

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 932

By: Coffee

6
7 COMMITTEE SUBSTITUTE

8 [crimes and punishments - Temporary Emergency
9 Concealed Weapon Permit - application, issuance and
10 denial - duties and responsibilities - codification -
11 effective date]

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1291 of Title 21, unless there
15 is created a duplication in numbering, reads as follows:

16 TEMPORARY EMERGENCY CONCEALED WEAPON PERMIT

17 A person may request a Temporary Emergency Concealed Weapon
18 Permit from the sheriff of the county in which the person resides;
19 provided, however, the person must:

- 20 1. Be a citizen of the United States;
- 21 2. Be a resident of the State of Oklahoma for at least six (6)
22 months;
- 23 3. Be at least twenty-one (21) years of age;
- 24

1 4. Be under the protection of a victim protection order issued
2 in this state pursuant to the provisions of the Protection from
3 Domestic Abuse Act;

4 5. Be eligible to lawfully possess a firearm in this state; and

5 6. Submit the required fee and complete the application process
6 as provided in Section 2 of this act.

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1291.1 of Title 21, unless there
9 is created a duplication in numbering, reads as follows:

10 A. The procedure for making an application for and issuing or
11 denying a Temporary Emergency Concealed Weapon Permit shall be as
12 follows:

13 1. A person eligible for a Temporary Emergency Concealed Weapon
14 Permit shall go to the county sheriff's office in the county where
15 he or she resides and request, in person, an application form for
16 the Temporary Emergency Concealed Weapon Permit.

17 2. The Temporary Emergency Concealed Weapon Permit application
18 form shall be completed by the applicant and delivered, in person,
19 to the county sheriff of the county where the applicant resides.

20 3. The applicant for a Temporary Emergency Concealed Weapon
21 Permit shall pay an application processing fee of Thirty Dollars
22 (\$30.00) to the sheriff at the time of delivery of the completed
23 application form. This fee shall not be refundable in the event of
24 a denial of a Temporary Emergency Concealed Weapon Permit or upon

1 any suspension or revocation subsequent to the issuance of the
2 permit.

3 4. The completed application form for a Temporary Emergency
4 Concealed Weapon Permit shall be signed by the applicant, in person,
5 before the sheriff. The applicant's signature shall be given
6 voluntarily upon a sworn oath before the sheriff that the applicant
7 knows the contents of the application, that the applicant completed
8 the application form, and that all information submitted on the
9 application for a Temporary Emergency Concealed Weapon Permit is
10 true and correct. The sheriff shall witness the signature of the
11 applicant upon the application form. Any person making a false or
12 misleading statement on the application for a Temporary Emergency
13 Concealed Weapon Permit shall, upon conviction, be guilty of perjury
14 as defined by Section 491 of Title 21 of the Oklahoma Statutes.

15 5. Two passport-size photographs of the applicant shall be
16 submitted with the completed application form. The cost of the
17 photographs shall be the responsibility of the applicant. The
18 sheriff is authorized to take the photographs of the applicant and
19 may collect a photo processing fee not to exceed Ten Dollars
20 (\$10.00). The sheriff shall verify the identity of the person who
21 is represented in the photographs submitted with the application.

22 B. 1. The sheriff is authorized to collect the processing fee
23 and any photo fee authorized for a Temporary Emergency Concealed
24 Weapon Permit and to deposit the fees into the Sheriff's Service Fee

1 Account. The sheriff shall review the completed application,
2 photographs, and signature for a Temporary Emergency Concealed
3 Weapon Permit and shall verify that the person making application
4 for the permit is the same person whose information, photograph and
5 signature are on the application form. The applicant shall present
6 and display to the sheriff, as proof and verification of his or her
7 identity, a valid Oklahoma driver license with a photograph and
8 signature or Oklahoma State photo identification with photograph and
9 signature.

10 2. The sheriff shall conduct, by name search, a state criminal
11 history records search of the applicant. The sheriff shall review
12 information obtained from the state criminal history records name
13 search, including evidence of prior arrests, pending criminal
14 charges, juvenile adjudications for felony offenses, and felony
15 convictions which appear to be against the applicant, and which
16 would disqualify the applicant from possessing a firearm under
17 Section 1283 of Title 21 of the Oklahoma Statutes.

18 3. Upon request from the sheriff, the court clerk shall assist
19 the sheriff in locating pertinent information in court records for
20 the purpose of investigating an applicant for a Temporary Emergency
21 Concealed Weapon Permit, including information relating to the
22 relied upon victim protection order, court cases involving the
23 applicant, any juvenile adjudication of the applicant for a felony
24 offense, and any mental health adjudications.

1 4. The sheriff may investigate any pertinent information
2 provided by the applicant on the application form for a Temporary
3 Emergency Concealed Weapon Permit, or relating to the applicant, to
4 determine whether the application has merit and the applicant is not
5 disqualified by law to possess a firearm under Sections 1283 of
6 Title 21 of the Oklahoma Statutes and Section 1289.10 of Title 21 of
7 the Oklahoma Statutes, which investigation may include requesting
8 the Oklahoma State Bureau of Investigation to conduct a national
9 criminal history records search of the applicant by fingerprint,
10 provided the applicant pays the required fees to the Bureau.

11 5. Upon review by the sheriff, if no pertinent information is
12 found to exist against the applicant from the state criminal history
13 records name search which would prohibit the applicant from
14 possessing a firearm under Section 1283 of Title 21 of the Oklahoma
15 Statutes, and no other information is found to exist against the
16 applicant which would prohibit possession of a firearm under Section
17 1289.10 of Title 21 of the Oklahoma Statutes, the sheriff shall
18 issue a Temporary Emergency Concealed Weapon Permit. If any
19 information is found that would prohibit the applicant from
20 possessing a firearm, or if any information on the application form
21 is found to be incorrect or false, or if the application does not
22 have sufficient merit to warrant issuance of the permit in the
23 opinion of the sheriff, the sheriff shall deny the permit. In
24 addition, the sheriff shall deny a permit when an applicant fails to

1 properly complete the application form or application process, or
2 the applicant is determined not to be eligible for the permit
3 because of age, legal residence, citizenship, or invalid or
4 unsubstantiated victim protection order. If an application is
5 denied, the sheriff shall immediately notify the applicant in
6 writing of the decision.

7 6. The sheriff shall issue or deny the application for a
8 Temporary Emergency Concealed Weapon Permit not later than fourteen
9 (14) days from the date of receipt of the completed application from
10 the applicant, except when a fingerprint search is being conducted
11 at the request and approval of the applicant. There shall be no
12 appeals process from a denial of issuance of a permit. However, a
13 sheriff's denial for a permit is stayed during the time of a state
14 and national criminal history records search by fingerprint of the
15 applicant.

16 7. If the sheriff is unable to determine whether evidence
17 applies against the applicant due to other persons in the state
18 criminal history records with the identical name as the applicant,
19 or for other reasons, then the applicant shall be denied a permit,
20 unless the applicant approves, requests, and agrees to pay the
21 required fees to the Oklahoma State Bureau of Investigation for a
22 state and national criminal history records search of the applicant
23 by fingerprint. If the applicant agrees to have a state and
24 national fingerprint search conducted by the Bureau, and a Temporary

1 Emergency Concealed Weapon Permit is thereafter issued within ninety
2 (90) days of submission of the applicant's fingerprints, and
3 subsequent to the expiration of the temporary permit the person
4 makes application for a concealed handgun license under the
5 provisions of the Oklahoma Self Defense Act, the Bureau shall waive
6 the required handgun license fee which would otherwise apply for a
7 license under the Oklahoma Self Defense Act.

8 C. Upon approval by the sheriff for the issuance of a Temporary
9 Emergency Concealed Weapon Permit, the sheriff shall issue the
10 Temporary Emergency Concealed Weapon Permit to the applicant which
11 shall be valid only for a period of one hundred twenty (120) days
12 from the date of issuance. The sheriff shall advise every applicant
13 issued a Temporary Emergency Concealed Weapon Permit of his or her
14 duty and responsibility to safely conceal the weapon on his or her
15 person and when carried in a portfolio, purse or in a vehicle,
16 except in the event the weapon is used in self defense of imminent
17 injury or death. The sheriff shall inspect the weapon for alignment
18 and safety, and review the applicant's knowledge of how the weapon
19 operates, before delivering a Temporary Emergency Concealed Weapon
20 Permit to the applicant. In addition, the sheriff shall explain the
21 requirement for the person to immediately disclose his or her
22 possession of a weapon upon coming into contact with any law
23 enforcement officer for any reason.

24

1 D. A Temporary Emergency Concealed Weapon Permit shall not be
2 renewable.

3 E. A Temporary Emergency Concealed Weapon Permit shall
4 authorize a weapon to be carried concealed on or about the person. A
5 Temporary Emergency Concealed Weapon Permit shall apply only to
6 pistols with a maximum ammunition capacity of .45 caliber. A
7 Temporary Emergency Concealed Weapon Permit shall be valid anywhere
8 within this state. Every person issued a Temporary Emergency
9 Concealed Weapon Permit shall be required to have in his or her
10 possession at all times, when in possession of the weapon, a valid
11 Oklahoma driver license, or Oklahoma photo identification, and the
12 Temporary Emergency Concealed Weapon Permit, or the person shall be
13 deemed in violation of a criminal offense pursuant to Section 1272
14 of Title 21 of the Oklahoma Statutes or another applicable provision
15 of law.

16 F. The Temporary Emergency Concealed Weapon Permit shall be on
17 a form prescribed by the Oklahoma State Bureau of Investigation and
18 shall contain the following information:

- 19 1. The applicant's full name;
- 20 2. The applicant's current residence address;
- 21 3. The applicant's physical description, including:
 - 22 a. sex,
 - 23 b. height,
 - 24 c. weight, and

1 d. hair and eye color;

2 4. The applicant's driver license number and/or the Temporary
3 Concealed Weapon Permit number;

4 5. The applicant's date of birth;

5 6. Expiration date of the Temporary Emergency Concealed Weapon
6 Permit;

7 7. The applicant's signature; and

8 8. The signature of issuing sheriff.

9 G. A copy of all issued Temporary Emergency Concealed Weapon
10 Permits together with a copy of the supporting applications shall be
11 mailed or electronically transmitted to the Oklahoma State Bureau of
12 Investigation at least quarterly. At any time, the Bureau may
13 conduct an independent investigation of any person who has been
14 issued a Temporary Emergency Concealed Weapon Permit. The Bureau
15 shall notify the county sheriff in the event any adverse information
16 relating to the eligibility to possess a firearm in this state is
17 found to exist against any person who holds a Temporary Emergency
18 Concealed Weapon Permit.

19 H. Upon cause, the sheriff shall suspend or revoke a Temporary
20 Emergency Concealed Weapon Permit issued by his or her office any
21 time before its expiration.

22 SECTION 3. This act shall become effective November 1, 2009.

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