1 1290.9, 1290.10, and 1290.11 of this title, and the application
2 shall be processed as provided for applicants in Section 1290.12 of
3 this title, including the state and national criminal history
4 records search and fingerprint search. A firearms instructor shall
5 be required to pay a fee of One Hundred Dollars (\$100.00) to the
6 Council on Law Enforcement Education and Training (CLEET) each time
7 the person makes application for CLEET approval as a firearms
8 instructor pursuant to the provisions of the Oklahoma Self-Defense
9 Act. The fee shall be retained by CLEET and shall be deposited into
10 the Firearms Instructors Revolving Fund. CLEET shall promulgate the
11 rules, forms and procedures necessary to implement the approval of
12 firearms instructors as authorized by the provisions of this
13 subsection. CLEET shall periodically review each approved
14 instructor during a training and qualification course to assure
15 compliance with the rules and course contents. Any violation of the
16 rules may result in the revocation or suspension of CLEET and
17 Oklahoma State Bureau of Investigation approval. Unless the
18 approval has been revoked or suspended, a firearms instructor's
19 CLEET approval shall be for a term of five (5) years. Beginning on
20 ~~the effective date of this act~~ July 1, 2003, any firearms instructor
21 who has been issued a four-year CLEET approval shall not be eligible
22 for the five-year approval until the expiration of the approval
23 previously issued. CLEET shall be responsible for notifying all

1 approved firearms instructors of statutory and policy changes
2 related to the Oklahoma Self-Defense Act.

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

1 result in a revocation or suspension of the instructor certificate
2 by the Bureau.

3 2. On ~~the effective date of this act~~ July 1, 2003, the
4 registered instructors listed in subparagraphs a and b of this
5 paragraph shall not be required to renew the firearms instructor
6 registration certificate with the Oklahoma State Bureau of
7 Investigation at the expiration of the registration term, provided
8 the instructor is not subject to any suspension or revocation of the
9 firearm instructor certificate. The firearms instructor
10 registration with the Oklahoma State Bureau of Investigation shall
11 automatically renew together with the handgun license authorized in
12 paragraph 1 of this subsection for an additional five-year term and
13 no additional cost or fee may be charged for the following
14 individuals:

- 15 a. an active duty law enforcement officer of this state
16 or any of its political subdivisions or of the federal
17 government who has a valid CLEET approval as a
18 firearms instructor pursuant to the Oklahoma Self-
19 Defense Act, and
20 b. a retired law enforcement officer authorized to carry
21 a firearm pursuant to Section 1289.8 of this title who
22 has a valid CLEET approval as a firearms instructor
23 pursuant to the Oklahoma Self-Defense Act.

1 D. The Oklahoma State Bureau of Investigation shall approve
2 registration for a firearms instructor applicant who is in full
3 compliance with CLEET rules regarding firearms instructors and the
4 provisions of subsection B of this section, if completion of the
5 federal fingerprint search is the only reason for delay of
6 registration of that firearms instructor applicant. Upon receipt of
7 the federal fingerprint search information, if the Bureau receives
8 information which precludes the person from having a concealed
9 handgun license, the Bureau shall revoke both the registration and
10 the concealed handgun license previously issued to the firearms
11 instructor.

12 E. The required firearms safety and training course and the
13 actual demonstration of competency and qualification required of the
14 applicant shall be designed and conducted in such a manner that the
15 course can be reasonably completed by the applicant within an eight-
16 hour period. CLEET shall establish the course content and
17 promulgate rules, procedures and forms necessary to implement the
18 provisions of this subsection. For the training and qualification
19 course, an applicant may be charged a fee not to exceed Sixty
20 Dollars (\$60.00). The instructor to student ratio shall not exceed
21 ten students to any one instructor. CLEET may establish criteria
22 for assistant instructors, maximum class size and any other
23 requirements deemed necessary to conduct a safe and effective

1 training and qualification course. The course content shall include
2 a safety inspection of the firearm to be used by the applicant in
3 the training course; instruction on pistol handling, safety and
4 storage; dynamics of ammunition and firing; methods or positions for
5 firing a pistol; information about the criminal provisions of the
6 Oklahoma law relating to firearms; the requirements of the Oklahoma
7 Self-Defense Act as it relates to the applicant; self-defense and
8 the use of appropriate force; a practice shooting session in which
9 the applicant must **qualify to the satisfaction of the instructor**;
10 and a familiarization course. The firearms instructor shall refuse
11 to train or qualify any person when the pistol to be used or carried
12 by the person is either deemed unsafe or unfit for firing ~~or~~ the
13 pistol is a weapon not authorized by the Oklahoma Self-Defense Act;
14 or the person fails to qualify during the practice shooting session
15 **to the satisfaction of the instructor**. The course shall provide an
16 opportunity for the applicant to qualify himself or herself on
17 either a derringer, a revolver, a semiautomatic pistol or any
18 combination of a derringer, a revolver and a semiautomatic pistol,
19 provided no pistol shall be capable of firing larger than .45
20 caliber ammunition. Any applicant who successfully trains and
21 qualifies himself or herself with a semiautomatic pistol may be
22 approved by the firearms instructor on the training certificate for
23 a semiautomatic pistol, a revolver and a derringer upon request of

1 the applicant. Any person who qualifies on a derringer or revolver
2 shall not be eligible for a semiautomatic rating until the person
3 has demonstrated competence and qualifications on a semiautomatic
4 pistol. Upon successful completion of the training and
5 qualification course, a certificate shall be issued to each
6 applicant who successfully completes the course. The certificate of
7 training shall comply with the form established by CLEET and shall
8 be submitted with an application for a concealed handgun license
9 pursuant to the provisions of paragraph 2 of Section 1290.12 of this
10 title.

11 F. There is hereby created a revolving fund for the Council on
12 Law Enforcement Education and Training (CLEET), to be designated the
13 "Firearms Instructors Revolving Fund". The fund shall be a
14 continuing fund, not subject to fiscal year limitations, and shall
15 consist of all funds received for approval of firearms instructors
16 for purposes of the Oklahoma Self-Defense Act. All funds received
17 shall be deposited to the fund. All monies accruing to the credit
18 of said fund are hereby appropriated and may be budgeted and
19 expended by the Council on Law Enforcement Education and Training,
20 for implementation of the training and qualification course
21 contents, approval of firearms instructors and any other CLEET
22 requirement pursuant to the provisions of the Oklahoma Self-Defense
23 Act or as may otherwise be deemed appropriate by CLEET.

1 Expenditures from said fund shall be made upon warrants issued by
2 the State Treasurer against claims filed as prescribed by law with
3 the Director of State Finance for approval and payment.

4 SECTION 2. This act shall become effective July 1, 2007.

5 SECTION 3. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
10 dated 2-13-07 - DO PASS, As Amended and Coauthored.