

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1733 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Jeff Hickman

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

PROPOSED COMMITTEE
SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1733

By: Sykes, Allen, Russell and
Shortey of the Senate

and

Hickman of the House

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to firearms; amending 21 O.S. 2011, Sections 1272, 1272.1, 1272.2, 1273, 1276, 1277, 1278, 1280.1, 1283 and 1287, which relate to the carrying, use and possession of firearms; modifying description of handgun licenses; clarifying manner in which firearms may be carried by handgun licensees; deleting certain statutory references; amending 21 O.S. 2011, Sections 1289.6, 1289.7, 1289.7a, 1289.9, 1289.10, 1289.11, 1289.12, 1289.13, 1289.13A, 1289.16, 1289.23 and 1289.24, which relate to the Oklahoma Firearms Act of 1971; modifying conditions related to carrying firearms; modifying description of handgun licenses; clarifying manner in which firearms may be carried by handgun licensees; deleting certain statutory references; modifying scope of certain firearms prohibition; prohibiting the punishment of persons for certain crimes under certain circumstances; amending 21 O.S. 2011, Sections 1290.2, 1290.3, 1290.4, 1290.5, 1290.6, 1290.7, 1290.8, 1290.9, 1290.11, 1290.12, 1290.13, 1290.14, 1290.15, 1290.17, 1290.18, 1290.19, 1290.20, 1290.21, 1290.23, 1290.24, 1290.25 and 1290.26, which relate to the Oklahoma Self-Defense Act; modifying and deleting certain statutory references; defining term; modifying certain definition; modifying handgun license notification procedure; modifying issuance procedure; modifying certain penalty; modifying

1 description of handgun licenses; clarifying manner in
2 which firearms may be carried by handgun licensees;
3 requiring licensees to display handgun license upon
4 demand; amending 21 O.S. 2011, Section 1364, which
5 relates to discharging firearms; modifying
6 description of handgun license; deleting certain
7 statutory reference; amending 63 O.S. 2011, Section
8 2-110, which relates to the Uniform Controlled
9 Dangerous Substances Act; modifying manner in which
10 weapons may be carried by attorneys of the Oklahoma
11 State Bureau of Narcotics and Dangerous Drugs
12 Control; amending 63 O.S. 2011, Section 4210.3, which
13 relates to the Oklahoma Boating Safety Regulation
14 Act; modifying scope of certain prohibited act; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, is
18 amended to read as follows:

19 Section 1272.

20 UNLAWFUL CARRY

21 A. It shall be unlawful for any person to carry upon or about
22 his or her person, or in a purse or other container belonging to the
23 person, any pistol, revolver, shotgun or rifle whether loaded or
24 unloaded or any dagger, bowie knife, dirk knife, switchblade knife,
spring-type knife, sword cane, knife having a blade which opens
automatically by hand pressure applied to a button, spring, or other
device in the handle of the knife, blackjack, loaded cane, billy,
hand chain, metal knuckles, or any other offensive weapon, whether

1 such weapon be concealed or unconcealed, except this section shall
2 not prohibit:

3 1. The proper use of guns and knives for hunting, fishing,
4 educational or recreational purposes;

5 2. The carrying or use of weapons in a manner otherwise
6 permitted by statute or authorized by the Oklahoma Self-Defense Act;

7 3. The carrying, possession and use of any weapon by a peace
8 officer or other person authorized by law to carry a weapon in the
9 performance of official duties and in compliance with the rules of
10 the employing agency;

11 4. The carrying or use of weapons in a courthouse by a district
12 judge, associate district judge or special district judge within
13 this state, who is in possession of a valid ~~concealed~~ handgun
14 license issued pursuant to the provisions of the Oklahoma Self-
15 Defense Act and whose name appears on a list maintained by the
16 Administrative Director of the Courts; or

17 5. The carrying and use of firearms and other weapons provided
18 in this subsection when used for the purpose of living history
19 reenactment. For purposes of this paragraph, "living history
20 reenactment" means depiction of historical characters, scenes,
21 historical life or events for entertainment, education, or
22 historical documentation through the wearing or use of period,
23 historical, antique or vintage clothing, accessories, firearms,
24 weapons, and other implements of the historical period.

1 B. Any person convicted of violating the foregoing provision
2 shall be guilty of a misdemeanor punishable as provided in Section
3 1276 of this title.

4 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1272.1, is
5 amended to read as follows:

6 Section 1272.1

7 CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

8 A. It shall be unlawful for any person to carry or possess any
9 weapon designated in Section 1272 of this title in any establishment
10 where low-point beer, as defined by Section 163.2 of Title 37 of the
11 Oklahoma Statutes, or alcoholic beverages, as defined by Section 506
12 of Title 37 of the Oklahoma Statutes, are consumed. This provision
13 shall not apply to a peace officer, as defined in Section 99 of this
14 title, or to private investigators with a firearms authorization
15 when acting in the scope and course of employment, and shall not
16 apply to an owner or proprietor of the establishment having a
17 pistol, rifle, or shotgun on the premises. Provided however, a
18 person possessing a valid ~~concealed~~ handgun license pursuant to the
19 provisions of the Oklahoma Self-Defense Act, ~~Section 1290.1 et seq.~~
20 ~~of this title~~ may carry the concealed or unconcealed handgun into
21 any restaurant or other establishment licensed to dispense low-point
22 beer or alcoholic beverages where the sale of low-point beer or
23 alcoholic beverages does not constitute the primary purpose of the
24 business.

1 Provided further, nothing in this section shall be interpreted
2 to authorize any peace officer in actual physical possession of a
3 weapon to consume low-point beer or alcoholic beverages, except in
4 the authorized line of duty as an undercover officer.

5 Nothing in this section shall be interpreted to authorize any
6 private investigator with a firearms authorization in actual
7 physical possession of a weapon to consume low-point beer or
8 alcoholic beverages in any establishment where low-point beer or
9 alcoholic beverages are consumed.

10 B. Any person violating the provisions of this section shall be
11 punished as provided in Section 1272.2 of this title.

12 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1272.2, is
13 amended to read as follows:

14 Section 1272.2

15 PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

16 Any person who intentionally or knowingly carries on his or her
17 person any weapon in violation of Section 1272.1 of this title,
18 shall, upon conviction, be guilty of a felony punishable by a fine
19 not to exceed One Thousand Dollars (\$1,000.00), or imprisonment in
20 the ~~State Penitentiary~~ custody of the Department of Corrections for
21 a period not to exceed two (2) years, or by both such fine and
22 imprisonment.

23 Any person convicted of violating the provisions of this section
24 after having been issued a ~~concealed~~ handgun license pursuant to the

1 provisions of the Oklahoma Self-Defense Act, ~~Sections 1290.1 through~~
2 ~~1290.26 of this title~~, shall have the license revoked by the
3 Oklahoma State Bureau of Investigation after a hearing and
4 determination that the person is in violation of Section 1272.1 of
5 this title.

6 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1273, is
7 amended to read as follows:

8 Section 1273.

9 ALLOWING MINORS TO POSSESS FIREARMS

10 A. It shall be unlawful for any person within this state to
11 sell or give to any child any of the arms or weapons designated in
12 Section 1272 of this title; provided, the provisions of this section
13 shall not prohibit a parent from giving his or her child a rifle or
14 shotgun for participation in hunting animals or fowl, hunter safety
15 classes, target shooting, skeet, trap or other recognized sporting
16 events, except as provided in subsection B of this section.

17 B. It shall be unlawful for any parent or guardian to
18 intentionally, knowingly, or recklessly permit his or her child to
19 possess any of the arms or weapons designated in Section 1272 of
20 this title, including any rifle or shotgun, if such parent is aware
21 of a substantial risk that the child will use the weapon to commit a
22 criminal offense or if the child has either been adjudicated a
23 delinquent or has been convicted as an adult for any criminal
24 offense.

1 C. It shall be unlawful for any child to possess any of the
2 arms or weapons designated in Section 1272 of this title, except
3 rifles or shotguns used for participation in hunting animals or
4 fowl, hunter safety classes, target shooting, skeet, trap or other
5 recognized sporting event. Provided, the possession of rifles or
6 shotguns authorized by this section shall not authorize the
7 possession of such weapons by any person who is subject to the
8 provisions of Section 1283 of this title.

9 D. Any person violating the provisions of this section shall,
10 upon conviction, be punished as provided in Section 1276 of this
11 title, and, any child violating the provisions of this section shall
12 be subject to adjudication as a delinquent. In addition, any person
13 violating the provisions of this section shall be liable for civil
14 damages for any injury or death to any person and for any damage to
15 property resulting from any discharge of a firearm or use of any
16 other weapon as provided in Section 10 of Title 23 of the Oklahoma
17 Statutes. Any person convicted of violating the provisions of this
18 section after having been issued a ~~concealed~~ handgun license
19 pursuant to the provisions of the Oklahoma Self-Defense Act⁷, may be
20 liable for an administrative violation as provided in Section 1276
21 of this title.

22 E. As used in this section, "child" means a person under
23 eighteen (18) years of age.
24

1 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1276, is
2 amended to read as follows:

3 Section 1276.

4 PENALTY FOR 1272 AND 1273

5 Any person violating the provisions of Section 1272 or 1273 of
6 this title shall, upon a first conviction, be adjudged guilty of a
7 misdemeanor and the party offending shall be punished by a fine of
8 not less than One Hundred Dollars (\$100.00) nor more than Two
9 Hundred Fifty Dollars (\$250.00), or by imprisonment in the county
10 jail for a period not to exceed thirty (30) days or both such fine
11 and imprisonment. On the second and every subsequent violation, the
12 party offending shall, upon conviction, be punished by a fine of not
13 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
14 Hundred Dollars (\$500.00), or by imprisonment in the county jail for
15 a period not less than thirty (30) days nor more than three (3)
16 months, or by both such fine and imprisonment.

17 Any person convicted of violating the provisions of Section 1272
18 or 1273 of this title after having been issued a ~~concealed~~ handgun
19 license pursuant to the provisions of the Oklahoma Self-Defense Act,
20 ~~Sections 1 through 25 of this act,~~ shall have the license suspended
21 for a period of six (6) months and shall be liable for an
22 administrative fine of Fifty Dollars (\$50.00) upon a hearing and
23 determination by the Oklahoma State Bureau of Investigation that the
24 person is in violation of the provisions of this section.

1 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1277, is
2 amended to read as follows:

3 Section 1277.

4 UNLAWFUL CARRY IN CERTAIN PLACES

5 A. It shall be unlawful for any person in possession of a valid
6 ~~concealed~~ handgun license issued pursuant to the provisions of the
7 Oklahoma Self-Defense Act to carry any concealed or unconcealed
8 handgun into any of the following places:

9 1. Any structure, building, or office space which is owned or
10 leased by a city, town, county, state, or federal governmental
11 authority for the purpose of conducting business with the public;

12 2. Any meeting of any city, town, county, state or federal
13 officials, school board members, legislative members, or any other
14 elected or appointed officials;

15 3. Any prison, jail, detention facility or any facility used to
16 process, hold, or house arrested persons, prisoners or persons
17 alleged delinquent or adjudicated delinquent;

18 4. Any elementary or secondary school;

19 5. Any sports arena during a professional sporting event;

20 6. Any place where pari-mutuel wagering is authorized by law;
21 and

22 7. Any other place specifically prohibited by law.
23
24

1 B. For purposes of paragraphs 1, 2, 3, 5 and 6 of subsection A
2 of this section, the prohibited place does not include and
3 specifically excludes the following property:

4 1. Any property set aside for the use or parking of any
5 vehicle, whether attended or unattended, by a city, town, county,
6 state, or federal governmental authority;

7 2. Any property set aside for the use or parking of any
8 vehicle, whether attended or unattended, by any entity offering any
9 professional sporting event which is open to the public for
10 admission, or by any entity engaged in pari-mutuel wagering
11 authorized by law;

12 3. Any property adjacent to a structure, building, or office
13 space in which concealed or unconcealed weapons are prohibited by
14 the provisions of this section; and

15 4. Any property designated by a city, town, county, or state,
16 governmental authority as a park, recreational area, or fairgrounds;
17 provided, nothing in this paragraph shall be construed to authorize
18 any entry by a person in possession of a concealed or unconcealed
19 handgun into any structure, building, or office space which is
20 specifically prohibited by the provisions of subsection A of this
21 section.

22 Nothing contained in any provision of this subsection shall be
23 construed to authorize or allow any person in control of any place
24 described in paragraph 1, 2, 3, 5 or 6 of subsection A of this

1 section to establish any policy or rule that has the effect of
2 prohibiting any person in lawful possession of a ~~concealed~~ handgun
3 license from possession of a handgun allowable under such license in
4 places described in paragraph 1, 2, 3 or 4 of this subsection.

5 C. Any person violating the provisions of subsection A of this
6 section shall, upon conviction, be guilty of a misdemeanor
7 punishable by a fine not to exceed Two Hundred Fifty Dollars
8 (\$250.00). Any person convicted of violating the provisions of
9 subsection A of this section may be liable for an administrative
10 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and
11 determination by the Oklahoma State Bureau of Investigation that the
12 person is in violation of the provisions of subsection A of this
13 section.

14 D. No person in possession of a valid ~~concealed~~ handgun license
15 issued pursuant to the provisions of the Oklahoma Self-Defense Act
16 shall be authorized to carry the handgun into or upon any college,
17 university, or technology center school property, except as provided
18 in this subsection. For purposes of this subsection, the following
19 property shall not be construed as prohibited for persons having a
20 valid ~~concealed~~ handgun license:

21 1. Any property set aside for the use or parking of any
22 vehicle, whether attended or unattended, provided the handgun is
23 carried or stored as required by law and the handgun is not removed
24 from the vehicle without the prior consent of the college or

1 university president or technology center school administrator while
2 the vehicle is on any college, university, or technology center
3 school property;

4 2. Any property authorized for possession or use of handguns by
5 college, university, or technology center school policy; and

6 3. Any property authorized by the written consent of the
7 college or university president or technology center school
8 administrator, provided the written consent is carried with the
9 handgun and the valid ~~concealed~~ handgun license while on college,
10 university, or technology center school property.

11 The college, university, or technology center school may notify
12 the Oklahoma State Bureau of Investigation within ten (10) days of a
13 violation of any provision of this subsection by a licensee. Upon
14 receipt of a written notification of violation, the Bureau shall
15 give a reasonable notice to the licensee and hold a hearing. At the
16 hearing upon a determination that the licensee has violated any
17 provision of this subsection, the licensee may be subject to an
18 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
19 have the ~~concealed~~ handgun license suspended for three (3) months.

20 Nothing contained in any provision of this subsection shall be
21 construed to authorize or allow any college, university, or
22 technology center school to establish any policy or rule that has
23 the effect of prohibiting any person in lawful possession of a
24 ~~concealed~~ handgun license from possession of a handgun allowable

1 under such license in places described in paragraphs 1, 2 and 3 of
2 this subsection. Nothing contained in any provision of this
3 subsection shall be construed to limit the authority of any college
4 or university in this state from taking administrative action
5 against any student for any violation of any provision of this
6 subsection.

7 E. The provisions of this section shall not apply to any peace
8 officer or to any person authorized by law to carry a pistol in the
9 course of employment. District judges, associate district judges
10 and special district judges, who are in possession of a valid
11 ~~concealed~~ handgun license issued pursuant to the provisions of the
12 Oklahoma Self-Defense Act and whose names appear on a list
13 maintained by the Administrative Director of the Courts, shall be
14 exempt from this section when acting in the course and scope of
15 employment within the courthouses of this state. Private
16 investigators with a firearms authorization shall be exempt from
17 this section when acting in the course and scope of employment.

18 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1278, is
19 amended to read as follows:

20 Section 1278.

21 UNLAWFUL INTENT TO CARRY

22 Any person in this state who carries or wears any deadly weapons
23 or dangerous instrument whatsoever with the intent or for the avowed
24 purpose of unlawfully injuring another person, upon conviction,

1 shall be guilty of a felony punishable by a fine not exceeding Five
2 Thousand Dollars (\$5,000.00), by imprisonment in the custody of the
3 Department of Corrections for a period not exceeding two (2) years,
4 or by both such fine and imprisonment. The mere possession of such
5 a weapon or dangerous instrument, without more, however, shall not
6 be sufficient to establish intent as required by this section.

7 Any person convicted of violating the provisions of this section
8 after having been issued a ~~concealed~~ handgun license pursuant to the
9 provisions of the Oklahoma Self-Defense Act, ~~Section 1290.1 et seq.~~
10 ~~of this title,~~ shall have the license permanently revoked and shall
11 be liable for an administrative fine of One Thousand Dollars
12 (\$1,000.00) upon a hearing and determination by the Oklahoma State
13 Bureau of Investigation that the person is in violation of the
14 provisions of this section.

15 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1280.1, is
16 amended to read as follows:

17 Section 1280.1

18 POSSESSION OF FIREARM ON SCHOOL PROPERTY

19 A. It shall be unlawful for any person to have in his or her
20 possession on any public or private school property or while in any
21 school bus or vehicle used by any school for transportation of
22 students or teachers any firearm or weapon designated in Section
23 1272 of this title, except as provided in subsection C of this
24 section or as otherwise authorized by law.

1 B. "School property" means any publicly or privately owned
2 property held for purposes of elementary, secondary or vocational-
3 technical education, and shall not include property owned by public
4 school districts or private educational entities where such property
5 is leased or rented to an individual or corporation and used for
6 purposes other than educational.

7 C. Firearms and weapons are allowed on school property and
8 deemed not in violation of subsection A of this section as follows:

9 1. A gun or knife designed for hunting or fishing purposes kept
10 in a privately owned vehicle and properly displayed or stored as
11 required by law, or a handgun carried in a vehicle pursuant to a
12 valid handgun license authorized by the Oklahoma Self-Defense Act,
13 provided such vehicle containing said gun or knife is driven onto
14 school property only to transport a student to and from school and
15 such vehicle does not remain unattended on school property;

16 2. A gun or knife used for the purposes of participating in the
17 Oklahoma Department of Wildlife Conservation certified hunter
18 training education course or any other hunting, fishing, safety or
19 firearms training courses, or a recognized firearms sports event,
20 team shooting program or competition, or living history reenactment,
21 provided the course or event is approved by the principal or chief
22 administrator of the school where the course or event is offered,
23 and provided the weapon is properly displayed or stored as required
24

1 by law pending participation in the course, event, program or
2 competition; and

3 3. Weapons in the possession of any peace officer or other
4 person authorized by law to possess a weapon in the performance of
5 their duties and responsibilities.

6 D. Any person violating the provisions of this section shall,
7 upon conviction, be guilty of a felony punishable by a fine not to
8 exceed Five Thousand Dollars (\$5,000.00), and imprisonment in the
9 custody of the Department of Corrections for not more than two (2)
10 years. Any person convicted of violating the provisions of this
11 section after having been issued a ~~concealed~~ handgun license
12 pursuant to the provisions of the Oklahoma Self-Defense Act shall
13 have the license permanently revoked and shall be liable for an
14 administrative fine of One Hundred Dollars (\$100.00) upon a hearing
15 and determination by the Oklahoma State Bureau of Investigation that
16 the person is in violation of the provisions of this section.

17 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1283, is
18 amended to read as follows:

19 Section 1283.

20 CONVICTED FELONS AND DELINQUENTS

21 A. Except as provided in subsection B of this section, it shall
22 be unlawful for any person convicted of any felony in any court of
23 this state or of another state or of the United States to have in
24 his or her possession or under his or her immediate control, or in

1 any vehicle which the person is operating, or in which the person is
2 riding as a passenger, or at the residence where the convicted
3 person resides, any pistol, imitation or homemade pistol, altered
4 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
5 other dangerous or deadly firearm.

6 B. Any person who has previously been convicted of a nonviolent
7 felony in any court of this state or of another state or of the
8 United States, and who has received a full and complete pardon from
9 the proper authority and has not been convicted of any other felony
10 offense which has not been pardoned, shall have restored the right
11 to possess any firearm or other weapon prohibited by subsection A of
12 this section, the right to apply for and carry a ~~concealed~~ handgun,
13 concealed or unconcealed, pursuant to the Oklahoma Self-Defense Act
14 and the right to perform the duties of a peace officer, gunsmith, or
15 for firearms repair.

16 C. It shall be unlawful for any person supervised by the
17 Department of Corrections or any division thereof to have in his or
18 her possession or under his or her immediate control, or at his or
19 her residence, or in any passenger vehicle which the supervised
20 person is operating or is riding as a passenger, any pistol, shotgun
21 or rifle, including any imitation or homemade pistol, altered air or
22 toy pistol, shotgun or rifle, while such person is subject to
23 supervision, probation, parole or inmate status.

1 D. It shall be unlawful for any person previously adjudicated
2 as a delinquent child or a youthful offender for the commission of
3 an offense, which would have constituted a felony offense if
4 committed by an adult, to have in the ~~person's~~ possession of the
5 person or under the ~~person's~~ immediate control of the person, or
6 have in any vehicle which he or she is driving or in which the
7 person is riding as a passenger, or at the ~~person's~~ residence of the
8 person, any pistol, imitation or homemade pistol, altered air or toy
9 pistol, machine gun, sawed-off shotgun or rifle, or any other
10 dangerous or deadly firearm within ten (10) years after such
11 adjudication; provided, that nothing in this subsection shall be
12 construed to prohibit the placement of the person in a home with a
13 full-time duly appointed peace officer who is certified by the
14 Council on Law Enforcement Education and Training (CLEET) pursuant
15 to the provisions of Section 3311 of Title 70 of the Oklahoma
16 Statutes.

17 E. Any person having been issued a ~~concealed~~ handgun license
18 pursuant to the provisions of the Oklahoma Self-Defense Act and who
19 thereafter knowingly or intentionally allows a convicted felon or
20 adjudicated delinquent or a youthful offender as prohibited by the
21 provisions of subsection A, C, or D of this section to possess or
22 have control of any pistol authorized by the Oklahoma Self-Defense
23 Act shall, upon conviction, be guilty of a felony punishable by a
24 fine not to exceed Five Thousand Dollars (\$5,000.00). In addition,

1 the person shall have the handgun license revoked by the Oklahoma
2 State Bureau of Investigation after a hearing and determination that
3 the person has violated the provisions of this section.

4 F. Any convicted or adjudicated person violating the provisions
5 of this section shall, upon conviction, be guilty of a felony
6 punishable as provided in Section 1284 of this title.

7 G. For purposes of this section, "sawed-off shotgun or rifle"
8 shall mean any shotgun or rifle which has been shortened to any
9 length.

10 H. For purposes of this section, "altered toy pistol" shall
11 mean any toy weapon which has been altered from its original
12 manufactured state to resemble a real weapon.

13 I. For purposes of this section, "altered air pistol" shall
14 mean any air pistol manufactured to propel projectiles by air
15 pressure which has been altered from its original manufactured
16 state.

17 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1287, is
18 amended to read as follows:

19 Section 1287.

20 USE OF FIREARM WHILE COMMITTING A FELONY

21 A. Any person who, while committing or attempting to commit a
22 felony, possesses a pistol, shotgun or rifle or any other offensive
23 weapon in such commission or attempt, whether the pistol, shotgun or
24 rifle is loaded or not, or who possesses a blank or imitation

1 pistol, altered air or toy pistol, shotgun or rifle capable of
2 raising in the mind of one threatened with such device a fear that
3 it is a real pistol, shotgun or rifle, or who possesses an air gun
4 or carbon dioxide or other gas-filled weapon, electronic dart gun,
5 conductive energy weapon, knife, dagger, dirk, switchblade knife,
6 blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in
7 addition to the penalty provided by statute for the felony committed
8 or attempted, upon conviction shall be guilty of a felony for
9 possessing such weapon or device, which shall be a separate offense
10 from the felony committed or attempted and shall be punishable by
11 imprisonment in the custody of the Department of Corrections for a
12 period of not less than two (2) years nor for more than ten (10)
13 years for the first offense, and for a period of not less than ten
14 (10) years nor more than thirty (30) years for any second or
15 subsequent offense.

16 B. Any person convicted of violating the provisions of this
17 section after having been issued a ~~concealed~~ handgun license
18 pursuant to the provisions of the Oklahoma Self-Defense Act shall
19 have the license permanently revoked and shall be liable for an
20 administrative fine of One Thousand Dollars (\$1,000.00) upon a
21 hearing and determination by the Oklahoma State Bureau of
22 Investigation that the person is in violation of the provisions of
23 this section.
24

1 C. As used in this section, "altered toy pistol" shall mean any
2 toy weapon which has been altered from its original manufactured
3 state to resemble a real weapon.

4 D. As used in this section, "altered air pistol" shall mean any
5 air pistol manufactured to propel projectiles by air pressure which
6 has been altered from its original manufactured state.

7 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1289.6, is
8 amended to read as follows:

9 Section 1289.6

10 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

11 A. A person shall be permitted to carry loaded and unloaded
12 shotguns, rifles and pistols, open and not concealed and without a
13 handgun license as authorized by the Oklahoma Self-Defense Act,
14 ~~Sections 1 through 25 of this act,~~ pursuant to the following
15 conditions:

16 1. When hunting animals or fowl;

17 2. During competition in or practicing in a safety or hunter
18 safety class, target shooting, skeet, trap or other recognized
19 sporting events;

20 3. During participation in or in preparation for a military
21 function of the state military forces to be defined as the Oklahoma
22 Army or Air National Guard, Federal Military Reserve and active
23 military forces;
24

1 4. During participation in or in preparation for a recognized
2 police function of either a municipal, county or state government as
3 functioning police officials;

4 5. During a practice for or a performance for entertainment
5 purposes; ~~or~~

6 6. For lawful self-defense and self-protection or any other
7 legitimate purpose in or on property that is owned, leased, rented,
8 or otherwise legally controlled by the person; or

9 7. For any legitimate purpose not in violation of the Oklahoma
10 Firearms Act of 1971, Sections 1289.1 through 1289.17 of this title
11 or any legislative enactment regarding the use, ownership and
12 control of firearms.

13 B. A person shall be permitted to carry unloaded shotguns,
14 rifles and pistols, open and not concealed and without a handgun
15 license as authorized by the Oklahoma Self-Defense Act pursuant to
16 the following conditions:

17 1. When going to or from the person's private residence or
18 vehicle or a vehicle in which the person is riding as a passenger to
19 a place designated or authorized for firearms repairs or
20 reconditioning, or for firearms trade, sale, or barter, or gunsmith,
21 or hunting animals or fowl, or hunter safety course, or target
22 shooting, or skeet or trap shooting or any recognized firearms
23 activity or event and while in such places; or
24

1 2. For any legitimate purpose not in violation of the Oklahoma
2 Firearms Act of 1971, Sections 1289.1 through 1289.17 of this title.

3 C. The provisions of this section shall not be construed to
4 prohibit educational or recreational activities, exhibitions,
5 displays or shows involving the use or display of rifles, shotguns
6 or pistols or other weapons if the activity is approved by the
7 property owner and sponsor of the activity.

8 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1289.7, is
9 amended to read as follows:

10 Section 1289.7

11 FIREARMS IN VEHICLES

12 Any person, except a convicted felon, may transport in a motor
13 vehicle a rifle, shotgun or pistol, open and unloaded, at any time.
14 For purposes of this section "open" means the firearm is transported
15 in plain view, in a case designed for carrying firearms, which case
16 is wholly or partially visible, in a gun rack mounted in the
17 vehicle, in an exterior locked compartment or a trunk of a vehicle.

18 Any person, except a convicted felon, may transport in a motor
19 vehicle a rifle or shotgun concealed behind a seat of the vehicle or
20 within the interior of the vehicle provided the rifle or shotgun is
21 not clip, magazine or chamber loaded. The authority to transport a
22 clip or magazine loaded rifle or shotgun shall be pursuant to
23 Section 1289.13 of this title.

1 Any person who is the operator of a vehicle or is a passenger in
2 any vehicle wherein another person who is licensed pursuant to the
3 Oklahoma Self-Defense Act, ~~Sections 1290.1 through 1290.25 of Title~~
4 ~~21 of the Oklahoma Statutes,~~ to carry a ~~concealed~~ handgun, concealed
5 or unconcealed, and is carrying a ~~concealed~~ handgun or has ~~concealed~~
6 the handgun in such vehicle, shall not be deemed in violation of the
7 provisions of this section provided the licensee is in or near the
8 vehicle.

9 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1289.7a, is
10 amended to read as follows:

11 Section 1289.7a A. No person, property owner, tenant,
12 employer, or business entity shall maintain, establish, or enforce
13 any policy or rule that has the effect of prohibiting any person,
14 except a convicted felon, from transporting and storing firearms or
15 ammunition in a locked motor vehicle, or from transporting and
16 storing firearms or ammunition locked in or locked to a motor
17 vehicle on any property set aside for any motor vehicle.

18 B. No person, property owner, tenant, employer, or business
19 entity shall be liable in any civil action for occurrences which
20 result from the storing of firearms or ammunition in a locked motor
21 vehicle on any property set aside for any motor vehicle, unless the
22 person, property owner, tenant, employer, or owner of the business
23 entity commits a criminal act involving the use of the firearms or
24

1 ammunition. The provisions of this subsection shall not apply to
2 claims pursuant to the Workers' Compensation Act.

3 C. An individual may bring a civil action to enforce this
4 section. If a plaintiff prevails in a civil action related to the
5 personnel manual against a person, property owner, tenant, employer
6 or business for a violation of this section, the court shall award
7 actual damages, enjoin further violations of this section, and award
8 court costs and attorney fees to the prevailing plaintiff.

9 D. As used in this section, "motor vehicle" means any
10 automobile, truck, minivan, sports utility vehicle, motorcycle,
11 motor scooter, and any other vehicle required to be registered under
12 the Oklahoma Vehicle License and Registration Act.

13 SECTION 14. AMENDATORY 21 O.S. 2011, Section 1289.9, is
14 amended to read as follows:

15 Section 1289.9

16 CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

17 It shall be unlawful for any person to carry or use shotguns,
18 rifles or pistols in any circumstances while under the influence of
19 beer, intoxicating liquors or any hallucinogenic, or any unlawful or
20 unprescribed drug, and it shall be unlawful for any person to carry
21 or use shotguns, rifles or pistols when under the influence of any
22 drug prescribed by a licensed physician if the aftereffects of such
23 consumption affect mental, emotional or physical processes to a
24 degree that would result in abnormal behavior. Any person convicted

1 of a violation of the provisions of this section shall be punished
2 as provided in Section 1289.15 of this title.

3 Any person convicted of a violation of the provisions of this
4 section after having been issued a ~~concealed~~ handgun license
5 pursuant to the provisions of the Oklahoma Self-Defense Act shall
6 have the license suspended for a term of six (6) months and shall be
7 subject to an administrative fine of Fifty Dollars (\$50.00), upon a
8 hearing and determination by the Oklahoma State Bureau of
9 Investigation that the person is in violation of the provisions of
10 this section.

11 SECTION 15. AMENDATORY 21 O.S. 2011, Section 1289.10, is
12 amended to read as follows:

13 Section 1289.10

14 FURNISHING FIREARMS TO INCOMPETENT PERSONS

15 It shall be unlawful for any person to knowingly transmit,
16 transfer, sell, lend or furnish any shotgun, rifle or pistol to any
17 person who is under an adjudication of mental incompetency, or to
18 any person who is mentally deficient or of unsound mind. Any person
19 convicted of a violation of the provisions of this section shall be
20 punished as provided in Section 1289.15 of this title.

21 Any person convicted of a violation of the provisions of this
22 section after having been issued a ~~concealed~~ handgun license
23 pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Section~~
24 ~~1290.1 et seq. of this title,~~ shall have the license suspended for a

1 term of six (6) months and shall be subject to an administrative
2 fine of Fifty Dollars (\$50.00), upon a hearing and determination by
3 the Oklahoma State Bureau of Investigation that the person is in
4 violation of the provisions of this section.

5 SECTION 16. AMENDATORY 21 O.S. 2011, Section 1289.11, is
6 amended to read as follows:

7 Section 1289.11

8 RECKLESS CONDUCT

9 It shall be unlawful for any person to engage in reckless
10 conduct while having in his or her possession any shotgun, rifle or
11 pistol, such actions consisting of creating a situation of
12 unreasonable risk and probability of death or great bodily harm to
13 another, and demonstrating a conscious disregard for the safety of
14 another person. Any person convicted of violating the provisions of
15 this section shall be punished as provided in Section 1289.15 of
16 this title.

17 Any person convicted of a violation of the provisions of this
18 section after having been issued a ~~concealed~~ handgun license
19 pursuant to the Oklahoma Self-Defense Act, ~~Sections 1 through 25 of~~
20 ~~this act~~, shall have the license revoked and shall be subject to an
21 administrative fine of One Thousand Dollars (\$1,000.00), upon a
22 hearing and determination by the Oklahoma State Bureau of
23 Investigation that the person is in violation of the provisions of
24 this section.

1 SECTION 17. AMENDATORY 21 O.S. 2011, Section 1289.12, is
2 amended to read as follows:

3 Section 1289.12

4 GIVING FIREARMS TO CONVICTED PERSONS

5 It shall be unlawful for any person within this state to
6 knowingly sell, trade, give, transmit or otherwise cause the
7 transfer of rifles, shotguns or pistols to any convicted felon or an
8 adjudicated delinquent, and it shall be unlawful for any person
9 within this state to knowingly sell, trade, give, transmit or
10 otherwise cause the transfer of any shotgun, rifle or pistol to any
11 individual who is under the influence of alcohol or drugs or is
12 mentally or emotionally unbalanced or disturbed. All persons who
13 engage in selling, trading or otherwise transferring firearms will
14 display this section prominently in full view at or near the point
15 of normal firearms sale, trade or transfer. Any person convicted of
16 violating the provisions of this section shall be punished as
17 provided in Section 1289.15 of this title.

18 Any person convicted of a violation of this section after having
19 been issued a ~~concealed~~ handgun license pursuant to the Oklahoma
20 Self-Defense Act, ~~Sections 1 through 25 of this act,~~ shall have the
21 license suspended for six (6) months and shall be liable for an
22 administrative fine of Fifty Dollars (\$50.00), upon a hearing and
23 determination by the Oklahoma State Bureau of Investigation that the
24 person is in violation of the provisions of this section.

1 SECTION 18. AMENDATORY 21 O.S. 2011, Section 1289.13, is
2 amended to read as follows:

3 Section 1289.13

4 TRANSPORTING A LOADED FIREARM

5 Except as otherwise provided by the provisions of the Oklahoma
6 Self-Defense Act or another provision of law, it shall be unlawful
7 to transport a loaded pistol, rifle or shotgun in a landborne motor
8 vehicle over a public highway or roadway. However, a rifle or
9 shotgun may be transported clip or magazine loaded and not chamber
10 loaded when transported in an exterior locked compartment of the
11 vehicle or trunk of the vehicle or in the interior compartment of
12 the vehicle notwithstanding the provisions of Section 1289.7 of this
13 title when the person is in possession of a valid handgun license
14 pursuant to the Oklahoma Self-Defense Act.

15 Any person convicted of a violation of this section shall be
16 punished as provided in Section 1289.15 of this title.

17 Any person who is the operator of a vehicle or is a passenger in
18 any vehicle wherein another person who is licensed pursuant to the
19 Oklahoma Self-Defense Act to carry a ~~concealed~~ handgun, concealed or
20 unconcealed, and is carrying a ~~concealed~~ handgun or has ~~concealed~~ a
21 handgun or rifle or shotgun in such vehicle shall not be deemed in
22 violation of the provisions of this section provided the licensee is
23 in or near the vehicle.

1 SECTION 19. AMENDATORY 21 O.S. 2011, Section 1289.13A,
2 is amended to read as follows:

3 Section 1289.13A

4 IMPROPER TRANSPORTATION OF FIREARMS

5 A. Notwithstanding the provisions of Section 1272 or 1289.13 of
6 this title, any person stopped pursuant to a moving traffic
7 violation who is transporting a loaded pistol in the motor vehicle
8 without a valid ~~concealed~~ handgun ~~permit~~ license authorized by the
9 Oklahoma Self-Defense Act or valid license from another state,
10 whether the loaded firearm is concealed or ~~open~~ unconcealed in the
11 vehicle, shall be issued a traffic citation in the amount of Seventy
12 Dollars (\$70.00), plus court costs for transporting a firearm
13 improperly. In addition to the traffic citation provided in this
14 section, the person may also be arrested for any other violation of
15 law.

16 B. When the arresting officer determines that a valid handgun
17 license exists, pursuant to the Oklahoma Self-Defense Act or any
18 provision of law from another state, for any person in the stopped
19 vehicle, any firearms permitted to be carried pursuant to that
20 license shall not be confiscated, unless:

21 1. The person is arrested for violating another provision of
22 law other than a violation of subsection A of this section;
23 provided, however, if the person is never charged with an offense
24

1 pursuant to this paragraph or if the charges are dismissed or the
2 person is acquitted, the weapon shall be returned to the person; or

3 2. The officer has probable cause to believe the weapon is:

4 a. contraband, or

5 b. a firearm used in the commission of a crime other than
6 a violation of subsection A of this section.

7 C. Nothing in this section shall be construed to require
8 confiscation of any firearm.

9 SECTION 20. AMENDATORY 21 O.S. 2011, Section 1289.16, is
10 amended to read as follows:

11 Section 1289.16

12 FELONY POINTING FIREARMS

13 It shall be unlawful for any person to willfully or without
14 lawful cause point a shotgun, rifle or pistol, or any deadly weapon,
15 whether loaded or not, at any person or persons for the purpose of
16 threatening or with the intention of discharging the firearm or with
17 any malice or for any purpose of injuring, either through physical
18 injury or mental or emotional intimidation or for purposes of
19 whimsy, humor or prank, or in anger or otherwise, but not to include
20 the pointing of shotguns, rifles or pistols by law enforcement
21 authorities in the performance of their duties, members of the state
22 military forces in the performance of their duties, members of the
23 federal military reserve and active military components in the
24 performance of their duties, or any federal government law

1 enforcement officer in the performance of any duty, or in the
2 performance of a play on stage, rodeo, television or on film, or in
3 defense of any person, one's home or property. Any person convicted
4 of a violation of the provisions of this section shall be punished
5 as provided in Section 1289.17 of this title.

6 Any person convicted of a violation of the provisions of this
7 section after having been issued a ~~concealed~~ handgun license
8 pursuant to the Oklahoma Self-Defense Act, ~~Sections 1 through 25 of~~
9 ~~this act~~, shall have the license revoked and shall be subject to an
10 administrative fine of One Thousand Dollars (\$1,000.00), upon a
11 hearing and determination by the Oklahoma State Bureau of
12 Investigation that the person is in violation of the provisions of
13 this section.

14 SECTION 21. AMENDATORY 21 O.S. 2011, Section 1289.23, is
15 amended to read as follows:

16 Section 1289.23

17 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

18 A. A full-time duly appointed peace officer who is certified by
19 the Council on Law Enforcement Education and Training (CLEET),
20 pursuant to the provisions of Section 3311 of Title 70 of the
21 Oklahoma Statutes, is hereby authorized to carry a weapon certified
22 and approved by the employing agency during periods when the officer
23 is not on active duty as provided by the provisions of subsection B
24 of this section.

1 B. When an off-duty officer carries a certified weapon, the
2 officer shall be wearing the law enforcement uniform prescribed by
3 the employing agency or when not wearing the prescribed law
4 enforcement uniform, the officer shall be required:

5 1. To have the official peace officers badge, Commission Card
6 and CLEET Certification Card on his or her person at all times when
7 carrying a weapon certified and approved by the employing agency;
8 and

9 2. To keep the authorized weapon concealed from view at all
10 times, except when the weapon is used within the guidelines
11 established by the employing agency.

12 C. Nothing in this section shall be construed to alter or amend
13 the provisions of Section 1272.1 of this title or expand the duties,
14 authority or jurisdiction of any peace officer.

15 D. A reserve peace officer who has satisfactorily completed a
16 basic police course of not less than one hundred twenty (120) hours
17 of accredited instruction for reserve police officers and reserve
18 deputies from the Council on Law Enforcement Education and Training
19 or a course of study approved by CLEET may carry a certified weapon
20 when such officer is off duty as provided by subsection E of this
21 section, provided:

22 1. The officer has been granted written authorization signed by
23 the director of the employing agency; and
24

1 2. The employing agency shall maintain a current list of any
2 officers authorized to carry a certified weapon while said officers
3 are off duty, and shall provide a copy of such list to the Council
4 on Law Enforcement Education and Training. Any change to the list
5 shall be made in writing and mailed to the Council on Law
6 Enforcement Education and Training within five (5) days.

7 E. When an off-duty reserve peace officer carries a certified
8 weapon, the officer shall be wearing the law enforcement uniform
9 prescribed by the employing agency or when not wearing the
10 prescribed law enforcement uniform, the officer shall be required:

11 1. To have his or her official peace officer's badge,
12 Commission Card, CLEET Certification Card and written authorization
13 on his or her person at all times when carrying a weapon certified
14 and approved by the employing agency; and

15 2. To keep the authorized weapon concealed from view at all
16 times, except when the weapon is used within the guidelines
17 established by the employing agency.

18 F. Nothing in subsection D of this section shall be construed
19 to alter or amend the provisions of Section 1750.2 of Title 59 of
20 the Oklahoma Statutes or expand the duties, jurisdiction or
21 authority of any reserve peace officer.

22 G. Nothing in this section shall be construed to limit or
23 restrict any peace officer or reserve peace officer from carrying a
24 ~~concealed~~ handgun, concealed or unconcealed, as allowed by the

1 Oklahoma Self-Defense Act after issuance of a valid license. When
2 an off-duty officer elects to carry a ~~concealed~~ handgun under the
3 authority of the Oklahoma Self-Defense Act, the person shall comply
4 with all provisions of such act and shall not be representing the
5 employing agency.

6 H. Any off-duty peace officer who carries any weapon in
7 violation of the provisions of this section shall be deemed to be in
8 violation of Section 1272 of this title and may be prosecuted as
9 provided by law for a violation of that section.

10 I. On ~~the effective date of this act~~ or after November 1, 2004,
11 a reserve or full-time commissioned peace officer may apply to carry
12 a weapon pursuant to the Oklahoma Self-Defense Act as follows:

13 1. The officer shall apply in writing to the Council on Law
14 Enforcement Education and Training (CLEET) stating that the officer
15 desires to have a ~~concealed permit~~ handgun license pursuant to the
16 Oklahoma Self-Defense Act and certifying that he or she has no
17 preclusions to having such ~~concealed~~ handgun license. The officer
18 shall submit with the application:

19 a. an official letter from his or her employing agency
20 confirming the officer's employment and status as a
21 full-time commissioned peace officer or an active
22 reserve peace officer,

23 b. a fee of Twenty-five Dollars (\$25.00) for the
24 ~~concealed~~ handgun license, and

1 c. two passport-size photographs of the peace officer
2 applicant.

3 2. Upon receiving the required information, CLEET shall
4 determine whether the peace officer is in good standing, has CLEET
5 certification and training, and is otherwise eligible for a
6 ~~concealed~~ handgun license. Upon verification of the officer's
7 eligibility, CLEET shall send the information to the Oklahoma State
8 Bureau of Investigation (OSBI) and OSBI shall issue a ~~concealed~~
9 handgun license in the same or similar form as other handgun
10 licenses. All other requirements in Section 1290.12 of this title
11 concerning application for a ~~concealed~~ handgun license shall be
12 waived for active duty peace officers except as provided in this
13 subsection, including but not limited to training, fingerprints and
14 criminal history records checks unless the officer does not have
15 fingerprints on file or a criminal history records background check
16 conducted prior to employment as a peace officer. The OSBI shall
17 not be required to conduct any further investigation into the
18 eligibility of the peace officer applicant and shall not deny a
19 ~~concealed~~ handgun license except when preclusions are found to
20 exist.

21 3. The term of the ~~concealed~~ handgun ~~permit~~ license for an
22 active duty reserve or full-time commissioned peace officer pursuant
23 to this section shall be as provided in Section 1290.5 of this
24 title, renewable in the same manner provided in this subsection for

1 an original application by a peace officer. The ~~concealed~~ handgun
2 license shall be valid when the peace officer is in possession of a
3 valid driver license and law enforcement commission card.

4 4. If the commission card of a law enforcement ~~officer's~~
5 ~~commission card~~ officer is terminated, revoked or suspended, the
6 ~~concealed~~ handgun license shall be immediately returned to CLEET.
7 When a peace officer in possession of a ~~concealed~~ handgun license
8 pursuant to this subsection changes employment, the person must
9 notify CLEET within ninety (90) days and send a new letter verifying
10 employment and status as a full-time commissioned or reserve peace
11 officer.

12 5. There shall be no refund of any fee for any unexpired term
13 of any ~~concealed~~ handgun license that is suspended, revoked, or
14 voluntarily returned to CLEET, or that is denied, suspended or
15 revoked by the OSBI.

16 6. CLEET may promulgate any rules, forms or procedures
17 necessary to implement the provisions of this section.

18 7. Nothing in this subsection shall be construed to change or
19 amend the application process, eligibility, effective date or fees
20 of any ~~concealed~~ handgun license pending issuance on ~~the effective~~
21 ~~date of this act~~ November 1, 2004, or previously issued to any peace
22 officer prior to ~~the effective date of this act~~ November 1, 2004.

23 SECTION 22. AMENDATORY 21 O.S. 2011, Section 1289.24, is
24 amended to read as follows:

1 Section 1289.24

2 FIREARM REGULATION - STATE PREEMPTION

3 A. 1. The State Legislature hereby occupies and preempts the
4 entire field of legislation in this state touching in any way
5 firearms, components, ammunition, and supplies to the complete
6 exclusion of any order, ordinance, or regulation by any municipality
7 or other political subdivision of this state. Any existing or
8 future orders, ordinances, or regulations in this field, except as
9 provided for in paragraph 2 of this subsection and subsection C of
10 this section, are null and void.

11 2. A municipality may adopt any ordinance:

- 12 a. relating to the discharge of firearms within the
13 jurisdiction of the municipality, and
14 b. allowing the municipality to issue a traffic citation
15 for transporting a firearm improperly as provided for
16 in Section 1289.13A of this title, provided however,
17 that penalties contained for violation of any
18 ordinance enacted pursuant to the provisions of this
19 subparagraph shall not exceed the penalties
20 established in the Oklahoma Self-Defense Act.

21 3. As provided in the preemption provisions of this section,
22 the otherwise lawful open carrying of a handgun under the provisions
23 of the Oklahoma Self-Defense Act shall not be punishable by any
24 municipality or other political subdivision of this state as

1 disorderly conduct, disturbing the peace or similar offense against
2 public order.

3 B. No municipality or other political subdivision of this state
4 shall adopt any order, ordinance, or regulation concerning in any
5 way the sale, purchase, purchase delay, transfer, ownership, use,
6 keeping, possession, carrying, bearing, transportation, licensing,
7 permit, registration, taxation other than sales and compensating use
8 taxes, or other controls on firearms, components, ammunition, and
9 supplies.

10 C. Except as hereinafter provided, this section shall not
11 prohibit any order, ordinance, or regulation by any municipality
12 concerning the confiscation of property used in violation of the
13 ordinances of the municipality as provided for in Section 28-121 of
14 Title 11 of the Oklahoma Statutes. Provided, however, no municipal
15 ordinance relating to transporting a firearm improperly may include
16 a provision for confiscation of property.

17 D. When a person's rights pursuant to the protection of the
18 preemption provisions of this section have been violated, the person
19 shall have the right to bring a civil action against the persons,
20 municipality, and political subdivision jointly and severally for
21 injunctive relief or monetary damages or both.

22 SECTION 23. AMENDATORY 21 O.S. 2011, Section 1290.2, is
23 amended to read as follows:

24 Section 1290.2

1 DEFINITIONS

2 A. As used in Sections ~~4~~ 1290.1 through ~~25~~ 1290.26 of this ~~act~~
3 title:

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

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

14 3. "Pistol" means any derringer, revolver or semiautomatic
15 firearm which:

- 16 a. has an overall length of less than sixteen (16) inches
17 ~~and is able to be fully concealed from detection and~~
18 ~~view,~~
19 b. is capable of discharging a projectile composed of any
20 material which may reasonably be expected to be able
21 to cause lethal injury,
22 c. is designed to be held and fired by the use of a
23 single hand, and
24

1 d. uses either gunpowder, gas or any means of rocket
2 propulsion to discharge the projectile.

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

6 SECTION 24. AMENDATORY 21 O.S. 2011, Section 1290.3, is
7 amended to read as follows:

8 Section 1290.3

9 AUTHORITY TO ISSUE LICENSE

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

18 SECTION 25. AMENDATORY 21 O.S. 2011, Section 1290.4, is
19 amended to read as follows:

20 Section 1290.4

21 UNLAWFUL CARRY

22 As provided by Section 1272 of ~~Title 21 of the Oklahoma Statutes~~
23 this title, it is unlawful for any person to carry a concealed or
24 unconcealed handgun in this state, except as hereby authorized by

1 the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through~~
2 ~~25 of this act~~, or as may otherwise be provided by law.

3 SECTION 26. AMENDATORY 21 O.S. 2011, Section 1290.5, is
4 amended to read as follows:

5 Section 1290.5

6 TERM OF LICENSE AND RENEWAL

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

18 B. A license may be renewed any time within ninety (90) days
19 prior to the expiration date as provided in this subsection. The
20 Bureau shall send a renewal application to each eligible licensee
21 with a return address requested. There shall be a thirty-day grace
22 period on license renewals beginning on the date of expiration,
23 thereafter the license is considered expired. However, any
24

1 applicant shall have three (3) years from the expiration of the
2 license to comply with the renewal requirements of this section.

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

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

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

20 C. Beginning November 1, 2007, any person making application
21 for a ~~concealed~~ handgun license or any licensee seeking to renew a
22 ~~concealed~~ handgun license shall have the option to request that said
23 license be valid for a period of ten (10) years. The fee for any
24 ~~concealed~~ handgun license issued for a period of ten (10) years

1 shall be double the amount of the fee provided for in paragraph 4 of
2 subsection A of Section 1290.12 of this title. The renewal fee for
3 a ~~concealed~~ handgun license issued for a period of ten (10) years
4 shall be double the amount of the fee provided for in paragraph 2 of
5 subsection B of this section.

6 SECTION 27. AMENDATORY 21 O.S. 2011, Section 1290.6, is
7 amended to read as follows:

8 Section 1290.6

9 PROHIBITED AMMUNITION

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

17 Any person violating the provisions of this section shall be
18 punished for a criminal offense as provided by Section 1272 of ~~Title~~
19 ~~21 of the Oklahoma Statutes~~ this title or any other applicable
20 provision of law. In addition to any criminal prosecution for a
21 violation of the provisions of this section, the licensee shall be
22 subject to an administrative fine of Five Hundred Dollars (\$500.00),
23 upon a hearing and determination by the Oklahoma State Bureau of
24

1 Investigation that the person is in violation of the provisions of
2 this section.

3 SECTION 28. AMENDATORY 21 O.S. 2011, Section 1290.7, is
4 amended to read as follows:

5 Section 1290.7

6 CONSTRUING AUTHORITY OF LICENSE

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

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

13 2. Carry or possess any pistol in any manner or in any place
14 otherwise prohibited by law;

15 3. Carry or possess any prohibited ammunition or any illegal,
16 imitation or homemade pistol;

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

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

21 SECTION 29. AMENDATORY 21 O.S. 2011, Section 1290.8, is
22 amended to read as follows:

23 Section 1290.8

24 POSSESSION OF LICENSE REQUIRED -

1 NOTIFICATION TO POLICE OF GUN

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

13 B. The person shall be required to have possession of his or
14 her valid handgun license and a valid Oklahoma driver license or an
15 Oklahoma State photo identification at all times when in possession
16 of an authorized pistol. The person shall display the handgun
17 license on demand of a law enforcement officer; provided, however,
18 that in the absence of reasonable and articulable suspicion of other
19 criminal activity, an individual carrying an unconcealed handgun
20 shall not be disarmed or physically restrained unless the individual
21 fails to display a valid handgun license in response to that demand.
22 Any violation of the provisions of this subsection may be punishable
23 as a criminal offense as authorized by Section 1272 of this title or
24 pursuant to any other applicable provision of law. In addition to

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

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. Said
8 identification to the law enforcement officer shall be made at the
9 first opportunity. No person shall be required to identify himself
10 or herself as a ~~concealed~~ handgun licensee when no handgun is in the
11 ~~person's~~ possession of the person or in any vehicle in which the
12 person is driving or is a passenger. Any violation of the
13 provisions of this subsection shall, upon conviction, be a
14 misdemeanor punishable by a fine not exceeding ~~Five Hundred Dollars~~
15 ~~(\$500.00), by imprisonment in the county jail for a period not to~~
16 ~~exceed ninety (90) days, or by both such fine and imprisonment. In~~
17 ~~addition to any criminal prosecution for a violation of the~~
18 ~~provisions of this subsection, the licensee shall be subject to a~~
19 ~~six-month suspension of the license and an administrative fine of~~
20 ~~Fifty Dollars (\$50.00), upon a hearing and determination by the~~
21 ~~Bureau that the person is in violation of the provisions of this~~
22 ~~subsection~~ One Hundred Dollars (\$100.00).

23 D. Any law enforcement officer coming in contact with a person
24 whose handgun license is suspended, revoked, or expired, or who is

1 in possession of a handgun license which has not been lawfully
2 issued to that person, shall confiscate the license and return it to
3 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.

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

9 SECTION 30. AMENDATORY 21 O.S. 2011, Section 1290.9, is
10 amended to read as follows:

11 Section 1290.9

12 ELIGIBILITY

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

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

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

2 4. Complete a firearms safety and training course and
3 demonstrate competence and qualifications with the type of pistol to
4 be carried by the person as provided in Section 1290.14 of this
5 title, and submit proof of training and qualification or an
6 exemption for training and qualification as authorized by Section
7 1290.14 of this title;

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

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

12 SECTION 31. AMENDATORY 21 O.S. 2011, Section 1290.11, is
13 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;

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, canceled 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 32. AMENDATORY 21 O.S. 2011, Section 1290.12, is
2 amended to read as follows:

3 Section 1290.12

4 PROCEDURE FOR APPLICATION

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

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

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

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

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

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

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

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

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

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

16 5. The completed application form shall be signed by the
17 applicant in person before the sheriff. The signature shall be
18 given voluntarily upon a sworn oath that the person knows the
19 contents of the application and that the information contained in
20 the application is true and correct. Any person making any false or
21 misleading statement on an application for a handgun license shall,
22 upon conviction, be guilty of perjury as defined by Section 491 of
23 this title. Any conviction shall be punished as provided in Section
24 500 of this title. In addition to a criminal conviction, the person

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

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

15 7. The sheriff shall witness the signature of the applicant and
16 review or take the photographs of the applicant and shall verify
17 that the person making application for a handgun license is the same
18 person in the photographs submitted and the same person who signed
19 the application form. Proof of a valid Oklahoma driver license with
20 a photograph of the applicant or an Oklahoma State photo
21 identification for the applicant shall be required to be presented
22 by the applicant to the sheriff for verification of the person's
23 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, including the certificate of training or
16 exemption certificate, photographs, processing fee and legible
17 fingerprints meeting the Oklahoma State Bureau of Investigation's
18 Automated Fingerprint Identification System (AFIS) submission
19 standards, and a report of information deemed pertinent to an
20 investigation of the applicant for a handgun license. The sheriff
21 shall make a preliminary investigation of pertinent information
22 about the applicant and the court clerk shall assist the sheriff in
23 locating pertinent information in court records for this purpose.
24

1 If no pertinent information is found to exist either for or against
2 the applicant, the sheriff shall so indicate in the report;

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

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

21 a. In the course of the ~~Bureau's~~ investigation by the
22 Bureau, it shall present the name of the applicant
23 along with any known aliases, the address of the
24 applicant and the social security number of the

1 applicant to the Department of Mental Health and
2 Substance Abuse Services. The Department of Mental
3 Health and Substance Abuse Services shall respond
4 within ten (10) days of receiving such information to
5 the Bureau as follows:

- 6 (1) with a "Yes" answer, if the ~~Department's~~ records
7 of the Department indicate that the person was
8 involuntarily committed to a mental institution
9 in Oklahoma, ~~or~~
- 10 (2) with a "No" answer, if there are no records
11 indicating the name of the person as a person
12 involuntarily committed to a mental institution
13 in Oklahoma, or
- 14 (3) with an "Inconclusive" answer if the ~~Department's~~
15 records of the Department suggest the applicant
16 may be a formerly committed person. In the case
17 of an inconclusive answer, the Bureau shall ask
18 the applicant whether he or she was involuntarily
19 committed. If the applicant states under penalty
20 of perjury that he or she has not been
21 involuntarily committed, the Bureau shall
22 continue processing the application for a
23 license.
24

1 b. In the course of the ~~Bureau's~~ investigation by the
2 Bureau, it shall check the name of any applicant who
3 is twenty-eight (28) years of age or younger along
4 with any known aliases, the address of the applicant
5 and the social security number of the applicant
6 against the records in the Juvenile Online Tracking
7 System (JOLTS) of the Office of Juvenile Affairs. The
8 Office of Juvenile Affairs shall provide the Bureau
9 direct access to check the applicant against the
10 records available on JOLTS.

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

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

21 (3) If the records suggest the applicant may have
22 been adjudicated delinquent for an offense that
23 would constitute a felony offense if committed by
24 an adult but such record is inconclusive, the

1 Bureau shall ask the applicant whether he or she
2 was adjudicated a delinquent for an offense that
3 would constitute a felony offense if committed by
4 an adult within the last ten (10) years. If the
5 applicant states under penalty of perjury that he
6 or she was not adjudicated a delinquent within
7 ten (10) years, the Bureau shall continue
8 processing the application for a license;

9 12. If the background check set forth in ~~subsection~~ paragraph
10 11 of this ~~section~~ subsection reveals no records pertaining to the
11 applicant, the Oklahoma State Bureau of Investigation shall either
12 issue a ~~concealed~~ handgun license or deny the application within
13 sixty (60) days of the date of receipt of the applicant's completed
14 application and the required information from the sheriff. In all
15 other cases, the Oklahoma State Bureau of Investigation shall either
16 issue a ~~concealed~~ handgun license or deny the application within
17 ninety (90) days of the date of the receipt of the applicant's
18 completed application and the required information from the sheriff.
19 The Bureau shall approve an applicant who appears to be in full
20 compliance with the provisions of the Oklahoma Self-Defense Act, if
21 completion of the federal fingerprint search is the only reason for
22 delay of the issuance of the handgun license to that applicant.
23 Upon receipt of the federal fingerprint search information, if the
24 Bureau receives information which precludes the person from having a

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

1 applicant ~~resides~~ listed in the application. ~~The applicant may pick~~
2 ~~up the concealed handgun license from the sheriff's office.~~

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

10 SECTION 33. AMENDATORY 21 O.S. 2011, Section 1290.13, is
11 amended to read as follows:

12 Section 1290.13

13 AUTOMATIC LISTING OF LICENSES

14 The Oklahoma State Bureau of Investigation shall maintain an
15 automated listing of all persons issued a ~~concealed~~ handgun license
16 in this state pursuant to the provisions of the Oklahoma Self-
17 Defense Act, ~~Section 1290.1 et seq. of this title,~~ and all
18 subsequent suspended or revoked licenses. Information from the
19 automated listing shall only be available to a law enforcement
20 officer or law enforcement agency upon request for law enforcement
21 purposes. The Bureau shall also maintain for each applicant the
22 original application or a copy of the original application form and
23 any subsequent renewal application forms together with the
24 photographs, fingerprints and other pertinent information on the

1 applicant which shall be confidential, except to law enforcement
2 officers or law enforcement agencies in the performance of their
3 duties. To facilitate the Bureau's administration of the Oklahoma
4 Self-Defense Act, all licensees shall maintain a current mailing
5 address where the licensee may receive certified mail. The licensee
6 shall within thirty (30) days of a change of name or address inform
7 the Bureau of such change.

8 SECTION 34. AMENDATORY 21 O.S. 2011, Section 1290.14, is
9 amended to read as follows:

10 Section 1290.14

11 SAFETY AND TRAINING COURSE

12 A. Each applicant for a license to carry a concealed or
13 unconcealed handgun pursuant to the Oklahoma Self-Defense Act must
14 successfully complete a firearms safety and training course in this
15 state conducted by a registered and approved firearms instructor as
16 provided by the provisions of this section. The applicant must
17 further demonstrate competence and qualification with an authorized
18 pistol of the type or types that the applicant desires to carry as a
19 concealed or unconcealed handgun pursuant to the provisions of the
20 Oklahoma Self-Defense Act, except certain persons may be exempt from
21 such training requirement as provided by the provisions of Section
22 1290.15 of this title.

23 B. The Council on Law Enforcement Education and Training
24 (CLEET) shall establish criteria for approving firearms instructors

1 for purposes of training and qualifying individuals for a ~~concealed~~
2 handgun license pursuant to the provisions of the Oklahoma Self-
3 Defense Act. Prior to submitting an application for CLEET approval
4 as a firearms instructor, applicants shall attend a firearms
5 instructor school, meeting the following minimum requirements:

6 1. Firearms instructor training conducted by one of the
7 following entities:

- 8 a. Council on Law Enforcement Education and Training,
- 9 b. National Rifle Association,
- 10 c. Oklahoma Rifle Association,
- 11 d. federal law enforcement agencies, or
- 12 e. other professionally recognized organizations;

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

14 3. Upon completion of the course, the applicant shall be
15 qualified to provide instruction on revolvers, semiautomatic
16 pistols, or both; and

17 4. Receive a course completion certificate.

18 All firearms instructors shall be required to meet the eligibility
19 requirements for a ~~concealed~~ handgun license as provided in Sections
20 1290.9, 1290.10, and 1290.11 of this title, and the application
21 shall be processed as provided for applicants in Section 1290.12 of
22 this title, including the state and national criminal history
23 records search and fingerprint search. A firearms instructor shall
24 be required to pay a fee of One Hundred Dollars (\$100.00) to the

1 Council on Law Enforcement Education and Training (CLEET) each time
2 the person makes application for CLEET approval as a firearms
3 instructor pursuant to the provisions of the Oklahoma Self-Defense
4 Act. The fee shall be retained by CLEET and shall be deposited into
5 the Firearms Instructors Revolving Fund. CLEET shall promulgate the
6 rules, forms and procedures necessary to implement the approval of
7 firearms instructors as authorized by the provisions of this
8 subsection. CLEET shall periodically review each approved
9 instructor during a training and qualification course to assure
10 compliance with the rules and course contents. Any violation of the
11 rules may result in the revocation or suspension of CLEET and
12 Oklahoma State Bureau of Investigation approval. Unless the
13 approval has been revoked or suspended, a firearms instructor's
14 CLEET approval shall be for a term of five (5) years. Beginning on
15 ~~the effective date of this act~~ July 1, 2003, any firearms instructor
16 who has been issued a four-year CLEET approval shall not be eligible
17 for the five-year approval until the expiration of the approval
18 previously issued. CLEET shall be responsible for notifying all
19 approved firearms instructors of statutory and policy changes
20 related to the Oklahoma Self-Defense Act.

21 C. 1. All firearms instructors approved by CLEET to train and
22 qualify individuals for a ~~concealed~~ handgun license shall be
23 required to apply for registration with the Oklahoma State Bureau of
24 Investigation after receiving CLEET approval. All firearms

1 instructors teaching the approved course for a ~~concealed~~ handgun
2 license must display their registration certificate during each
3 training and qualification course. Each approved firearms
4 instructor shall complete a registration form provided by the Bureau
5 and shall pay a registration fee of One Hundred Dollars (\$100.00) to
6 the Bureau at the time of each application for registration, except
7 as provided in paragraph 2 of this subsection. Registration
8 certificates issued by the Bureau shall be valid for five (5) years
9 from the date of issuance. The Bureau shall issue a five-year
10 handgun license to an approved firearms instructor at the time of
11 issuance of a registration certificate and no additional fee shall
12 be required or charged. The Bureau shall maintain a current listing
13 of all registered firearms instructors in this state. Nothing in
14 this paragraph shall be construed to eliminate the requirement for
15 registration and training with CLEET as provided in subsection B of
16 this section. Failure to register or be trained as required shall
17 result in a revocation or suspension of the instructor certificate
18 by the Bureau.

19 2. On ~~the effective date of this act~~ or after July 1, 2003, the
20 registered instructors listed in subparagraphs a and b of this
21 paragraph shall not be required to renew the firearms instructor
22 registration certificate with the Oklahoma State Bureau of
23 Investigation at the expiration of the registration term, provided
24 the instructor is not subject to any suspension or revocation of the

1 firearm instructor certificate. The firearms instructor
2 registration with the Oklahoma State Bureau of Investigation shall
3 automatically renew together with the handgun license authorized in
4 paragraph 1 of this subsection for an additional five-year term and
5 no additional cost or fee may be charged for the following
6 individuals:

- 7 a. an active duty law enforcement officer of this state
8 or any of its political subdivisions or of the federal
9 government who has a valid CLEET approval as a
10 firearms instructor pursuant to the Oklahoma Self-
11 Defense Act, and
- 12 b. a retired law enforcement officer authorized to carry
13 a firearm pursuant to Section 1289.8 of this title who
14 has a valid CLEET approval as a firearms instructor
15 pursuant to the Oklahoma Self-Defense Act.

16 D. The Oklahoma State Bureau of Investigation shall approve
17 registration for a firearms instructor applicant who is in full
18 compliance with CLEET rules regarding firearms instructors and the
19 provisions of subsection B of this section, if completion of the
20 federal fingerprint search is the only reason for delay of
21 registration of that firearms instructor applicant. Upon receipt of
22 the federal fingerprint search information, if the Bureau receives
23 information which precludes the person from having a ~~concealed~~
24 handgun license, the Bureau shall revoke both the registration and

1 the ~~concealed~~ handgun license previously issued to the firearms
2 instructor.

3 E. The required firearms safety and training course and the
4 actual demonstration of competency and qualification required of the
5 applicant shall be designed and conducted in such a manner that the
6 course can be reasonably completed by the applicant within an eight-
7 hour period. CLEET shall establish the course content and
8 promulgate rules, procedures and forms necessary to implement the
9 provisions of this subsection. For the training and qualification
10 course, an applicant may be charged a fee not to exceed Sixty
11 Dollars (\$60.00). The instructor to student ratio shall not exceed
12 ten students to any one instructor. CLEET may establish criteria
13 for assistant instructors, maximum class size and any other
14 requirements deemed necessary to conduct a safe and effective
15 training and qualification course. The course content shall include
16 a safety inspection of the firearm to be used by the applicant in
17 the training course; instruction on pistol handling, safety and
18 storage; dynamics of ammunition and firing; methods or positions for
19 firing a pistol; information about the criminal provisions of the
20 Oklahoma law relating to firearms; the requirements of the Oklahoma
21 Self-Defense Act as it relates to the applicant; self-defense and
22 the use of appropriate force; a practice shooting session; and a
23 familiarization course. The firearms instructor shall refuse to
24 train or qualify any person when the pistol to be used or carried by

1 the person is either deemed unsafe or unfit for firing or is a
2 weapon not authorized by the Oklahoma Self-Defense Act. The course
3 shall provide an opportunity for the applicant to qualify himself or
4 herself on either a derringer, a revolver, a semiautomatic pistol or
5 any combination of a derringer, a revolver and a semiautomatic
6 pistol, provided no pistol shall be capable of firing larger than
7 .45 caliber ammunition. Any applicant who successfully trains and
8 qualifies himself or herself with a semiautomatic pistol may be
9 approved by the firearms instructor on the training certificate for
10 a semiautomatic pistol, a revolver and a derringer upon request of
11 the applicant. Any person who qualifies on a derringer or revolver
12 shall not be eligible for a semiautomatic rating until the person
13 has demonstrated competence and qualifications on a semiautomatic
14 pistol. Upon successful completion of the training and
15 qualification course, a certificate shall be issued to each
16 applicant who successfully completes the course. The certificate of
17 training shall comply with the form established by CLEET and shall
18 be submitted with an application for a ~~concealed~~ handgun license
19 pursuant to the provisions of paragraph 2 of Section 1290.12 of this
20 title.

21 F. There is hereby created a revolving fund for the Council on
22 Law Enforcement Education and Training (CLEET), to be designated the
23 "Firearms Instructors Revolving Fund". The fund shall be a
24 continuing fund, not subject to fiscal year limitations, and shall

1 consist of all funds received for approval of firearms instructors
2 for purposes of the Oklahoma Self-Defense Act. All funds received
3 shall be deposited to the fund. All monies accruing to the credit
4 of said fund are hereby appropriated and may be budgeted and
5 expended by the Council on Law Enforcement Education and Training,
6 for implementation of the training and qualification course
7 contents, approval of firearms instructors and any other CLEET
8 requirement pursuant to the provisions of the Oklahoma Self-Defense
9 Act or as may otherwise be deemed appropriate by CLEET.
10 Expenditures from said fund shall be made upon warrants issued by
11 the State Treasurer against claims filed as prescribed by law with
12 the Director of State Finance for approval and payment.

13 SECTION 35. AMENDATORY 21 O.S. 2011, Section 1290.15, is
14 amended to read as follows:

15 Section 1290.15

16 PERSONS EXEMPT FROM TRAINING COURSE

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

20 1. A firearms instructor registered with the Oklahoma State
21 Bureau of Investigation for purposes of the Oklahoma Self-Defense
22 Act;

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

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

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

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

9 6. A person honorably discharged from active military duty,
10 National Guard duty or military reserves within twenty (20) years
11 preceding the date of the application for a ~~concealed~~ handgun
12 license pursuant to the provisions of the Oklahoma Self-Defense Act,
13 who is a legal resident of this state, and who has been trained and
14 qualified in the use of handguns;

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

19 8. Any person who is otherwise deemed qualified for a training
20 exemption by CLEET.

21 Provided, however, persons applying for an exemption pursuant to
22 paragraph 3, 4, 5, 6 or 7 of this subsection may be required to
23 successfully complete the classroom portion of the training course.

1 The classroom portion of the training course shall not exceed a fee
2 of Thirty Dollars (\$30.00).

3 B. The Council on Law Enforcement Education and Training
4 (CLEET) shall establish criteria for providing proof of an
5 exemption. Before any person shall be considered exempt from all or
6 part of the required training and qualification pursuant to the
7 provisions of the Oklahoma Self-Defense Act, ~~Section 1290.1 et seq.~~
8 ~~of this title~~, the person shall present the required proof of
9 exemption to a registered firearms instructor. Each person
10 determined to be exempt from training or qualification as provided
11 in this subsection shall receive an exemption certificate from the
12 registered firearms instructor. The rules promulgated by CLEET to
13 implement the provisions of this section and Section 1290.14 of this
14 title may require that a fee not to exceed Five Dollars (\$5.00) be
15 charged for processing an exemption certificate. The original
16 exemption certificate must be submitted with an application for a
17 handgun license as provided in paragraph 2 of Section 1290.12 of
18 this title. No person who is determined to be exempt from training
19 or qualification may carry a concealed or unconcealed firearm
20 pursuant to the authority of the Oklahoma Self-Defense Act until
21 issued a valid handgun license.

22 C. Nothing contained in any provision of the Oklahoma Self-
23 Defense Act shall be construed to alter, amend, or modify the
24 authority of any active duty law enforcement officer, or any person

1 certified by the Council on Law Enforcement Education and Training
2 to carry a pistol during the course of their employment, ~~from~~
3 ~~carrying~~ to carry any pistol in any manner authorized by law or
4 authorized by the employing agency.

5 SECTION 36. AMENDATORY 21 O.S. 2011, Section 1290.17, is
6 amended to read as follows:

7 Section 1290.17

8 SUSPENSION AND REVOCATION OF LICENSE

9 A. The Oklahoma State Bureau of Investigation shall have
10 authority pursuant to the provisions of the Oklahoma Self-Defense
11 Act and any other provision of law to suspend or revoke any
12 ~~concealed~~ handgun license issued pursuant to the provisions of the
13 Oklahoma Self-Defense Act. A person whose license has been
14 suspended or revoked or against whom a fine has been assessed shall
15 be entitled to an appeal through a hearing in accordance with the
16 Administrative Procedures Act. Any administrative hearing on
17 suspensions, revocations or fines shall be conducted by a hearing
18 examiner appointed by the Bureau. The hearing examiner's decision
19 shall be a final decision appealable to a district court in
20 accordance with the Administrative Procedures Act. After a
21 ~~concealed~~ handgun license has been issued, the discovery of or the
22 occurrence of any condition which directly affects a person's
23 eligibility for a handgun license as provided by the provisions of
24 Section 1290.9 or 1290.10 of this title shall require a revocation

1 of the license by the Bureau. The discovery of or the occurrence of
2 any condition pursuant to Section 1290.11 of this title, after a
3 license has been issued, shall cause a suspension of the handgun
4 license for a period of time as prescribed for the condition. Any
5 provision of law that requires a revocation of a ~~concealed~~ handgun
6 license upon a conviction shall cause the Bureau to suspend the
7 ~~concealed~~ handgun license upon the discovery of the arrest of the
8 person for such offense until a determination of the criminal case
9 at which time the Bureau shall proceed with the appropriate
10 administrative action. A licensee may voluntarily surrender a
11 license to the Oklahoma State Bureau of Investigation at any time.
12 Such surrender of a handgun license will render the license invalid.
13 Nothing in this section may be interpreted to prevent a subsequent
14 new application for a license. The licensee shall be informed and
15 acknowledge in writing as follows:

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

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

21 3. By surrendering the license, the licensee shall forfeit all
22 fees paid to date.

23 B. Any ~~concealed~~ handgun license which is subsequently
24 suspended or revoked shall be immediately returned to the Oklahoma

1 State Bureau of Investigation upon notification. Any person
2 refusing or failing to return a license after notification of its
3 suspension or revocation shall, upon conviction, be guilty of a
4 misdemeanor punishable by a fine of not exceeding Five Hundred
5 Dollars (\$500.00), by imprisonment in the county jail for not
6 exceeding six (6) months, or by both such fine and imprisonment. In
7 addition, the person shall be subject to an administrative fine of
8 Five Hundred Dollars (\$500.00), upon a hearing and determination by
9 the Bureau that the person is in violation of the provisions of this
10 subsection.

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

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

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

19 3. For any violation of the provisions of the Oklahoma Self-
20 Defense Act;

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

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

1 D. Any administrative fine assessed in accordance with the
2 provisions of the Oklahoma Self-Defense Act shall be paid in full
3 within thirty (30) days of assessment. The Oklahoma State Bureau of
4 Investigation shall, without a hearing, suspend the ~~concealed carry~~
5 handgun license of any person who fails to pay in full any
6 administrative fine assessed against the person in accordance with
7 the provisions of this subsection. The suspension of any ~~concealed~~
8 ~~carry~~ handgun license shall be automatic and shall begin thirty (30)
9 days from the date of the assessment of the administrative fine.
10 The suspension shall be removed and the ~~concealed carry~~ handgun
11 license returned to its prior standing upon payment of the
12 administrative fine being paid in full to the Bureau.

13 E. Whenever a ~~concealed carry~~ handgun license has been
14 suspended in accordance with the provisions of this act or the
15 administrative rules of the Bureau promulgated for purposes of this
16 act, the license shall remain under suspension and shall not be
17 reinstated until:

18 1. The person whose license has been suspended applies for
19 reinstatement in accordance with the administrative rules of the
20 Bureau. The Bureau shall not charge any fee in conjunction with an
21 application for a license reinstatement. The person whose license
22 has been suspended must demonstrate that the condition or preclusion
23 which was the basis for the suspension has lapsed and is no longer
24 in effect; and

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

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

SECTION 37. AMENDATORY 21 O.S. 2011, Section 1290.18, is amended to read as follows:

Section 1290.18

APPLICATION FORM CONTENTS

The application shall be completed upon the sworn oath of the applicant as provided in paragraph 5 of Section ~~42~~ 1290.12 of this ~~act~~ title. The application form shall be provided by the Oklahoma State Bureau of Investigation and shall contain the following information in addition to any other information deemed relevant by the Bureau:

1. Applicant's full legal name;
2. Applicant's birth name, alias names or nicknames;
3. Maiden name, if applicable;
4. County of residence;
5. Length of residency at the current address;
6. Previous addresses for the preceding three (3) years;
7. Place of birth;
8. Date of birth;

1 9. Declaration of citizenship and date United States
2 citizenship was acquired, if applicable;

3 10. Race;

4 11. Weight;

5 12. Height;

6 13. Sex;

7 14. Color of eyes;

8 15. Social Security number;

9 16. Current driver license number;

10 17. Military service number, if applicable;

11 18. Law enforcement identification numbers, if applicable;

12 19. Current occupation;

13 20. Authorized type or types of pistol for which the applicant
14 qualified as stated on the certificate of training or exemption of
15 training which shall be stated as either derringer, revolver,
16 semiautomatic pistol, or some combination of derringer, revolver and
17 semiautomatic pistol and the maximum ammunition capacity of the
18 firearm shall be .45 caliber;

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

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

1 23. A statement that the applicant has none of the conditions
2 which would preclude the issuing of a ~~concealed~~ handgun license
3 pursuant to any of the provisions of Sections ~~10~~ 1290.10 and ~~11~~
4 1290.11 of this ~~act~~ title and that the applicant further meets all
5 of the eligibility criteria required by Section ~~9~~ 1290.9 of this ~~act~~
6 title;

7 24. An authorization for the Oklahoma State Bureau of
8 Investigation to investigate the applicant and any or all records
9 relating to the applicant for purposes of approving or denying a
10 ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma
11 Self-Defense Act;

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

15 26. A statement that the applicant is the identical person who
16 completed the firearms training course for which the original
17 training certificate is submitted as part of the application or a
18 statement that the applicant is the identical person who is exempt
19 from firearms training for which the original exemption certificate
20 is submitted as part of the application, whichever is applicable to
21 the applicant;

22 27. A conspicuous warning that the application is executed upon
23 the sworn oath of the applicant and that any false or misleading
24 answer to any question or the submission of any false information or

documentation by the applicant is punishable by criminal penalty as provided in paragraph 5 of Section ~~12~~ 1290.12 of this ~~act~~ title;

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

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

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

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

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

SECTION 38. AMENDATORY 21 O.S. 2011, Section 1290.19, is amended to read as follows:

Section 1290.19

LICENSE FORM

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

1. The ~~person's~~ full name of the person;
2. Current address;
3. County of residence;

1 4. Date of birth;

2 5. Weight;

3 6. Height;

4 7. Sex;

5 8. Race;

6 9. Color of eyes;

7 10. Handgun license identification number;

8 11. Expiration date of the handgun license; and

9 12. Authorized pistol to be either: (D) derringer, (R)

10 revolver, (S) semiautomatic pistol, or some combination of

11 derringer, revolver and semiautomatic pistol as may be authorized by

12 the Oklahoma Self-Defense Act for which the person demonstrated

13 qualification pursuant to the certificate of training or an

14 exemption certificate.

15 SECTION 39. AMENDATORY 21 O.S. 2011, Section 1290.20, is
16 amended to read as follows:

17 Section 1290.20

18 PENALTY FOR REFUSAL TO SUBMIT OR FALSIFICATION

19 It shall be unlawful for any sheriff or designee to fail or
20 refuse to accept an application for a ~~concealed~~ handgun license as

21 authorized by the provisions of the Oklahoma Self-Defense Act,

22 ~~Sections 1 through 25 of this act,~~ or to fail or refuse to process

23 or submit the completed application to the Oklahoma State Bureau of

24 Investigation within the time prescribed by paragraph 8 of Section

1 ~~12~~ 1290.12 of this ~~act~~ title, or to falsify or knowingly allow any
2 person to falsify any information, documentation, fingerprint or
3 photograph submitted with a ~~concealed~~ handgun application. Any
4 violation shall, upon conviction, be a misdemeanor. There is a
5 presumption that the sheriff has acted in good faith to comply with
6 the provisions of the Oklahoma Self-Defense Act and any alleged
7 violation of the provisions of this section shall require proof
8 beyond a reasonable doubt.

9 SECTION 40. AMENDATORY 21 O.S. 2011, Section 1290.21, is
10 amended to read as follows:

11 Section 1290.21

12 REPLACEMENT LICENSE

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

1 notarized statement and fee from the licensee, issue a substitute
2 license with the same expiration date within ten (10) days of the
3 receipt of the notarized statement and fee.

4 B. Any person who knowingly or intentionally carries a
5 concealed or unconcealed handgun pursuant to a ~~concealed~~ handgun
6 license authorized and issued pursuant to the provisions of the
7 Oklahoma Self-Defense Act which is either stolen or belongs to
8 another person shall, upon conviction, be guilty of a felony
9 punishable by a fine of Five Thousand Dollars (\$5,000.00).

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

1 Oklahoma Self-Defense Act until the updated license has been
2 received by the licensee. The original license shall be destroyed
3 upon receipt of an updated handgun license.

4 D. A person may request during any license period an update for
5 a change of address or change of name by submitting to the Bureau a
6 fifteen-dollar replacement fee, and a notarized statement that the
7 address or name of the licensee has changed. The Bureau shall issue
8 an updated license with the same expiration date within ten (10)
9 days of receipt of the request. The original license shall be
10 destroyed upon the receipt of the updated handgun license.

11 SECTION 41. AMENDATORY 21 O.S. 2011, Section 1290.23, is
12 amended to read as follows:

13 Section 1290.23

14 DEPOSIT OF FEES BY OSBI

15 All money submitted by the sheriffs to the Oklahoma State Bureau
16 of Investigation as processing fees for applications submitted for
17 ~~concealed~~ handgun licenses shall be deposited in the Oklahoma State
18 Bureau of Investigation Revolving Fund and shall be expended for
19 purposes of implementing the provisions of the Oklahoma Self-Defense
20 act or as otherwise provided by law.

21 SECTION 42. AMENDATORY 21 O.S. 2011, Section 1290.24, is
22 amended to read as follows:

23 Section 1290.24

24 IMMUNITY

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

3 1. Failure to prevent the licensing of an individual for whom
4 the receipt of the license is unlawful pursuant to the provisions of
5 the Oklahoma Self-Defense Act or any other provision of law of this
6 state;

7 2. Any action or misconduct with a pistol committed by a person
8 to whom a license to carry a concealed or unconcealed handgun has
9 been issued or by any person who obtains a pistol from a licensee;

10 3. Any injury to any person during a handgun training course
11 conducted by a firearms instructor certified by the Council on Law
12 Enforcement Education and Training to conduct training under the
13 Oklahoma Self-Defense Act, or injury from any misfire or malfunction
14 of any handgun on a training course firing range supervised by a
15 certified firearms instructor under the provisions of the Oklahoma
16 Self-Defense Act, or any injury resulting from carrying a concealed
17 or unconcealed handgun pursuant to a ~~concealed~~ handgun license; and

18 4. Any action or finding pursuant to a hearing conducted in
19 accordance with the Administrative Procedures Act as required in the
20 Oklahoma Self-Defense Act.

21 B. Firearms instructors certified by the Council on Law
22 Enforcement Education and Training to conduct training for the
23 Oklahoma Self-Defense Act shall be immune from liability to third
24

1 persons resulting or arising from any claim based on an act or
2 omission of a trainee.

3 SECTION 43. AMENDATORY 21 O.S. 2011, Section 1290.25, is
4 amended to read as follows:

5 Section 1290.25

6 LEGISLATIVE INTENT

7 The Legislature finds as a matter of public policy and fact that
8 it is necessary to provide statewide uniform standards for issuing
9 licenses to carry concealed or unconcealed handguns for lawful self-
10 defense and self-protection, and further finds it necessary to
11 occupy the field of regulation of the bearing of concealed or
12 unconcealed handguns to ensure that no honest, law-abiding citizen
13 who qualifies pursuant to the provisions of the Oklahoma Self-
14 Defense Act, ~~Section 1290.1 et seq. of this title,~~ is subjectively
15 or arbitrarily denied his or her rights. The Legislature does not
16 delegate to the Oklahoma State Bureau of Investigation any authority
17 to regulate or restrict the issuing of handgun licenses except as
18 provided by the provisions of this act. Subjective or arbitrary
19 actions or rules which encumber the issuing process by placing
20 burdens on the applicant beyond those requirements detailed in the
21 provisions of the Oklahoma Self-Defense Act or which create
22 restrictions beyond those specified in this act are deemed to be in
23 conflict with the intent of this act and are hereby prohibited. The
24 Oklahoma Self-Defense Act shall be liberally construed to carry out

1 the constitutional right to bear arms for self-defense and self-
2 protection. The provisions of the Oklahoma Self-Defense Act are
3 cumulative to existing rights to bear arms and nothing in Section
4 1290.1 et seq. of this title shall impair or diminish those rights.

5 However, the conditions that mandate the administrative actions
6 of license denial, suspension, revocation or an administrative fine
7 are intended to protect the health, safety and public welfare of the
8 citizens of this state. The restricting conditions specified in the
9 Oklahoma Self-Defense Act generally involve the criminal history,
10 mental state, alcohol or substance abuse of the applicant or
11 licensee, a hazard of domestic violence, a danger to police
12 officers, or the ability of the Oklahoma State Bureau of
13 Investigation to properly administer the Oklahoma Self-Defense Act.
14 The restricting conditions that establish a risk of injury or harm
15 to the public are tailored to reduce the risks to the benefit of the
16 citizens of this state.

17 SECTION 44. AMENDATORY 21 O.S. 2011, Section 1290.26, is
18 amended to read as follows:

19 Section 1290.26

20 RECIPROCAL AGREEMENT AUTHORITY

21 The State of Oklahoma hereby recognizes any valid concealed or
22 unconcealed carry weapons permit or license issued by another state.

23 Any person entering this state in possession of a firearm
24 authorized for concealed or unconcealed carry upon the authority and

1 license of another state is authorized to continue to carry a
2 concealed or unconcealed firearm and license in this state; provided
3 the license from the other state remains valid. The firearm must
4 either be carried ~~fully~~ unconcealed or concealed from detection and
5 view, and upon coming in contact with any peace officer of this
6 state, the person must disclose the fact that he or she is in
7 possession of a concealed or unconcealed firearm pursuant to a valid
8 concealed or unconcealed carry weapons permit or license issued in
9 another state. Any person who is twenty-one (21) years of age or
10 older having a valid firearm license from another state may apply
11 for a ~~concealed~~ handgun license in this state immediately upon
12 establishing a residence in this state.

13 SECTION 45. AMENDATORY 21 O.S. 2011, Section 1364, is
14 amended to read as follows:

15 Section 1364.

16 DISCHARGING FIREARM

17 Every person who willfully discharges any pistol, rifle,
18 shotgun, airgun or other weapon, or throws any other missile in any
19 public place, or in any place where there is any person to be
20 endangered thereby, although no injury to any person shall ensue, is
21 guilty of a misdemeanor. Any person convicted of a violation of the
22 provisions of this section after having been issued a ~~concealed~~
23 handgun license pursuant to the provisions of the Oklahoma Self-
24 Defense Act, ~~Sections 1 through 25 of this act,~~ shall have the

1 license suspended for a period of six (6) months and shall be
2 subject to an administrative fine of Fifty Dollars (\$50.00), upon a
3 hearing and determination by the Oklahoma State Bureau of
4 Investigation that the person is in violation of the provisions of
5 this section.

6 SECTION 46. AMENDATORY 63 O.S. 2011, Section 2-110, is
7 amended to read as follows:

8 Section 2-110. The Director of the Oklahoma State Bureau of
9 Narcotics and Dangerous Drugs Control may employ attorneys, who
10 shall be unclassified employees of the state, or contract with
11 attorneys, as needed. These attorneys may advise the Director, the
12 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
13 Commission and Bureau personnel on all legal matters and shall
14 appear for and represent the Director, the Commission and Bureau
15 personnel in all administrative hearings and all litigation or other
16 proceedings which may arise in the discharge of their duties. At
17 the request of the Oklahoma State Bureau of Narcotics and Dangerous
18 Drugs Control Commission, such attorney shall assist the district
19 attorney in prosecuting charges of violators of the Uniform
20 Controlled Dangerous Substances Act or any felony relating to or
21 arising from a violation of the Uniform Controlled Dangerous
22 Substances Act. Attorneys for the Bureau who have been certified by
23 the Council on Law Enforcement Education and Training to carry a
24 ~~concealed~~ weapon or have been issued a ~~concealed~~ handgun license

pursuant to the provisions of the Oklahoma Self-Defense Act shall be allowed to carry weapons pursuant to paragraph 3 of subsection A of Section 1272 of Title 21 of the Oklahoma Statutes. These attorneys, pursuant to this provision, shall not be considered eligible to participate in the Oklahoma Law Enforcement Retirement System. If a conflict of interest would be created by such attorney representing the Director, the Commission or Bureau personnel, additional counsel may be hired upon approval of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission.

SECTION 47. AMENDATORY 63 O.S. 2011, Section 4210.3, is amended to read as follows:

Section 4210.3 It shall be unlawful to transport a shotgun, rifle or pistol in or to discharge such weapons from a vessel, except for the purposes of hunting animals or fowl, and in compliance with existing state and federal laws. Anyone violating the provisions of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for not less than ten (10) days and not more than six (6) months, or by both such fine and imprisonment. Any person in possession of a valid ~~concealed~~ handgun license from this state or a reciprocal state authorized by the Oklahoma Self-Defense Act shall not be deemed guilty of transporting a pistol in violation of this section when a handgun is carried

1 concealed or unconcealed upon or about their person in compliance
2 with the provisions of the Oklahoma Self-Defense Act.

3 SECTION 48. This act shall become effective November 1, 2012.
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