

1 STATE OF OKLAHOMA

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

3 SENATE BILL 437

By: Ellis

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6 AS INTRODUCED

7 An Act relating to crimes and punishments;
8 authorizing persons to request a Temporary Emergency
9 Concealed Weapons License under certain
10 circumstances; providing procedures for applying for
11 a Temporary Emergency Concealed Weapons License;
12 providing limitation for issuance of license;
13 requiring applicant to apply and complete certain
14 training course; requiring certain information be
15 listed on license; authorizing suspension or
16 revocation of license upon cause; providing for
17 codification; and providing an effective date.

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

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

22 TEMPORARY EMERGENCY CONCEALED WEAPONS LICENSES

23 Any person may request a Temporary Emergency Concealed Weapons
24 License from the sheriff of the county in which the person resides;
provided, however, the person must:

- 25 1. Be a citizen of the United States;
- 26 2. Be a resident of the State of Oklahoma;

1 3. Be at least twenty-one (21) years of age;

2 4. Submit the required fee and complete the application process
3 as provided in Section 2 of this act; and

4 5. Currently be under threat of bodily harm or death or under
5 the protection of a protective order issued pursuant to the
6 provisions of the Protection from Domestic Abuse 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 applying for a Temporary Emergency
11 Concealed Weapons License and processing the application shall be as
12 follows:

13 1. An eligible person may request an application for a
14 Temporary Emergency Concealed Weapons License from the county
15 sheriff's office in person;

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

19 3. The applicant shall deliver to the sheriff at the time of
20 delivery of the completed application form a fee of Thirty Dollars
21 (\$30.00) for processing the application through the Oklahoma State
22 Bureau of Investigation. The processing fee shall not be refundable
23 in the event of a denial of a Temporary Emergency Concealed Weapons
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1 License or any suspension or revocation subsequent to the issuance
2 of a license;

3 4. The completed application form shall be signed by the
4 applicant in person before the sheriff. The signature shall be
5 given voluntarily upon a sworn oath that the person knows the
6 contents of the application and that the information contained in
7 the application is true and correct. Any person making any false or
8 misleading statement on an application for a Temporary Emergency
9 Concealed Weapons License shall, upon conviction, be guilty of
10 perjury as defined by Section 491 of Title 21 of the Oklahoma
11 Statutes;

12 5. Two passport-size photographs of the applicant shall be
13 submitted with the completed application. The cost of the
14 photographs shall be the responsibility of the applicant. The
15 sheriff is authorized to take the photograph of the applicant;

16 6. 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 Temporary Emergency
19 Concealed Weapons License is the same person in the photographs
20 submitted and the same person who signed the application form.
21 Proof of a valid Oklahoma driver license with a photograph of the
22 applicant or an Oklahoma State photo identification for the
23 applicant shall be required to be presented by the applicant to the
24 sheriff for verification of the identity of the person;

1 7. The sheriff shall make a preliminary investigation of
2 pertinent information, including information regarding any prior
3 arrests or felony convictions, about the applicant and the court
4 clerk shall assist the sheriff in locating pertinent information in
5 court records for this purpose. The sheriff shall submit to the
6 Oklahoma State Bureau of Investigation, together with the completed
7 application, photographs, processing fee, a report of information
8 deemed pertinent to an investigation of the applicant for a
9 Temporary Emergency Concealed Weapons License. If no pertinent
10 information is found to exist either for or against the applicant,
11 the sheriff shall so indicate in the report;

12 8. The Oklahoma State Bureau of Investigation, upon request by
13 the sheriff, shall make a reasonable effort to investigate the
14 information submitted by the applicant and the sheriff, to ascertain
15 whether or not the issuance of a Temporary Emergency Concealed
16 Weapons License has merit. The investigation by the Bureau of an
17 applicant shall include, but shall not be limited to, a statewide
18 criminal history records search and a national criminal history
19 records search;

20 9. The sheriff shall either issue a Temporary Emergency
21 Concealed Weapons License or deny the application within fourteen
22 (14) days of the date of receipt of the completed application from
23 the applicant. The sheriff shall deny a license when the applicant
24 fails to properly complete the application form or application

1 process or is determined not to be eligible. If an application is
2 denied, the sheriff shall notify the applicant in writing of the
3 decision;

4 10. Upon approving the issuance of Temporary Emergency
5 Concealed Weapons License, the sheriff shall issue the license which
6 shall be valid for a period of one hundred eighty (180) days from
7 the date of issuance.

8 B. A Temporary Emergency Concealed Weapons License shall only
9 be issued one time.

10 C. Any person receiving a Temporary Emergency Concealed Weapons
11 License shall make application and successfully complete, within the
12 one-hundred-eighty-day term of the Temporary Emergency Concealed
13 Weapons License, a firearms safety and training course from a
14 firearms instructor who is approved and registered in this state as
15 provided in Section 1290.14 of Title 21 of the Oklahoma Statutes,
16 and the person shall be required to demonstrate competency and
17 qualification with a pistol authorized for concealed carry by the
18 Oklahoma Self-Defense Act.

19 D. The Temporary Emergency Concealed Weapons License shall be
20 on a form prescribed by the Oklahoma State Bureau of Investigation
21 and shall contain the following information:

- 22 1. The person's full name;
- 23 2. Current address;
- 24 3. Physical description:

- 1 a. sex,
- 2 b. height,
- 3 c. weight, and
- 4 d. eye color;
- 5 4. License number;
- 6 5. Date of birth;
- 7 6. Expiration date of the Temporary Emergency Concealed Weapons
- 8 License;
- 9 7. Signature of licensee; and
- 10 8. Signature of issuing sheriff.
- 11 E. Upon cause, the sheriff may revoke or suspend the Temporary
- 12 Emergency Concealed Weapons License issued by his or her office.

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

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