

AMENDMENT TO COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend amendment HB2538 FULLPCS1
Page 1 Section 1 Lines 20
Of the printed Bill
Of the Engrossed Bill

By inserting new Sections 1 through 22:

(see attached)

and by renumbering the subsequent sections of the bill.

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mark McCullough

Reading Clerk

1 "SECTION 1. AMENDATORY 21 O.S. 2001, Section 1290.2, is
2 amended to read as follows:

3 Section 1290.2

4 DEFINITIONS

5 A. As used in Sections ~~±~~ 1290.1 through ~~25~~ 1290.25 of this ~~act~~
6 title:

7 1. "Concealed handgun" means a loaded or unloaded pistol
8 carried hidden from the detection and view of another person either
9 upon or about the person, in a purse or other container belonging to
10 the person, or in a vehicle which is operated by the person or in
11 which the person is riding as a passenger; ~~and~~

12 2. "Unconcealed handgun" means a loaded or unloaded pistol
13 carried upon the person in a belt holster that is wholly or
14 partially visible, or carried upon the person in a scabbard or case
15 designed for carrying firearms that is wholly or partially visible;
16 and

17 3. "Pistol" means any derringer, revolver or semiautomatic
18 firearm which:

19 a. has an overall length of less than sixteen (16) inches
20 ~~and is able to be fully concealed from detection and~~
21 ~~view,~~

22 b. is capable of discharging a projectile composed of any
23 material which may reasonably be expected to be able
24 to cause lethal injury,

- 1 c. is designed to be held and fired by the use of a
2 single hand, and
3 d. uses either gunpowder, gas or any means of rocket
4 propulsion to discharge the projectile.

5 B. The definition of pistol for purposes of the Oklahoma Self-
6 Defense Act shall not apply to homemade or imitation pistols, flare
7 guns, underwater fishing guns or blank pistols.

8 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1290.3, is
9 amended to read as follows:

10 Section 1290.3

11 AUTHORITY TO ISSUE LICENSE

12 The Oklahoma State Bureau of Investigation is hereby authorized
13 to license an eligible person to carry a concealed or unconcealed
14 handgun as provided by the provisions of the Oklahoma Self-Defense
15 Act, ~~Sections 1 through 25 of this act.~~ The Bureau's authority of
16 the Bureau shall be limited to the provisions specifically provided
17 in the Oklahoma Self-Defense Act. The Bureau shall promulgate
18 rules, forms and procedures necessary to implement the provisions of
19 the Oklahoma Self-Defense Act.

20 SECTION 3. AMENDATORY 21 O.S. 2001, Section 1290.4, is
21 amended to read as follows:

22 Section 1290.4

23 UNLAWFUL CARRY
24

1 As provided by Section 1272 of ~~Title 21 of the Oklahoma Statutes~~
2 this title, it is unlawful for any person to carry a concealed or
3 unconcealed handgun in this state, except as hereby authorized by
4 the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through~~
5 ~~25 of this act~~, or as may otherwise be provided by law.

6 SECTION 4. AMENDATORY 21 O.S. 2001, Section 1290.5, as
7 last amended by Section 1, Chapter 225, O.S.L. 2009 (21 O.S. Supp.
8 2009, Section 1290.5), is amended to read as follows:

9 Section 1290.5

10 TERM OF LICENSE AND RENEWAL

11 A. A ~~concealed~~ handgun license when issued shall authorize the
12 person to whom the license is issued to carry a loaded or unloaded
13 ~~concealed~~ handgun, concealed or unconcealed, as authorized by the
14 provisions of the Oklahoma Self-Defense Act, and any future
15 modifications thereto. The license shall be valid in this state for
16 a period of five (5) or ten (10) years, unless subsequently
17 surrendered, suspended or revoked as provided by law. The person
18 shall have no authority to continue to carry a concealed or
19 unconcealed handgun in this state pursuant to the Oklahoma Self-
20 Defense Act when a license is expired or when a license has been
21 voluntarily surrendered or suspended or revoked for any reason.

22 B. A license may be renewed any time within ninety (90) days
23 prior to the expiration date as provided in this subsection. The
24 Bureau shall send a renewal application to each eligible licensee

1 with a return address requested. There shall be a thirty-day grace
2 period on license renewals beginning on the date of expiration,
3 thereafter the license is considered expired. However, any
4 applicant shall have three (3) years from the expiration of the
5 license to comply with the renewal requirements of this section.

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

8 2. The applicant must complete the renewal form, attach two
9 current passport size photographs of the applicant, and submit a
10 renewal fee in the amount of Eighty-five Dollars (\$85.00) to the
11 Bureau. The renewal fee may be paid with a nationally recognized
12 credit card as provided in subparagraph b of paragraph 4 of
13 subsection A of Section 1290.12 of this title, or by a cashier's
14 check or money order made payable to the Oklahoma State Bureau of
15 Investigation.

16 3. Upon receipt of the renewal application, photographs and
17 fee, the Bureau will conduct a criminal history records name search,
18 an investigation of medical records or other records or information
19 deemed by the Bureau to be relevant to the renewal application. If
20 the applicant appears not to have any prohibition to renewing the
21 handgun license, the Bureau shall issue the renewed license for a
22 period of five (5) or ten (10) years.

23 C. Beginning November 1, 2007, any person making application
24 for a ~~concealed~~ handgun license or any licensee seeking to renew a

1 ~~concealed~~ handgun license shall have the option to request that said
2 license be valid for a period of ten (10) years. The fee for any
3 ~~concealed~~ handgun license issued for a period of ten (10) years
4 shall be double the amount of the fee provided for in paragraph 4 of
5 subsection A of Section 1290.12 of this title. The renewal fee for
6 a ~~concealed~~ handgun license issued for a period of ten (10) years
7 shall be double the amount of the fee provided for in paragraph 2 of
8 subsection B of this section.

9 SECTION 5. AMENDATORY 21 O.S. 2001, Section 1290.6, is
10 amended to read as follows:

11 Section 1290.6

12 PROHIBITED AMMUNITION

13 Any concealed or unconcealed handgun when carried in a manner
14 authorized by the provisions of the Oklahoma Self-Defense Act,
15 ~~Sections 1 through 25 of this act,~~ and when loaded with any
16 ammunition which is either a restricted bullet as defined by Section
17 1289.19 of ~~Title 21 of the Oklahoma Statutes~~ this title or is larger
18 than .45 caliber or is otherwise prohibited by law shall be deemed a
19 prohibited weapon for purposes of the Oklahoma Self-Defense Act.

20 Any person violating the provisions of this section shall be
21 punished for a criminal offense as provided by Section 1272 of ~~Title~~
22 ~~21 of the Oklahoma Statutes~~ this title or any other applicable
23 provision of law. In addition to any criminal prosecution for a
24 violation of the provisions of this section, the licensee shall be

1 subject to an administrative fine of Five Hundred Dollars (\$500.00),
2 upon a hearing and determination by the Oklahoma State Bureau of
3 Investigation that the person is in violation of the provisions of
4 this section.

5 SECTION 6. AMENDATORY 21 O.S. 2001, Section 1290.7, is
6 amended to read as follows:

7 Section 1290.7

8 CONSTRUING AUTHORITY OF LICENSE

9 The authority to carry a concealed or unconcealed handgun
10 pursuant to a valid handgun license as authorized by the provisions
11 of the Oklahoma Self-Defense Act, ~~Sections 1 through 25 of this act,~~
12 shall not be construed to authorize any person to:

13 1. Carry or possess any weapon other than an authorized pistol
14 as defined by the provisions of Section ~~2~~ 1290.2 of this ~~act~~ title;

15 2. Carry or possess any pistol in any manner or in any place
16 otherwise prohibited by law;

17 3. Carry or possess any prohibited ammunition or any illegal,
18 imitation or homemade pistol;

19 4. Carry or possess any pistol when the person is prohibited by
20 state or federal law from carrying or possessing any firearm; or

21 5. Point, discharge, intentionally display the pistol, or use
22 the pistol in any manner not otherwise authorized by law.

23

24

1 SECTION 7. AMENDATORY 21 O.S. 2001, Section 1290.8, as
2 amended by Section 6, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2009,
3 Section 1290.8), is amended to read as follows:

4 Section 1290.8

5 POSSESSION OF LICENSE REQUIRED

6 NOTIFICATION TO POLICE OF GUN

7 A. Except as otherwise prohibited by law, an eligible person
8 shall have authority to carry a concealed or unconcealed handgun in
9 this state when the person has been issued a handgun license from
10 the Oklahoma State Bureau of Investigation pursuant to the
11 provisions of the Oklahoma Self-Defense Act, provided the person is
12 in compliance with the provisions of the Oklahoma Self-Defense Act,
13 and the license has not expired or been subsequently suspended or
14 revoked. A person in possession of a valid handgun license and in
15 compliance with the provisions of the Oklahoma Self-Defense Act
16 shall be authorized to carry such concealed or unconcealed handgun
17 while bow hunting or fishing.

18 B. The person shall be required to have possession of his or
19 her valid handgun license and a valid Oklahoma driver license or an
20 Oklahoma State photo identification at all times when in possession
21 of an authorized pistol. Any violation of the provisions of this
22 subsection may be punishable as a criminal offense as authorized by
23 Section 1272 of this title or pursuant to any other applicable
24 provision of law. In addition to any criminal prosecution which may

1 result from not carrying the handgun license and the required
2 identification with the authorized pistol as required by the
3 provisions of this subsection, the person may be subject to an
4 administrative fine for violation of the provisions of this
5 subsection. The administrative fine shall be Fifty Dollars (\$50.00)
6 and shall be assessed by the Oklahoma State Bureau of Investigation
7 after a hearing and determination that the licensee is in violation
8 of the provisions of this subsection. Any second or subsequent
9 violation of the provisions of this subsection shall be grounds for
10 the Bureau to suspend the handgun license for a period of six (6)
11 months, in addition to any other penalty imposed.

12 Upon the arrest of any person for a violation of the provisions
13 of this subsection, the person may show proof to the court that a
14 valid handgun license and the other required identification has been
15 issued to such person and the person may state any reason why the
16 handgun license or the other required identification was not carried
17 by the person as required by the Oklahoma Self-Defense Act. The
18 court shall dismiss an alleged violation of Section 1272 of this
19 title upon payment of court costs, if proof of a valid handgun
20 license and other required identification is shown to the court
21 within ten (10) days of the arrest of the person. The court shall
22 report a dismissal of a charge to the Bureau for consideration of
23 administrative proceedings against the licensee.

24

1 C. It shall be unlawful for any person to fail or refuse to
2 identify the fact that the person is in actual possession of a
3 concealed or unconcealed handgun pursuant to the authority of the
4 Oklahoma Self-Defense Act when the person first comes into contact
5 with any law enforcement officer of this state or its political
6 subdivisions or a federal law enforcement officer during the course
7 of any arrest, detainment, or routine traffic stop. No person shall
8 be required to identify himself or herself as a ~~concealed~~ handgun
9 licensee when no handgun is in the ~~person's~~ possession of the person
10 or in any vehicle in which the person is driving or is a passenger.
11 Any violation of the provisions of this subsection shall, upon
12 conviction, be a misdemeanor punishable by a fine not exceeding Five
13 Hundred Dollars (\$500.00), by imprisonment in the county jail for a
14 period not to exceed ninety (90) days, or by both such fine and
15 imprisonment. In addition to any criminal prosecution for a
16 violation of the provisions of this subsection, the licensee shall
17 be subject to a six-month suspension of the license and an
18 administrative fine of Fifty Dollars (\$50.00), upon a hearing and
19 determination by the Bureau that the person is in violation of the
20 provisions of this subsection.

21 D. Any law enforcement officer coming in contact with a person
22 whose handgun license is suspended, revoked, or expired, or who is
23 in possession of a handgun license which has not been lawfully
24 issued to that person, shall confiscate the license and return it to

1 the Oklahoma State Bureau of Investigation for appropriate
2 administrative proceedings against the licensee when the license is
3 no longer needed as evidence in any criminal proceeding.

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

7 SECTION 8. AMENDATORY 21 O.S. 2001, Section 1290.9, as
8 amended by Section 7, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2009,
9 Section 1290.9), is amended to read as follows:

10 Section 1290.9

11 ELIGIBILITY

12 The following requirements shall apply to any person making
13 application to the Oklahoma State Bureau of Investigation for a
14 ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma
15 Self-Defense Act. The person must:

- 16 1. Be a citizen of the United States;
- 17 2. Establish a residency in the State of Oklahoma. For
18 purposes of the Oklahoma Self-Defense Act, the term "residency"
19 shall apply to any person who either possesses a valid Oklahoma
20 driver license or state photo identification card, and physically
21 resides in this state or has permanent military orders within this
22 state and possesses a valid driver license from another state where
23 such person claims residency;
- 24 3. Be at least twenty-one (21) years of age;

1 4. Complete a firearms safety and training course and
2 demonstrate competence and qualifications with the type of pistol to
3 be carried by the person as provided in Section 1290.14 of this
4 title, and submit proof of training and qualification or an
5 exemption for training and qualification as authorized by Section
6 1290.14 of this title;

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

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

11 SECTION 9. AMENDATORY 21 O.S. 2001, Section 1290.11, as
12 amended by Section 3, Chapter 62, O.S.L. 2006 (21 O.S. Supp. 2009,
13 Section 1290.11), is amended to read as follows:

14 Section 1290.11

15 OTHER PRECLUSIONS

16 A. The following conditions shall preclude a person from being
17 eligible for a ~~concealed~~ handgun license pursuant to the provisions
18 of the Oklahoma Self-Defense Act for a period of time as prescribed
19 in each of the following paragraphs:

20 1. An arrest for an alleged commission of a felony offense or a
21 felony charge pending in this state, another state or pursuant to
22 the United States Code. The preclusive period shall be until the
23 final determination of the matter;

24

1 2. The person is subject to the provisions of a deferred
2 sentence or deferred prosecution in this state or another state or
3 pursuant to federal authority for the commission of a felony
4 offense. The preclusive period shall be three (3) years and shall
5 begin upon the final determination of the matter;

6 3. Any involuntary commitment for a mental illness, condition,
7 or disorder pursuant to the provisions of Section 5-410 of Title 43A
8 of the Oklahoma Statutes or any involuntary commitment in another
9 state pursuant to any provisions of law of that state. The
10 preclusive period shall be permanent as provided by Title 18 of the
11 United States Code Section 922(g) (4);

12 4. The person has previously undergone treatment for a mental
13 illness, condition, or disorder which required medication or
14 supervision as defined by paragraph 7 of Section 1290.10 of this
15 title. The preclusive period shall be three (3) years from the last
16 date of treatment or upon presentation of a certified statement from
17 a licensed physician stating that the person is either no longer
18 disabled by any mental or psychiatric illness, condition, or
19 disorder or that the person has been stabilized on medication for
20 ten (10) years or more;

21 5. Inpatient treatment for substance abuse. The preclusive
22 period shall be three (3) years from the last date of treatment or
23 upon presentation of a certified statement from a licensed physician
24 stating that the person has been free from substance use for twelve

1 (12) months or more preceding the filing of an application for a
2 handgun license;

3 6. Two or more convictions of public intoxication pursuant to
4 Section 8 of Title 37 of the Oklahoma Statutes, or a similar law of
5 another state. The preclusive period shall be three (3) years from
6 the date of the completion of the last sentence;

7 7. Two or more misdemeanor convictions relating to intoxication
8 or driving under the influence of an intoxicating substance or
9 alcohol. The preclusive period shall be three (3) years from the
10 date of the completion of the last sentence or shall require a
11 certified statement from a licensed physician stating that the
12 person is not in need of substance abuse treatment;

13 8. A court order for a final Victim Protection Order against
14 the applicant, as authorized by Section 60 et seq. of Title 22 of
15 the Oklahoma Statutes, or any court order granting a final victim
16 protection order against the applicant from another state. The
17 preclusive period shall be three (3) years from the date of the
18 entry of the final court order, or sixty (60) days from the date an
19 order was vacated, cancelled or withdrawn;

20 9. An adjudicated delinquent or convicted felon residing in the
21 residence of the applicant which may be a violation of Section 1283
22 of this title. The preclusive period shall be thirty (30) days from
23 the date the person no longer resides in the same residence as the
24 applicant; or

1 10. An arrest for an alleged commission of, a charge pending
2 for, or the person is subject to the provisions of a deferred
3 sentence or a deferred prosecution for any one or more of the
4 following misdemeanor offenses in this state or another state:

5 a. any assault and battery which caused serious physical
6 injury to the victim or any second or subsequent
7 assault and battery,

8 b. any aggravated assault and battery,

9 c. any stalking pursuant to Section 1173 of this title,
10 or a similar law of another state,

11 d. any violation of the Protection from Domestic Abuse
12 Act, Section 60 et seq. of Title 22 of the Oklahoma
13 Statutes, or any violation of a victim protection
14 order of another state,

15 e. any violation relating to illegal drug use or
16 possession, or

17 f. an act of domestic abuse as defined by Section 644 of
18 this title or an act of domestic assault and battery
19 or any comparable acts under the law of another state.

20 The preclusive period for this paragraph shall be three (3) years
21 and shall begin upon the final determination of the matter.

22 B. Nothing in this section shall be construed to require a full
23 investigation of the applicant by the Oklahoma State Bureau of
24 Investigation.

1 SECTION 10. AMENDATORY 21 O.S. 2001, Section 1290.12, as
2 amended by Section 3, Chapter 549, O.S.L. 2004 (21 O.S. Supp. 2009,
3 Section 1290.12), is amended to read as follows:

4 Section 1290.12

5 PROCEDURE FOR APPLICATION

6 A. The procedure for applying for a ~~concealed~~ handgun license
7 and processing the application shall be as follows:

8 1. An eligible person may request an application packet for a
9 ~~concealed~~ handgun license from the Oklahoma State Bureau of
10 Investigation or the county sheriff's office either in person or by
11 mail. The Bureau may provide application packets to each sheriff
12 not exceeding two hundred packets per request. The Bureau shall
13 provide the following information in the application packet:

- 14 a. an application form,
15 b. procedures to follow to process the application form,
16 and
17 c. a copy of the Oklahoma Self-Defense Act with any
18 modifications thereto;

19 2. The person shall be required to successfully complete a
20 firearms safety and training course from a firearms instructor who
21 is approved and registered in this state as provided in Section
22 1290.14 of this title, and the person shall be required to
23 demonstrate competency and qualification with a pistol authorized
24 for concealed or unconcealed carry by the Oklahoma Self-Defense Act.

1 The original certificate of training shall be submitted with the
2 application for a handgun license. No duplicate, copy, facsimile or
3 other reproduction of the certificate of training or exemption from
4 training shall be acceptable as proof of training as required by the
5 provisions of the Oklahoma Self-Defense Act. A person exempt from
6 the training requirements as provided in Section 1290.15 of this
7 title must show the required proof of such exemption to the firearms
8 instructor to receive an exemption certificate. The original
9 exemption certificate must be submitted with the application for a
10 handgun license when the person claims an exemption from training
11 and qualification;

12 3. The application form shall be completed and delivered by the
13 applicant, in person, to the sheriff of the county wherein the
14 applicant resides;

15 4. The person shall deliver to the sheriff at the time of
16 delivery of the completed application form a fee of One Hundred
17 Dollars (\$100.00) for processing the application through the
18 Oklahoma State Bureau of Investigation and processing the required
19 fingerprints through the Federal Bureau of Investigation. The
20 processing fee shall be in the form of:

- 21 a. a money order or a cashier's check made payable to the
22 Oklahoma State Bureau of Investigation, or
- 23 b. by a nationally recognized credit card issued to the
24 applicant. For purposes of this paragraph,

1 "nationally recognized credit card" means any
2 instrument or device, whether known as a credit card,
3 credit plate, charge plate, or by any other name,
4 issued with or without fee by the issuer for the use
5 of the cardholder in obtaining goods, services, or
6 anything else of value on credit which is accepted by
7 over one thousand merchants in the state. The
8 Oklahoma State Bureau of Investigation shall determine
9 which nationally recognized credit cards will be
10 accepted by the Bureau.

11 The processing fee shall not be refundable in the event of a
12 denial of a handgun license or any suspension or revocation
13 subsequent to the issuance of a license. Persons making application
14 for a firearms instructor shall not be required to pay the
15 application fee as provided in this section, but shall be required
16 to pay the costs provided in paragraphs 6 and 8 of this subsection;

17 5. The completed application form shall be signed by the
18 applicant in person before the sheriff. The signature shall be
19 given voluntarily upon a sworn oath that the person knows the
20 contents of the application and that the information contained in
21 the application is true and correct. Any person making any false or
22 misleading statement on an application for a handgun license shall,
23 upon conviction, be guilty of perjury as defined by Section 491 of
24 this title. Any conviction shall be punished as provided in Section

1 500 of this title. In addition to a criminal conviction, the person
2 shall be denied the right to have a ~~concealed~~ handgun license
3 pursuant to the provisions of Section 1290.10 of this title and the
4 Oklahoma State Bureau of Investigation shall revoke the handgun
5 license, if issued;

6 6. Two passport size photographs of the applicant shall be
7 submitted with the completed application. The cost of the
8 photographs shall be the responsibility of the applicant. The
9 sheriff is authorized to take the ~~applicant's~~ applicant's photograph of the
10 applicant for purposes of the Oklahoma Self-Defense Act and, if such
11 photographs are taken by the sheriff the cost of the photographs
12 shall not exceed Ten Dollars (\$10.00) for the two photos. All money
13 received by the sheriff from photographing applicants pursuant to
14 the provisions of this paragraph shall be retained by the sheriff
15 and deposited into the Sheriff's Service Fee Account;

16 7. The sheriff shall witness the signature of the applicant and
17 review or take the photographs of the applicant and shall verify
18 that the person making application for a handgun license is the same
19 person in the photographs submitted and the same person who signed
20 the application form. Proof of a valid Oklahoma driver license with
21 a photograph of the applicant or an Oklahoma State photo
22 identification for the applicant shall be required to be presented
23 by the applicant to the sheriff for verification of the person's
24 identity;

1 8. Upon verification of the identity of the applicant, the
2 sheriff shall take two complete sets of fingerprints of the
3 applicant. Both sets of fingerprints shall be submitted by the
4 sheriff with the completed application, certificate of training or
5 an exemption certificate, photographs and processing fee to the
6 Oklahoma State Bureau of Investigation within fourteen (14) days of
7 taking the fingerprints. The cost of the fingerprints shall be paid
8 by the applicant and shall not exceed Twenty-five Dollars (\$25.00)
9 for the two sets. All fees collected by the sheriff from taking
10 fingerprints pursuant to the provisions of this paragraph shall be
11 retained by the sheriff and deposited into the Sheriff's Service Fee
12 Account;

13 9. The sheriff shall submit to the Oklahoma State Bureau of
14 Investigation within the fourteen-day period, together with the
15 completed application, certificate of training or exemption
16 certificate, photographs, processing fee and fingerprints, a report
17 of information deemed pertinent to an investigation of the applicant
18 for a handgun license. The sheriff shall make a preliminary
19 investigation of pertinent information about the applicant and the
20 court clerk shall assist the sheriff in locating pertinent
21 information in court records for this purpose. If no pertinent
22 information is found to exist either for or against the applicant,
23 the sheriff shall so indicate in the report;

24

1 10. The Oklahoma State Bureau of Investigation, upon receipt of
2 the application and required information from the sheriff, shall
3 forward one full set of fingerprints of the applicant to the Federal
4 Bureau of Investigation for a national criminal history records
5 search. The cost of processing the fingerprints nationally shall be
6 paid from the processing fee collected by the Oklahoma State Bureau
7 of Investigation;

8 11. The Oklahoma State Bureau of Investigation shall make a
9 reasonable effort to investigate the information submitted by the
10 applicant and the sheriff, to ascertain whether or not the issuance
11 of a handgun license would be in violation of the provisions of the
12 Oklahoma Self-Defense Act. The ~~Bureau's~~ investigation by the Bureau
13 of an applicant shall include, but shall not be limited to: a
14 statewide criminal history records search, a national criminal
15 history records search, a Federal Bureau of Investigation
16 fingerprint search, and if applicable, an investigation of medical
17 records or other records or information deemed by the Bureau to be
18 relevant to the application.

19 a. In the course of the ~~Bureau's~~ investigation by the
20 Bureau, it shall present the name of the applicant
21 along with any known aliases, the address of the
22 applicant and the social security number of the
23 applicant to the Department of Mental Health and
24 Substance Abuse Services. The Department of Mental

1 Health and Substance Abuse Services shall respond
2 within ten (10) days of receiving such information to
3 the Bureau as follows:

- 4 (1) with a "Yes" answer, if the ~~Department's~~ records
5 of the Department indicate that the person was
6 involuntarily committed to a mental institution
7 in Oklahoma, or
- 8 (2) with a "No" answer, if there are no records
9 indicating the name of the person as a person
10 involuntarily committed to a mental institution
11 in Oklahoma, or
- 12 (3) with an "Inconclusive" answer if the ~~Department's~~
13 records of the Department suggest the applicant
14 may be a formerly committed person. In the case
15 of an inconclusive answer, the Bureau shall ask
16 the applicant whether he or she was involuntarily
17 committed. If the applicant states under penalty
18 of perjury that he or she has not been
19 involuntarily committed, the Bureau shall
20 continue processing the application for a
21 license.

22 b. In the course of the ~~Bureau's~~ investigation by the
23 Bureau, it shall check the name of any applicant who
24 is twenty-eight (28) years of age or younger along

1 with any known aliases, the address of the applicant
2 and the social security number of the applicant
3 against the records in the Juvenile Online Tracking
4 System (JOLTS) of the Office of Juvenile Affairs. The
5 Office of Juvenile Affairs shall provide the Bureau
6 direct access to check the applicant against the
7 records available on JOLTS.

8 (1) If the Bureau finds a record on the JOLTS that
9 indicates the person was adjudicated a delinquent
10 for an offense that would constitute a felony
11 offense if committed by an adult within the last
12 ten (10) years the Bureau shall deny the license,

13 (2) If the Bureau finds no record on the JOLTS
14 indicating the named person was adjudicated
15 delinquent for an offense that would constitute a
16 felony offense if committed by an adult within
17 the last ten (10) years, or

18 (3) If the records suggest the applicant may have
19 been adjudicated delinquent for an offense that
20 would constitute a felony offense if committed by
21 an adult but such record is inconclusive, the
22 Bureau shall ask the applicant whether he or she
23 was adjudicated a delinquent for an offense that
24 would constitute a felony offense if committed by

1 an adult within the last ten (10) years. If the
2 applicant states under penalty of perjury that he
3 or she was not adjudicated a delinquent within
4 ten (10) years, the Bureau shall continue
5 processing the application for a license;

6 12. The Oklahoma State Bureau of Investigation shall either
7 issue a ~~concealed~~ handgun license or deny the application within
8 ninety (90) days of the date of receipt of the required information
9 from the sheriff. The Bureau shall approve an applicant who appears
10 to be in full compliance with the provisions of the Oklahoma Self-
11 Defense Act, if completion of the federal fingerprint search is the
12 only reason for delay of the issuance of the handgun license to that
13 applicant. Upon receipt of the federal fingerprint search
14 information, if the Bureau receives information which precludes the
15 person from having a ~~concealed~~ handgun license, the Bureau shall
16 revoke the ~~concealed~~ handgun license previously issued to the
17 applicant. The Bureau shall deny a license when the applicant fails
18 to properly complete the application form or application process or
19 is determined not to be eligible as specified by the provisions of
20 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall
21 approve an application in all other cases. If an application is
22 denied, the Bureau shall notify the applicant in writing of its
23 decision. The notification shall state the grounds for the denial
24 and inform the applicant of the right to an appeal as may be

1 provided by the provisions of the Administrative Procedures Act.
2 All notices of denial shall be mailed by first class mail to the
3 ~~applicant's~~ address of the applicant listed in the application.
4 Within sixty (60) calendar days from the date of mailing a denial of
5 application to an applicant, the applicant shall notify the Bureau
6 in writing of the intent to appeal the decision of denial or the
7 ~~applicant's~~ right of the applicant to appeal shall be deemed waived.
8 Any administrative hearing on a denial which may be provided shall
9 be conducted by a hearing examiner appointed by the Bureau. The
10 ~~hearing examiner's~~ decision of the hearing examiner shall be a final
11 decision appealable to a district court in accordance with the
12 Administrative Procedures Act. When an application is approved, the
13 Bureau shall issue the license and mail it to the sheriff of the
14 county wherein the applicant resides. The applicant may pick up the
15 ~~concealed~~ handgun license from the sheriff's office.

16 B. Nothing contained in any provision of the Oklahoma Self-
17 Defense Act shall be construed to require or authorize the
18 registration, documentation or providing of serial numbers with
19 regard to any firearm. For purposes of the Oklahoma Self-Defense
20 Act, the sheriff may designate a person to receive, fingerprint,
21 photograph or otherwise process applications for ~~concealed~~ handgun
22 licenses.

23 SECTION 11. AMENDATORY 21 O.S. 2001, Section 1290.13, is
24 amended to read as follows:

1 Section 1290.13

2 AUTOMATIC LISTING OF LICENSES

3 The Oklahoma State Bureau of Investigation shall maintain an
4 automated listing of all persons issued a ~~concealed~~ handgun license
5 in this state pursuant to the provisions of the Oklahoma Self-
6 Defense Act, ~~Section 1290.1 et seq. of this title,~~ and all
7 subsequent suspended or revoked licenses. Information from the
8 automated listing shall only be available to a law enforcement
9 officer or law enforcement agency upon request for law enforcement
10 purposes. The Bureau shall also maintain for each applicant the
11 original application or a copy of the original application form and
12 any subsequent renewal application forms together with the
13 photographs, fingerprints and other pertinent information on the
14 applicant which shall be confidential, except to law enforcement
15 officers or law enforcement agencies in the performance of their
16 duties. To facilitate the Bureau's administration of the Oklahoma
17 Self-Defense Act, all licensees shall maintain a current mailing
18 address where the licensee may receive certified mail. The licensee
19 shall within thirty (30) days of a change of name or address inform
20 the Bureau of such change.

21 SECTION 12. AMENDATORY 21 O.S. 2001, Section 1290.14, as
22 last amended by Section 1, Chapter 455, O.S.L. 2005 (21 O.S. Supp.
23 2009, Section 1290.14), is amended to read as follows:

24 Section 1290.14

1 SAFETY AND TRAINING COURSE

2 A. Each applicant for a license to carry a concealed or
3 unconcealed handgun pursuant to the Oklahoma Self-Defense Act must
4 successfully complete a firearms safety and training course in this
5 state conducted by a registered and approved firearms instructor as
6 provided by the provisions of this section. The applicant must
7 further demonstrate competence and qualification with an authorized
8 pistol of the type or types that the applicant desires to carry as a
9 concealed or unconcealed handgun pursuant to the provisions of the
10 Oklahoma Self-Defense Act, except certain persons may be exempt from
11 such training requirement as provided by the provisions of Section
12 1290.15 of this title.

13 B. The Council on Law Enforcement Education and Training
14 (CLEET) shall establish criteria for approving firearms instructors
15 for purposes of training and qualifying individuals for a ~~concealed~~
16 handgun license pursuant to the provisions of the Oklahoma Self-
17 Defense Act. Prior to submitting an application for CLEET approval
18 as a firearms instructor, applicants shall attend a firearms
19 instructor school, meeting the following minimum requirements:

20 1. Firearms instructor training conducted by one of the
21 following entities:

- 22 a. Council on Law Enforcement Education and Training,
- 23 b. National Rifle Association,
- 24 c. Oklahoma Rifle Association,

1 d. federal law enforcement agencies, or

2 e. other professionally recognized organizations;

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

4 3. Upon completion of the course, the applicant shall be
5 qualified to provide instruction on revolvers, semiautomatic
6 pistols, or both; and

7 4. Receive a course completion certificate.

8 All firearms instructors shall be required to meet the eligibility
9 requirements for a ~~concealed~~ handgun license as provided in Sections
10 1290.9, 1290.10, and 1290.11 of this title, and the application
11 shall be processed as provided for applicants in Section 1290.12 of
12 this title, including the state and national criminal history
13 records search and fingerprint search. A firearms instructor shall
14 be required to pay a fee of One Hundred Dollars (\$100.00) to the
15 Council on Law Enforcement Education and Training (CLEET) each time
16 the person makes application for CLEET approval as a firearms
17 instructor pursuant to the provisions of the Oklahoma Self-Defense
18 Act. The fee shall be retained by CLEET and shall be deposited into
19 the Firearms Instructors Revolving Fund. CLEET shall promulgate the
20 rules, forms and procedures necessary to implement the approval of
21 firearms instructors as authorized by the provisions of this
22 subsection. CLEET shall periodically review each approved
23 instructor during a training and qualification course to assure
24 compliance with the rules and course contents. Any violation of the

1 rules may result in the revocation or suspension of CLEET and
2 Oklahoma State Bureau of Investigation approval. Unless the
3 approval has been revoked or suspended, a firearms instructor's
4 CLEET approval shall be for a term of five (5) years. Beginning on
5 the effective date of this act, any firearms instructor who has been
6 issued a four-year CLEET approval shall not be eligible for the
7 five-year approval until the expiration of the approval previously
8 issued. CLEET shall be responsible for notifying all approved
9 firearms instructors of statutory and policy changes related to the
10 Oklahoma Self-Defense Act.

11 C. 1. All firearms instructors approved by CLEET to train and
12 qualify individuals for a ~~concealed~~ handgun license shall be
13 required to apply for registration with the Oklahoma State Bureau of
14 Investigation after receiving CLEET approval. All firearms
15 instructors teaching the approved course for a ~~concealed~~ handgun
16 license must display their registration certificate during each
17 training and qualification course. Each approved firearms
18 instructor shall complete a registration form provided by the Bureau
19 and shall pay a registration fee of One Hundred Dollars (\$100.00) to
20 the Bureau at the time of each application for registration, except
21 as provided in paragraph 2 of this subsection. Registration
22 certificates issued by the Bureau shall be valid for five (5) years
23 from the date of issuance. The Bureau shall issue a five-year
24 handgun license to an approved firearms instructor at the time of

1 issuance of a registration certificate and no additional fee shall
2 be required or charged. The Bureau shall maintain a current listing
3 of all registered firearms instructors in this state. Nothing in
4 this paragraph shall be construed to eliminate the requirement for
5 registration and training with CLEET as provided in subsection B of
6 this section. Failure to register or be trained as required shall
7 result in a revocation or suspension of the instructor certificate
8 by the Bureau.

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

20 a. an active duty law enforcement officer of this state
21 or any of its political subdivisions or of the federal
22 government who has a valid CLEET approval as a
23 firearms instructor pursuant to the Oklahoma Self-
24 Defense Act, and

1 b. a retired law enforcement officer authorized to carry
2 a firearm pursuant to Section 1289.8 of this title who
3 has a valid CLEET approval as a firearms instructor
4 pursuant to the Oklahoma Self-Defense Act.

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

16 E. The required firearms safety and training course and the
17 actual demonstration of competency and qualification required of the
18 applicant shall be designed and conducted in such a manner that the
19 course can be reasonably completed by the applicant within an eight-
20 hour period. CLEET shall establish the course content and
21 promulgate rules, procedures and forms necessary to implement the
22 provisions of this subsection. For the training and qualification
23 course, an applicant may be charged a fee not to exceed Sixty
24 Dollars (\$60.00). The instructor to student ratio shall not exceed

1 ten students to any one instructor. CLEET may establish criteria
2 for assistant instructors, maximum class size and any other
3 requirements deemed necessary to conduct a safe and effective
4 training and qualification course. The course content shall include
5 a safety inspection of the firearm to be used by the applicant in
6 the training course; instruction on pistol handling, safety and
7 storage; dynamics of ammunition and firing; methods or positions for
8 firing a pistol; information about the criminal provisions of the
9 Oklahoma law relating to firearms; the requirements of the Oklahoma
10 Self-Defense Act as it relates to the applicant; self-defense and
11 the use of appropriate force; a practice shooting session; and a
12 familiarization course. The firearms instructor shall refuse to
13 train or qualify any person when the pistol to be used or carried by
14 the person is either deemed unsafe or unfit for firing or is a
15 weapon not authorized by the Oklahoma Self-Defense Act. The course
16 shall provide an opportunity for the applicant to qualify himself or
17 herself on either a derringer, a revolver, a semiautomatic pistol or
18 any combination of a derringer, a revolver and a semiautomatic
19 pistol, provided no pistol shall be capable of firing larger than
20 .45 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
24 the applicant. Any person who qualifies on a derringer or revolver

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

10 F. There is hereby created a revolving fund for the Council on
11 Law Enforcement Education and Training (CLEET), to be designated the
12 "Firearms Instructors Revolving Fund". The fund shall be a
13 continuing fund, not subject to fiscal year limitations, and shall
14 consist of all funds received for approval of firearms instructors
15 for purposes of the Oklahoma Self-Defense Act. All funds received
16 shall be deposited to the fund. All monies accruing to the credit
17 of said fund are hereby appropriated and may be budgeted and
18 expended by the Council on Law Enforcement Education and Training,
19 for implementation of the training and qualification course
20 contents, approval of firearms instructors and any other CLEET
21 requirement pursuant to the provisions of the Oklahoma Self-Defense
22 Act or as may otherwise be deemed appropriate by CLEET.
23 Expenditures from said fund shall be made upon warrants issued by
24

1 the State Treasurer against claims filed as prescribed by law with
2 the Director of State Finance for approval and payment.

3 SECTION 13. AMENDATORY 21 O.S. 2001, Section 1290.15, is
4 amended to read as follows:

5 Section 1290.15

6 PERSONS EXEMPT FROM TRAINING COURSE

7 A. The following individuals may be exempt from all or part of
8 the required training and qualification course established pursuant
9 to the provisions of Section 1290.14 of this title:

10 1. A firearms instructor registered with the Oklahoma State
11 Bureau of Investigation for purposes of the Oklahoma Self-Defense
12 Act;

13 2. An active duty law enforcement officer of this state or any
14 of its political subdivisions or of the federal government;

15 3. A retired law enforcement officer authorized by this state
16 pursuant to Section 1289.8 of this title to carry a firearm;

17 4. A CLEET certified armed security officer, armed guard,
18 correctional officer, or any other person having a CLEET
19 certification to carry a firearm in the course of their employment;

20 5. A person on active military duty, National Guard duty or
21 regular military reserve duty who is a legal resident of this state
22 and who is trained and qualified in the use of handguns;

23 6. A person honorably discharged from active military duty,
24 National Guard duty or military reserves within twenty (20) years

1 preceding the date of the application for a ~~concealed~~ handgun
2 license pursuant to the provisions of the Oklahoma Self-Defense Act,
3 who is a legal resident of this state, and who has been trained and
4 qualified in the use of handguns;

5 7. A person retired as a peace officer in good standing from a
6 law enforcement agency located in another state, who is a legal
7 resident of this state, and who has received training equivalent to
8 the training required for CLEET certification in this state; and

9 8. Any person who is otherwise deemed qualified for a training
10 exemption by CLEET.

11 Provided, however, persons applying for an exemption pursuant to
12 paragraph 3, 4, 5, 6 or 7 of this subsection may be required to
13 successfully complete the classroom portion of the training course.
14 The classroom portion of the training course shall not exceed a fee
15 of Thirty Dollars (\$30.00).

16 B. The Council on Law Enforcement Education and Training
17 (CLEET) shall establish criteria for providing proof of an
18 exemption. Before any person shall be considered exempt from all or
19 part of the required training and qualification pursuant to the
20 provisions of the Oklahoma Self-Defense Act, Section 1290.1 et seq.
21 of this title, the person shall present the required proof of
22 exemption to a registered firearms instructor. Each person
23 determined to be exempt from training or qualification as provided
24 in this subsection shall receive an exemption certificate from the

1 registered firearms instructor. The rules promulgated by CLEET to
2 implement the provisions of this section and Section 1290.14 of this
3 title may require that a fee not to exceed Five Dollars (\$5.00) be
4 charged for processing an exemption certificate. The original
5 exemption certificate must be submitted with an application for a
6 handgun license as provided in paragraph 2 of Section 1290.12 of
7 this title. No person who is determined to be exempt from training
8 or qualification may carry a concealed or unconcealed firearm
9 pursuant to the authority of the Oklahoma Self-Defense Act until
10 issued a valid handgun license.

11 C. Nothing contained in any provision of the Oklahoma Self-
12 Defense Act shall be construed to alter, amend, or modify the
13 authority of any active duty law enforcement officer, or any person
14 certified by the Council on Law Enforcement Education and Training
15 to carry a pistol during the course of their employment, from
16 carrying any pistol in any manner authorized by law or authorized by
17 the employing agency.

18 SECTION 14. AMENDATORY 21 O.S. 2001, Section 1290.17, is
19 amended to read as follows:

20 Section 1290.17

21 SUSPENSION AND REVOCATION OF LICENSE

22 A. The Oklahoma State Bureau of Investigation shall have
23 authority pursuant to the provisions of the Oklahoma Self-Defense
24 Act and any other provision of law to suspend or revoke any

1 ~~concealed~~ handgun license issued pursuant to the provisions of the
2 Oklahoma Self-Defense Act. A person whose license has been
3 suspended or revoked or against whom a fine has been assessed shall
4 be entitled to an appeal through a hearing in accordance with the
5 Administrative Procedures Act. Any administrative hearing on
6 suspensions, revocations or fines shall be conducted by a hearing
7 examiner appointed by the Bureau. The hearing examiner's decision
8 shall be a final decision appealable to a district court in
9 accordance with the Administrative Procedures Act. After a
10 ~~concealed~~ handgun license has been issued, the discovery of or the
11 occurrence of any condition which directly affects a person's
12 eligibility for a handgun license as provided by the provisions of
13 Section 1290.9 or 1290.10 of this title shall require a revocation
14 of the license by the Bureau. The discovery of or the occurrence of
15 any condition pursuant to Section 1290.11 of this title, after a
16 license has been issued, shall cause a suspension of the handgun
17 license for a period of time as prescribed for the condition. Any
18 provision of law that requires a revocation of a ~~concealed~~ handgun
19 license upon a conviction shall cause the Bureau to suspend the
20 ~~concealed~~ handgun license upon the discovery of the arrest of the
21 person for such offense until a determination of the criminal case
22 at which time the Bureau shall proceed with the appropriate
23 administrative action. A licensee may voluntarily surrender a
24 license to the Oklahoma State Bureau of Investigation at any time.

1 Such surrender of a handgun license will render the license invalid.
2 Nothing in this section may be interpreted to prevent a subsequent
3 new application for a license. The licensee shall be informed and
4 acknowledge in writing as follows:

5 1. The licensee understands that the voluntary surrender of the
6 license will not be deemed a suspension or revocation by the Bureau;

7 2. A voluntary surrender of a license will not be reviewable by
8 a hearing examiner or subject to judicial review under the
9 Administrative Procedures Act; and

10 3. By surrendering the license, the licensee shall forfeit all
11 fees paid to date.

12 B. Any ~~concealed~~ handgun license which is subsequently
13 suspended or revoked shall be immediately returned to the Oklahoma
14 State Bureau of Investigation upon notification. Any person
15 refusing or failing to return a license after notification of its
16 suspension or revocation shall, upon conviction, be guilty of a
17 misdemeanor punishable by a fine of not exceeding Five Hundred
18 Dollars (\$500.00), by imprisonment in the county jail for not
19 exceeding six (6) months, or by both such fine and imprisonment. In
20 addition, the person shall be subject to an administrative fine of
21 Five Hundred Dollars (\$500.00), upon a hearing and determination by
22 the Bureau that the person is in violation of the provisions of this
23 subsection.

24

1 C. Any law enforcement officer of this state shall confiscate a
2 ~~concealed~~ handgun license in the possession of any person and return
3 it to the Oklahoma State Bureau of Investigation for appropriate
4 administrative proceedings against the licensee when the license is
5 no longer needed as evidence in any criminal proceeding, as follows:

6 1. Upon the arrest of the person for any felony offense;

7 2. Upon the arrest of the person for any misdemeanor offense
8 enumerated as a preclusion to a handgun license;

9 3. For any violation of the provisions of the Oklahoma Self-
10 Defense Act;

11 4. When the officer has been called to assist or is
12 investigating any situation which would be a preclusion to having a
13 handgun license; or

14 5. As provided in subsection D of Section 1290.8 of this title.

15 D. Any administrative fine assessed in accordance with the
16 provisions of the Oklahoma Self-Defense Act shall be paid in full
17 within thirty (30) days of assessment. The Oklahoma State Bureau of
18 Investigation shall, without a hearing, suspend the ~~concealed-carry~~
19 handgun license of any person who fails to pay in full any
20 administrative fine assessed against the person in accordance with
21 the provisions of this subsection. The suspension of any ~~concealed~~
22 ~~carry~~ handgun license shall be automatic and shall begin thirty (30)
23 days from the date of the assessment of the administrative fine.
24 The suspension shall be removed and the ~~concealed-carry~~ handgun

1 license returned to its prior standing upon payment of the
2 administrative fine being paid in full to the Bureau.

3 E. Whenever a ~~concealed-carry~~ handgun license has been
4 suspended in accordance with the provisions of this act or the
5 administrative rules of the Bureau promulgated for purposes of this
6 act, the license shall remain under suspension and shall not be
7 reinstated until:

8 1. The person whose license has been suspended applies for
9 reinstatement in accordance with the administrative rules of the
10 Bureau. The Bureau shall not charge any fee in conjunction with an
11 application for a license reinstatement. The person whose license
12 has been suspended must demonstrate that the condition or preclusion
13 which was the basis for the suspension has lapsed and is no longer
14 in effect; and

15 2. Any and all administrative fines assessed against the person
16 have been paid in full.

17 In the event a ~~concealed-carry~~ handgun license expires during
18 the term of the suspension, the person shall be required to apply
19 for renewal of the license in accordance with Section 1290.5 of this
20 title.

21 SECTION 15. AMENDATORY 21 O.S. 2001, Section 1290.18, is
22 amended to read as follows:

23 Section 1290.18

24 APPLICATION FORM CONTENTS

1 The application shall be completed upon the sworn oath of the
2 applicant as provided in paragraph 5 of Section ~~12~~ 1290.12 of this
3 ~~act~~ title. The application form shall be provided by the Oklahoma
4 State Bureau of Investigation and shall contain the following
5 information in addition to any other information deemed relevant by
6 the Bureau:

- 7 1. Applicant's full legal name;
- 8 2. Applicant's birth name, alias names or nicknames;
- 9 3. Maiden name, if applicable;
- 10 4. County of residence;
- 11 5. Length of residency at the current address;
- 12 6. Previous addresses for the preceding three (3) years;
- 13 7. Place of birth;
- 14 8. Date of birth;
- 15 9. Declaration of citizenship and date United States
16 citizenship was acquired, if applicable;
- 17 10. Race;
- 18 11. Weight;
- 19 12. Height;
- 20 13. Sex;
- 21 14. Color of eyes;
- 22 15. Social Security number;
- 23 16. Current driver license number;
- 24 17. Military service number, if applicable;

1 18. Law enforcement identification numbers, if applicable;

2 19. Current occupation;

3 20. Authorized type or types of pistol for which the applicant
4 qualified as stated on the certificate of training or exemption of
5 training which shall be stated as either derringer, revolver,
6 semiautomatic pistol, or some combination of derringer, revolver and
7 semiautomatic pistol and the maximum ammunition capacity of the
8 firearm shall be .45 caliber;

9 21. An acknowledgment that the applicant desires a ~~concealed~~
10 handgun license as a means of lawful self-defense and self-
11 protection and for no other intent or purpose;

12 22. A statement that the applicant has never been convicted of
13 any felony offense in this state, another state or pursuant to any
14 federal offense;

15 23. A statement that the applicant has none of the conditions
16 which would preclude the issuing of a ~~concealed~~ handgun license
17 pursuant to any of the provisions of Sections ~~10~~ 1290.10 and ~~11~~
18 1290.11 of this ~~act~~ title and that the applicant further meets all
19 of the eligibility criteria required by Section ~~9~~ 1290.9 of this ~~act~~
20 title;

21 24. An authorization for the Oklahoma State Bureau of
22 Investigation to investigate the applicant and any or all records
23 relating to the applicant for purposes of approving or denying a
24

1 ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma
2 Self-Defense Act;

3 25. An acknowledgment that the applicant has been furnished a
4 copy of the Oklahoma Self-Defense Act and is knowledgeable about its
5 provisions;

6 26. A statement that the applicant is the identical person who
7 completed the firearms training course for which the original
8 training certificate is submitted as part of the application or a
9 statement that the applicant is the identical person who is exempt
10 from firearms training for which the original exemption certificate
11 is submitted as part of the application, whichever is applicable to
12 the applicant;

13 27. A conspicuous warning that the application is executed upon
14 the sworn oath of the applicant and that any false or misleading
15 answer to any question or the submission of any false information or
16 documentation by the applicant is punishable by criminal penalty as
17 provided in paragraph 5 of Section ~~12~~ 1290.12 of this ~~act~~ title;

18 28. A signed verification that the contents of the application
19 are known to the applicant and are true and correct;

20 29. Two separate places for the original signature of the
21 applicant;

22 30. A place for attachment of a passport size photograph of the
23 applicant; and
24

1 31. A place for the signature and verification of the identity
2 of the applicant by the sheriff or the sheriff's designee.

3 Information provided by the person on an application for a
4 ~~concealed~~ handgun license shall be confidential except to law
5 enforcement officers or law enforcement agencies.

6 SECTION 16. AMENDATORY 21 O.S. 2001, Section 1290.19, is
7 amended to read as follows:

8 Section 1290.19

9 LICENSE FORM

10 The ~~concealed~~ handgun license shall be on a form prescribed by
11 the Oklahoma State Bureau of Investigation and shall contain the
12 following information in addition to any other information deemed
13 relevant by the Bureau:

- 14 1. The ~~person's~~ full name of the person;
- 15 2. Current address;
- 16 3. County of residence;
- 17 4. Date of birth;
- 18 5. Weight;
- 19 6. Height;
- 20 7. Sex;
- 21 8. Race;
- 22 9. Color of eyes;
- 23 10. Handgun license identification number;
- 24 11. Expiration date of the handgun license; and

1 12. Authorized pistol to be either: (D) derringer, (R)
2 revolver, (S) semiautomatic pistol, or some combination of
3 derringer, revolver and semiautomatic pistol as may be authorized by
4 the Oklahoma Self-Defense Act for which the person demonstrated
5 qualification pursuant to the certificate of training or an
6 exemption certificate.

7 SECTION 17. AMENDATORY 21 O.S. 2001, Section 1290.20, is
8 amended to read as follows:

9 Section 1290.20

10 PENALTY FOR REFUSAL TO SUBMIT OR FALSIFICATION

11 It shall be unlawful for any sheriff or designee to fail or
12 refuse to accept an application for a ~~concealed~~ handgun license as
13 authorized by the provisions of the Oklahoma Self-Defense Act, ~~7~~
14 ~~Sections 1 through 25 of this act,~~ or to fail or refuse to process
15 or submit the completed application to the Oklahoma State Bureau of
16 Investigation within the time prescribed by paragraph 8 of Section
17 ~~12~~ 1290.12 of this ~~act~~ title, or to falsify or knowingly allow any
18 person to falsify any information, documentation, fingerprint or
19 photograph submitted with a ~~concealed~~ handgun application. Any
20 violation shall, upon conviction, be a misdemeanor. There is a
21 presumption that the sheriff has acted in good faith to comply with
22 the provisions of the Oklahoma Self-Defense Act and any alleged
23 violation of the provisions of this section shall require proof
24 beyond a reasonable doubt.

1 SECTION 18. AMENDATORY 21 O.S. 2001, Section 1290.21, is
2 amended to read as follows:

3 Section 1290.21

4 REPLACEMENT LICENSE

5 A. In the event a ~~concealed~~ handgun license becomes missing,
6 lost, stolen or destroyed, the license shall be invalid, and the
7 person to whom the license was issued shall notify the Oklahoma
8 State Bureau of Investigation within thirty (30) days of the
9 discovery of the fact that the license is not in the possession of
10 the licensee. The person may obtain a substitute license upon
11 furnishing a notarized statement to the Bureau that the license is
12 missing, lost, stolen or destroyed and paying a fifteen-dollar
13 replacement fee. During any period when a license is missing, lost,
14 stolen or destroyed, the person shall have no authority to carry a
15 concealed or unconcealed handgun pursuant to the provisions of the
16 Oklahoma Self-Defense Act. The Bureau shall, upon receipt of the
17 notarized statement and fee from the licensee, issue a substitute
18 license with the same expiration date within ten (10) days of the
19 receipt of the notarized statement and fee.

20 B. Any person who knowingly or intentionally carries a
21 concealed or unconcealed handgun pursuant to a ~~concealed~~ handgun
22 license authorized and issued pursuant to the provisions of the
23 Oklahoma Self-Defense Act which is either stolen or belongs to
24

1 another person shall, upon conviction, be guilty of a felony
2 punishable by a fine of Five Thousand Dollars (\$5,000.00).

3 C. Any person having a valid ~~concealed~~ handgun license pursuant
4 to the Oklahoma Self-Defense Act may carry any make or model of an
5 authorized pistol listed on the license, provided the type of pistol
6 shall not be other than the type or types listed on the license. A
7 person may complete additional firearms training for an additional
8 type of pistol during any license period and upon successful
9 completion of the training may request the additional type of pistol
10 be included on the license. The person shall submit to the Bureau a
11 fifteen-dollar replacement fee, the original certificate of training
12 and qualification for the additional type of firearm, and a
13 statement requesting the license be updated to include the
14 additional type of pistol. The Bureau shall issue an updated
15 license with the same expiration date within ten (10) days of the
16 receipt of the request. The person shall have no authority to carry
17 any additional type of pistol pursuant to the provisions of the
18 Oklahoma Self-Defense Act until the updated license has been
19 received by the licensee. The original license shall be destroyed
20 upon receipt of an updated handgun license.

21 D. A person may request during any license period an update for
22 a change of address or change of name by submitting to the Bureau a
23 fifteen-dollar replacement fee, and a notarized statement that the
24 address or name of the licensee has changed. The Bureau shall issue

1 an updated license with the same expiration date within ten (10)
2 days of receipt of the request. The original license shall be
3 destroyed upon the receipt of the updated handgun license.

4 SECTION 19. AMENDATORY 21 O.S. 2001, Section 1290.23, is
5 amended to read as follows:

6 Section 1290.23

7 DEPOSIT OF FEES BY OSBI

8 All money submitted by the sheriffs to the Oklahoma State Bureau
9 of Investigation as processing fees for applications submitted for
10 ~~renewed~~ handgun licenses shall be deposited in the Oklahoma State
11 Bureau of Investigation Revolving Fund and shall be expended for
12 purposes of implementing the provisions of the Oklahoma Self-Defense
13 act or as otherwise provided by law.

14 SECTION 20. AMENDATORY 21 O.S. 2001, Section 1290.24, is
15 amended to read as follows:

16 Section 1290.24

17 IMMUNITY

18 A. The state, its officers, agents and employees shall be
19 immune from liability resulting or arising from:

20 1. Failure to prevent the licensing of an individual for whom
21 the receipt of the license is unlawful pursuant to the provisions of
22 the Oklahoma Self-Defense Act or any other provision of law of this
23 state;

24

1 The Legislature finds as a matter of public policy and fact that
2 it is necessary to provide statewide uniform standards for issuing
3 licenses to carry concealed or unconcealed handguns for lawful self-
4 defense and self-protection, and further finds it necessary to
5 occupy the field of regulation of the bearing of concealed or
6 unconcealed handguns to ensure that no honest, law-abiding citizen
7 who qualifies pursuant to the provisions of the Oklahoma Self-
8 Defense Act, ~~Section 1290.1 et seq. of this title,~~ is subjectively
9 or arbitrarily denied his or her rights. The Legislature does not
10 delegate to the Oklahoma State Bureau of Investigation any authority
11 to regulate or restrict the issuing of handgun licenses except as
12 provided by the provisions of this act. Subjective or arbitrary
13 actions or rules which encumber the issuing process by placing
14 burdens on the applicant beyond those requirements detailed in the
15 provisions of the Oklahoma Self-Defense Act or which create
16 restrictions beyond those specified in this act are deemed to be in
17 conflict with the intent of this act and are hereby prohibited. The
18 Oklahoma Self-Defense Act shall be liberally construed to carry out
19 the constitutional right to bear arms for self-defense and self-
20 protection. The provisions of the Oklahoma Self-Defense Act are
21 cumulative to existing rights to bear arms and nothing in Section
22 1290.1 et seq. of this title shall impair or diminish those rights.

23 However, the conditions that mandate the administrative actions
24 of license denial, suspension, revocation or an administrative fine

1 are intended to protect the health, safety and public welfare of the
2 citizens of this state. The restricting conditions specified in the
3 Oklahoma Self-Defense Act generally involve the criminal history,
4 mental state, alcohol or substance abuse of the applicant or
5 licensee, a hazard of domestic violence, a danger to police
6 officers, or the ability of the Oklahoma State Bureau of
7 Investigation to properly administer the Oklahoma Self-Defense Act.
8 The restricting conditions that establish a risk of injury or harm
9 to the public are tailored to reduce the risks to the benefit of the
10 citizens of this state.

11 SECTION 22. AMENDATORY 21 O.S. 2001, Section 1290.26, as
12 amended by Section 9, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2009,
13 Section 1290.26), is amended to read as follows:

14 Section 1290.26

15 RECIPROCAL AGREEMENT AUTHORITY

16 The State of Oklahoma hereby recognizes any valid concealed or
17 unconcealed carry weapons permit or license issued by another state.
18 Any person entering this state in possession of a firearm authorized
19 for concealed or unconcealed carry upon the authority and license of
20 another state is authorized to continue to carry a concealed or
21 unconcealed firearm and license in this state; provided the license
22 from the other state remains valid. The firearm must either be
23 carried unconcealed and in plain view or fully concealed from
24 detection and view, and upon coming in contact with any peace

1 officer of this state, the person must disclose the fact that he or
2 she is in possession of a concealed or unconcealed firearm pursuant
3 to a valid concealed or unconcealed carry weapons permit or license
4 issued in another state. Any person who is twenty-one (21) years of
5 age or older having a valid firearm license from another state may
6 apply for a ~~concealed~~ handgun license in this state immediately upon
7 establishing a residence in this state."

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