

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1593

By: Reynolds

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2001, Section 1290.12, as amended by Section
9 3, Chapter 549, O.S.L. 2004 (21 O.S. Supp. 2008,
10 Section 1290.12), which relates to the Oklahoma Self-
11 Defense Act; updating language; modifying certain
12 application procedure; exempting certain military
13 personnel from paying application fee for handgun
14 license; and providing an effective date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1290.12, as
17 amended by Section 3, Chapter 549, O.S.L. 2004 (21 O.S. Supp. 2008,
18 Section 1290.12), is amended to read as follows:

19 Section 1290.12

20 PROCEDURE FOR APPLICATION

21 A. The procedure for applying for a concealed handgun license
22 and processing the application shall be as follows:

23 1. An eligible person may request an application packet for a
24 concealed handgun license from the Oklahoma State Bureau of
Investigation or the county sheriff's office either in person or by
mail. The Bureau may provide application packets to each sheriff

1 not exceeding two hundred packets per request. The Bureau shall
2 provide the following information in the application packet:

- 3 a. an application form,
- 4 b. procedures to follow to process the application form,
- 5 and
- 6 c. a copy of the Oklahoma Self-Defense Act with any
7 modifications thereto;

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

1 3. The application form shall be completed and delivered by the
2 applicant, in person, to the sheriff of ~~the~~ any county ~~wherein the~~
3 ~~applicant resides~~ within the State of Oklahoma;

4 4. The person shall deliver to the sheriff at the time of
5 delivery of the completed application form a fee of One Hundred
6 Dollars (\$100.00) for processing the application through the
7 Oklahoma State Bureau of Investigation and processing the required
8 fingerprints through the Federal Bureau of Investigation. The
9 processing fee shall be in the form of:

10 a. a money order or a cashier's check made payable to the
11 Oklahoma State Bureau of Investigation, or

12 b. by a nationally recognized credit card issued to the
13 applicant. For purposes of this paragraph,

14 "nationally recognized credit card" means any
15 instrument or device, whether known as a credit card,
16 credit plate, charge plate, or by any other name,
17 issued with or without fee by the issuer for the use
18 of the cardholder in obtaining goods, services, or
19 anything else of value on credit which is accepted by
20 over one thousand merchants in the state. The
21 Oklahoma State Bureau of Investigation shall determine
22 which nationally recognized credit cards will be
23 accepted by the Bureau.

1 The processing fee shall not be refundable in the event of a
2 denial of a handgun license or any suspension or revocation
3 subsequent to the issuance of a license. Persons making application
4 for a firearms instructor shall not be required to pay the
5 application fee as provided in this section, but shall be required
6 to pay the costs provided in paragraphs 6 and 8 of this subsection.
7 Any person who is on active military duty, National Guard duty or
8 regular military reserve duty or is honorably discharged from active
9 military duty, National Guard duty or military reserve duty shall
10 not be required to pay the processing fee when making application
11 for a handgun license;

12 5. The completed application form shall be signed by the
13 applicant in person before the sheriff. The signature shall be
14 given voluntarily upon a sworn oath that the person knows the
15 contents of the application and that the information contained in
16 the application is true and correct. Any person making any false or
17 misleading statement on an application for a handgun license shall,
18 upon conviction, be guilty of perjury as defined by Section 491 of
19 this title. Any conviction shall be punished as provided in Section
20 500 of this title. In addition to a criminal conviction, the person
21 shall be denied the right to have a concealed handgun license
22 pursuant to the provisions of Section 1290.10 of this title and the
23 Oklahoma State Bureau of Investigation shall revoke the handgun
24 license, if issued;

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

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

20 8. Upon verification of the identity of the applicant, the
21 sheriff shall take two complete sets of fingerprints of the
22 applicant. Both sets of fingerprints shall be submitted by the
23 sheriff with the completed application, certificate of training or
24 an exemption certificate, photographs and processing fee to the

1 Oklahoma State Bureau of Investigation within fourteen (14) days of
2 taking the fingerprints. The cost of the fingerprints shall be paid
3 by the applicant and shall not exceed Twenty-five Dollars (\$25.00)
4 for the two sets. All fees collected by the sheriff from taking
5 fingerprints pursuant to the provisions of this paragraph shall be
6 retained by the sheriff and deposited into the Sheriff's Service Fee
7 Account;

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

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

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

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

23 (1) with a "Yes" answer, if the ~~Department's~~ records
24 of the Department indicate that the person was

1 involuntarily committed to a mental institution
2 in Oklahoma, or

3 (2) with a "No" answer, if there are no records
4 indicating the name of the person as a person
5 involuntarily committed to a mental institution
6 in Oklahoma, or

7 (3) with an "Inconclusive" answer if the ~~Department's~~
8 records of the Department suggest the applicant
9 may be a formerly committed person. In the case
10 of an inconclusive answer, the Bureau shall ask
11 the applicant whether he or she was involuntarily
12 committed. If the applicant states under penalty
13 of perjury that he or she has not been
14 involuntarily committed, the Bureau shall
15 continue processing the application for a
16 license.

17 b. In the course of the ~~Bureau's~~ investigation by the
18 Bureau, it shall check the name of any applicant who
19 is twenty-eight (28) years of age or younger along
20 with any known aliases, the address of the applicant
21 and the social security number of the applicant
22 against the records in the Juvenile Online Tracking
23 System (JOLTS) of the Office of Juvenile Affairs. The
24 Office of Juvenile Affairs shall provide the Bureau

1 direct access to check the applicant against the
2 records available on JOLTS.

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

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

13 (3) If the records suggest the applicant may have
14 been adjudicated delinquent for an offense that
15 would constitute a felony offense if committed by
16 an adult but such record is inconclusive, the
17 Bureau shall ask the applicant whether he or she
18 was adjudicated a delinquent for an offense that
19 would constitute a felony offense if committed by
20 an adult within the last ten (10) years. If the
21 applicant states under penalty of perjury that he
22 or she was not adjudicated a delinquent within
23 ten (10) years, the Bureau shall continue
24 processing the application for a license;

1 12. The Oklahoma State Bureau of Investigation shall either
2 issue a concealed handgun license or deny the application within
3 ninety (90) days of the date of receipt of the required information
4 from the sheriff. The Bureau shall approve an applicant who appears
5 to be in full compliance with the provisions of the Oklahoma Self-
6 Defense Act, if completion of the federal fingerprint search is the
7 only reason for delay of the issuance of the handgun license to that
8 applicant. Upon receipt of the federal fingerprint search
9 information, if the Bureau receives information which precludes the
10 person from having a concealed handgun license, the Bureau shall
11 revoke the concealed handgun license previously issued to the
12 applicant. The Bureau shall deny a license when the applicant fails
13 to properly complete the application form or application process or
14 is determined not to be eligible as specified by the provisions of
15 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall
16 approve an application in all other cases. If an application is
17 denied, the Bureau shall notify the applicant in writing of its
18 decision. The notification shall state the grounds for the denial
19 and inform the applicant of the right to an appeal as may be
20 provided by the provisions of the Administrative Procedures Act.
21 All notices of denial shall be mailed by first class mail to the
22 ~~applicant's~~ address of the applicant listed in the application.
23 Within sixty (60) calendar days from the date of mailing a denial of
24 application to an applicant, the applicant shall notify the Bureau

1 in writing of the intent to appeal the decision of denial or the
2 ~~applicant's~~ right to appeal the denial by the applicant shall be
3 deemed waived. Any administrative hearing on a denial which may be
4 provided shall be conducted by a hearing examiner appointed by the
5 Bureau. The ~~hearing examiner's~~ decision of the hearing examiner
6 shall be a final decision appealable to a district court in
7 accordance with the Administrative Procedures Act. When an
8 application is approved, the Bureau shall issue the license and mail
9 it to the sheriff of the county wherein the applicant resides. The
10 applicant may pick up the concealed handgun license from the
11 sheriff's office.

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

19 SECTION 2. This act shall become effective November 1, 2009.
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21 52-1-5030 GRS 01/06/09
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