

ESB 2239

THE HOUSE OF REPRESENTATIVES  
Monday, April 12, 2010

ENGROSSED  
Senate Bill No. 2239  
As Amended

ENGROSSED SENATE BILL NO. 2239 - By: RUSSELL of the Senate and ENNS of the House.

[ crimes and punishments - procedure to apply for a concealed handgun license -  
effective date ]

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

- 1 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1290.12, as amended by  
2 Section 3, Chapter 549, O.S.L. 2004 (21 O.S. Supp. 2009, Section 1290.12), is amended to  
3 read as follows:
- 4 Section 1290.12 A. The procedure for applying for a concealed handgun license and  
5 processing the application shall be as follows:
- 6 1. An eligible person may request an application packet for a concealed handgun  
7 license from the Oklahoma State Bureau of Investigation or the county sheriff's office  
8 either in person or by mail. The Bureau may provide application packets to each sheriff  
9 not exceeding two hundred packets per request. The Bureau shall provide the following  
10 information in the application packet:
- 11 a. an application form,

- 1           b.     procedures to follow to process the application form, and  
2           c.     a copy of the Oklahoma Self-Defense Act with any modifications  
3                 thereto;

4           2. The person shall be required to successfully complete a firearms safety and  
5 training course from a firearms instructor who is approved and registered in this state as  
6 provided in Section 1290.14 of this title, and the person shall be required to demonstrate  
7 competency and qualification with a pistol authorized for concealed carry by the  
8 Oklahoma Self-Defense Act. The original certificate of training shall be submitted with  
9 the application for a handgun license. No duplicate, copy, facsimile or other reproduction  
10 of the certificate of training or exemption from training shall be acceptable as proof of  
11 training as required by the provisions of the Oklahoma Self-Defense Act. A person  
12 exempt from the training requirements as provided in Section 1290.15 of this title must  
13 show the required proof of such exemption to the firearms instructor to receive an  
14 exemption certificate. The original exemption certificate must be submitted with the  
15 application for a handgun license when the person claims an exemption from training  
16 and qualification;

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

19           4. The person shall deliver to the sheriff at the time of delivery of the completed  
20 application form a fee of One Hundred Dollars (\$100.00) for processing the application  
21 through the Oklahoma State Bureau of Investigation and processing the required

1 fingerprints through the Federal Bureau of Investigation. The processing fee shall be in  
2 the form of:

- 3 a. a money order or a cashier's check made payable to the Oklahoma  
4 State Bureau of Investigation, or
- 5 b. by a nationally recognized credit card issued to the applicant. For  
6 purposes of this paragraph, "nationally recognized credit card" means  
7 any instrument or device, whether known as a credit card, credit plate,  
8 charge plate, or by any other name, issued with or without fee by the  
9 issuer for the use of the cardholder in obtaining goods, services, or  
10 anything else of value on credit which is accepted by over one thousand  
11 merchants in the state. The Oklahoma State Bureau of Investigation  
12 shall determine which nationally recognized credit cards will be  
13 accepted by the Bureau.

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

19 5. The completed application form shall be signed by the applicant in person before  
20 the sheriff. The signature shall be given voluntarily upon a sworn oath that the person  
21 knows the contents of the application and that the information contained in the  
22 application is true and correct. Any person making any false or misleading statement on

1 an application for a handgun license shall, upon conviction, be guilty of perjury as  
2 defined by Section 491 of this title. Any conviction shall be punished as provided in  
3 Section 500 of this title. In addition to a criminal conviction, the person shall be denied  
4 the right to have a concealed handgun license pursuant to the provisions of Section  
5 1290.10 of this title and the Oklahoma State Bureau of Investigation shall revoke the  
6 handgun license, if issued;

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

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

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

10           9. The sheriff shall submit to the Oklahoma State Bureau of Investigation within  
11 the fourteen-day period, together with the completed application, including the certificate  
12 of training or exemption certificate, photographs, processing fee and legible fingerprints  
13 meeting the Oklahoma State Bureau of Investigation's Automated Fingerprint  
14 Identification System (AFIS) submission standards, and a report of information deemed  
15 pertinent to an investigation of the applicant for a handgun license. The sheriff shall  
16 make a preliminary investigation of pertinent information about the applicant and the  
17 court clerk shall assist the sheriff in locating pertinent information in court records for  
18 this purpose. If no pertinent information is found to exist either for or against the  
19 applicant, the sheriff shall so indicate in the report;

20           10. The Oklahoma State Bureau of Investigation, upon receipt of the application  
21 and required information from the sheriff, shall forward one full set of fingerprints of the  
22 applicant to the Federal Bureau of Investigation for a national criminal history records

1 search. The cost of processing the fingerprints nationally shall be paid from the  
2 processing fee collected by the Oklahoma State Bureau of Investigation;

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

11 a. In the course of the Bureau's investigation, it shall present the name of  
12 the applicant along with any known aliases, the address of the  
13 applicant and the social security number of the applicant to the  
14 Department of Mental Health and Substance Abuse Services. The  
15 Department of Mental Health and Substance Abuse Services shall  
16 respond within ten (10) days of receiving such information to the  
17 Bureau as follows:

18 (1) with a "Yes" answer, if the Department's records indicate that  
19 the person was involuntarily committed to a mental institution  
20 in Oklahoma, or

- 1 (2) with a “No” answer, if there are no records indicating the name  
2 of the person as a person involuntarily committed to a mental  
3 institution in Oklahoma, or  
4 (3) with an “Inconclusive” answer if the Department’s records  
5 suggest the applicant may be a formerly committed person. In  
6 the case of an inconclusive answer, the Bureau shall ask the  
7 applicant whether he or she was involuntarily committed. If the  
8 applicant states under penalty of perjury that he or she has not  
9 been involuntarily committed, the Bureau shall continue  
10 processing the application for a license.
- 11 b. In the course of the Bureau’s investigation, it shall check the name of  
12 any applicant who is twenty-eight (28) years of age or younger along  
13 with any known aliases, the address of the applicant and the social  
14 security number of the applicant against the records in the Juvenile  
15 Online Tracking System (JOLTS) of the Office of Juvenile Affairs. The  
16 Office of Juvenile Affairs shall provide the Bureau direct access to  
17 check the applicant against the records available on JOLTS.
- 18 (1) If the Bureau finds a record on the JOLTS that indicates the  
19 person was adjudicated a delinquent for an offense that would  
20 constitute a felony offense if committed by an adult within the  
21 last ten (10) years the Bureau shall deny the license,

- 1 (2) If the Bureau finds no record on the JOLTS indicating the  
2 named person was adjudicated delinquent for an offense that  
3 would constitute a felony offense if committed by an adult  
4 within the last ten (10) years, or  
5 (3) If the records suggest the applicant may have been adjudicated  
6 delinquent for an offense that would constitute a felony offense  
7 if committed by an adult but such record is inconclusive, the  
8 Bureau shall ask the applicant whether he or she was  
9 adjudicated a delinquent for an offense that would constitute a  
10 felony offense if committed by an adult within the last ten (10)  
11 years. If the applicant states under penalty of perjury that he or  
12 she was not adjudicated a delinquent within ten (10) years, the  
13 Bureau shall continue processing the application for a license;

14 12. ~~The~~ If the background check set forth in subsection 11 of this section reveals no  
15 records pertaining to the applicant, the Oklahoma State Bureau of Investigation shall  
16 either issue a concealed handgun license or deny the application within ~~ninety (90)~~ sixty  
17 (60) days of the date of receipt of the applicant's completed application and the required  
18 information from the sheriff. In all other cases, the Oklahoma State Bureau of  
19 Investigation shall either issue a concealed handgun license or deny the application  
20 within ninety (90) days of the date of the receipt of the applicant's completed application  
21 and the required information from the sheriff. The Bureau shall approve an applicant  
22 who appears to be in full compliance with the provisions of the Oklahoma Self-Defense

1 Act, if completion of the federal fingerprint search is the only reason for delay of the  
2 issuance of the handgun license to that applicant. Upon receipt of the federal fingerprint  
3 search information, if the Bureau receives information which precludes the person from  
4 having a concealed handgun license, the Bureau shall revoke the concealed handgun  
5 license previously issued to the applicant. The Bureau shall deny a license when the  
6 applicant fails to properly complete the application form or application process or is  
7 determined not to be eligible as specified by the provisions of Section 1290.9, 1290.10 or  
8 1290.11 of this title. The Bureau shall approve an application in all other cases. If an  
9 application is denied, the Bureau shall notify the applicant in writing of its decision. The  
10 notification shall state the grounds for the denial and inform the applicant of the right to  
11 an appeal as may be provided by the provisions of the Administrative Procedures Act.  
12 All notices of denial shall be mailed by first class mail to the applicant's address listed in  
13 the application. Within sixty (60) calendar days from the date of mailing a denial of  
14 application to an applicant, the applicant shall notify the Bureau in writing of the intent  
15 to appeal the decision of denial or the applicant's right to appeal shall be deemed waived.  
16 Any administrative hearing on a denial which may be provided shall be conducted by a  
17 hearing examiner appointed by the Bureau. The hearing examiner's decision shall be a  
18 final decision appealable to a district court in accordance with the Administrative  
19 Procedures Act. When an application is approved, the Bureau shall issue the license and  
20 mail it to the sheriff of the county wherein the applicant resides. The applicant may pick  
21 up the concealed handgun license from the sheriff's office.

1           B. Nothing contained in any provision of the Oklahoma Self-Defense Act shall be  
2 construed to require or authorize the registration, documentation or providing of serial  
3 numbers with regard to any firearm. For purposes of the Oklahoma Self-Defense Act,  
4 the sheriff may designate a person to receive, fingerprint, photograph or otherwise  
5 process applications for concealed handgun licenses.

6           SECTION 2. This act shall become effective November 1, 2010.

7 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04-08-10 - DO  
8 PASS, As Amended.