STATE OF OKLAHOMA

1st Session of the 53rd Legislature (2011)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1796 By: Tibbs

COMMITTEE SUBSTITUTE

An Act relating to firearms; ordering a legislative referendum pursuant to the Oklahoma Constitution; amending 21 O.S. 2001, Sections 1272, as last amended by Section 1, Chapter 128, O.S.L. 2007, 1272.1, 1272.2, 1273, 1276, 1277, as amended by Section 2, Chapter 128, O.S.L. 2007, 1278, 1280.1, as amended by Section 2, Chapter 465, O.S.L. 2003, 1283, as last amended by Section 1, Chapter 13, O.S.L. 2009 and 1287, as last amended by Section 2, Chapter 162, O.S.L. 2007 (21 O.S. Supp. 2010, Sections 1272, 1277, 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. 2001, Sections 1289.7, 1289.9, 1289.10, 1289.11, 1289.12, 1289.13, as last amended by Section 1, Chapter 549, O.S.L. 2004, Section 4, Chapter 465, O.S.L. 2003, as amended by Section 2, Chapter 549, O.S.L. 2004, 1289.16 and 1289.23, as amended by Section 1, Chapter 538, O.S.L. 2004 (21 O.S. Supp. 2010, Sections 1289.13, 1289.13A and 1289.23), which relate to the Oklahoma Firearms Act of 1971; modifying description of handgun licenses; clarifying manner in which firearms may be carried by handgun licensees; deleting certain statutory references; amending 21 O.S. 2001, Sections 1290.2, 1290.3, 1290.4, 1290.5, as last amended by Section 1, Chapter 225, O.S.L. 2009, 1290.6, 1290.7, 1290.8, as amended by Section 6, Chapter 465, O.S.L. 2003, 1290.9, as amended by Section 7, Chapter 465, O.S.L. 2003, 1290.11, as amended by Section 3, Chapter 62, O.S.L. 2006, 1290.12, as last amended by Section 1, Chapter

162, O.S.L. 2010, 1290.13, 1290.14, as last amended by Section 1, Chapter 455, O.S.L. 2005, 1290.15, 1290.17, 1290.18, 1290.19, 1290.20, 1290.21, 1290.23, 1290.24, 1290.25 and 1290.26, as amended by Section 9, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2010, Sections 1290.5, 1290.8, 1290.9, 1290.11, 1290.12, 1290.14 and 1290.26), which relate to the Oklahoma Self-Defense Act; modifying and deleting certain statutory references; defining term; modifying certain definition; modifying description of handgun licenses; clarifying manner in which firearms may be carried by handgun licensees; amending 21 O.S. 2001, Section 1364, which relates to discharging firearms; modifying description of handgun license; deleting certain statutory reference; amending 63 O.S. 2001, Section 2-110, as amended by Section 4, Chapter 359, O.S.L. 2008 (63 O.S. Supp. 2010, Section 2-110), which relates to the Uniform Controlled Dangerous Substances Act; modifying manner in which weapons may be carried by attorneys of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; amending 63 O.S. 2001, Section 4210.3, which relates to the Oklahoma Boating Safety Regulation Act; modifying scope of certain prohibited act; providing an effective date; providing a ballot title; and directing filing.

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

SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma Constitution, there is hereby ordered the following legislative referendum which shall be filed with the Secretary of State and addressed to the Governor of the state, who shall submit the same to the people for their approval or rejection at the next General Election, to be held on November 6, 2012.

SECTION 2. AMENDATORY 21 O.S. 2001, Section 1272, as last amended by Section 1, Chapter 128, O.S.L. 2007 (21 O.S. Supp. 2010, Section 1272), is amended to read as follows:

Section 1272.

UNLAWFUL CARRY

A. It shall be unlawful for any person to carry upon or about his or her person, or in a purse or other container belonging to the person, any pistol, revolver, shotgun or rifle whether loaded or 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 such weapon be concealed or unconcealed, except this section shall not prohibit:

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

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

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

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

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

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

SECTION 3. AMENDATORY 21 O.S. 2001, Section 1272.1, is amended to read as follows:

Section 1272.1

CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

A. It shall be unlawful for any person to carry or possess any weapon designated in Section 1272 of this title in any establishment where low-point beer, as defined by Section 163.2 of Title 37 of the

Oklahoma Statutes, or alcoholic beverages, as defined by Section 506 of Title 37 of the Oklahoma Statutes, are consumed. This provision shall not apply to a peace officer, as defined in Section 99 of this title, or to private investigators with a firearms authorization when acting in the scope and course of employment, and shall not apply to an owner or proprietor of the establishment having a pistol, rifle, or shotgun on the premises. Provided however, a person possessing a valid ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma Self-Defense Act~~, Section 1290.1 et seq. of this title~~ may carry the concealed <u>or unconcealed</u> handgun into any restaurant or other establishment licensed to dispense low-point beer or alcoholic beverages where the sale of low-point beer or alcoholic beverages does not constitute the primary purpose of the business.

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

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

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

SECTION 4. AMENDATORY 21 O.S. 2001, Section 1272.2, is amended to read as follows:

Section 1272.2

PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

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

Any person convicted of violating the provisions of this section after having been issued a ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma Self-Defense Act~~, Sections 1290.1 through 1290.26 of this title,~~ shall have the license revoked by the Oklahoma State Bureau of Investigation after a hearing and determination that the person is in violation of Section 1272.1 of this title.

SECTION 5. AMENDATORY 21 O.S. 2001, Section 1273, is amended to read as follows:

Section 1273.

ALLOWING MINORS TO POSSESS FIREARMS

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

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

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

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

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

SECTION 6. AMENDATORY 21 O.S. 2001, Section 1276, is amended to read as follows:

Section 1276.

PENALTY FOR 1272 AND 1273

Any person violating the provisions of Section 1272 or 1273 <u>of this title</u> shall, upon a first conviction, be adjudged guilty of a misdemeanor and the party offending shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Two Hundred Fifty Dollars ($250.00), or by imprisonment in the county

jail for a period not to exceed thirty (30) days or both such fine and imprisonment. On the second and every subsequent violation, the party offending shall, upon conviction, be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for a period not less than thirty (30) days nor more than three (3) months, or by both such fine and imprisonment.

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

SECTION 7. AMENDATORY 21 O.S. 2001, Section 1277, as amended by Section 2, Chapter 128, O.S.L. 2007 (21 O.S. Supp. 2010, Section 1277), is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

4. Any elementary or secondary school, or technology center school property;

5. Any sports arena during a professional sporting event;

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

7. Any other place specifically prohibited by law.

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

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

2. Any property set aside for the use of any vehicle, whether attended or unattended, by any entity offering any professional

sporting event which is open to the public for admission, or by any entity engaged in pari-mutuel wagering authorized by law;

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

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

Nothing contained in any provision of this subsection shall be construed to authorize or allow any person in control of any place described in paragraph 1, 2, 3, 5 or 6 of subsection A of this section to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a ~~concealed~~ handgun license from possession of a handgun allowable under such license in places described in paragraph 1, 2, 3 or 4 of this subsection.

C. Any person violating the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars ($250.00). Any person convicted of violating the provisions of this section may be liable for an administrative fine of Two Hundred

Fifty Dollars ($250.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

D. No person in possession of any concealed or unconcealed handgun pursuant to the Oklahoma Self-Defense Act shall be authorized to carry the handgun into or upon any college or university property, except as provided in this subsection. For purposes of this subsection, the following property shall not be construed as prohibited for persons having a valid ~~concealed~~ handgun license:

1. Any property set aside for the use of any vehicle, whether attended or unattended, provided the handgun is carried or stored as required by law and the handgun is not removed from the vehicle without the prior consent of the college or university president while the vehicle is on any college or university property;

2. Any property authorized for possession or use of handguns by college or university policy; and

3. Any property authorized by the written consent of the college or university president, provided the written consent is carried with the handgun and the valid ~~concealed~~ handgun license while on college or university property.

The college or university may notify the Oklahoma State Bureau of Investigation within ten (10) days of a violation of any provision of this subsection by a licensee. Upon receipt of a

written notification of violation, the Bureau shall give a reasonable notice to the licensee and hold a hearing. At the hearing upon a determination that the licensee has violated any provision of this subsection, the licensee may be subject to an administrative fine of Two Hundred Fifty Dollars ($250.00) and may have the ~~concealed~~ handgun license suspended for three (3) months.

Nothing contained in any provision of this subsection shall be construed to authorize or allow any college or university to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a ~~concealed~~ handgun license from possession of a handgun allowable under such license in places described in paragraphs 1, 2 and 3 of this subsection. Nothing contained in any provision of this subsection shall be construed to limit the authority of any college or university in this state from taking administrative action against any student for any violation of any provision of this subsection.

E. The provisions of this section shall not apply to any peace officer or to any person authorized by law to carry a pistol in the course of employment. District judges, associate district judges and special district judges, who are in possession of a valid ~~concealed~~ handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose names appear on a list maintained by the Administrative Director of the Courts, shall be exempt from this section when acting in the course and scope of

employment within the courthouses of this state. Private investigators with a firearms authorization shall be exempt from this section when acting in the course and scope of employment.

SECTION 8. AMENDATORY 21 O.S. 2001, Section 1278, is amended to read as follows:

Section 1278.

UNLAWFUL INTENT TO CARRY

Any person in this state who carries or wears any deadly weapons or dangerous instrument whatsoever with the intent or for the avowed purpose of unlawfully injuring another person, upon conviction, shall be guilty of a felony punishable by a fine not exceeding Five Thousand Dollars ($5,000.00), by imprisonment <u>in the custody of the Department of Corrections</u> for a period not exceeding two (2) years, or by both such fine and imprisonment. The mere possession of such a weapon or dangerous instrument, without more, however, shall not be sufficient to establish intent as required by this section.

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

SECTION 9. AMENDATORY 21 O.S. 2001, Section 1280.1, as amended by Section 2, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2010, Section 1280.1), is amended to read as follows:

Section 1280.1

POSSESSION OF FIREARM ON SCHOOL PROPERTY

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

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

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

1. A gun or knife designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law, or a handgun carried in a vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act, provided such vehicle containing said gun or knife is driven onto

school property only to transport a student to and from school and such vehicle does not remain unattended on school property;

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

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

D. Any person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Five Thousand Dollars ($5,000.00), and imprisonment <u>in the custody of the Department of Corrections</u> for not more than two (2) years. Any person convicted of violating the provisions of this section after having been issued a ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license permanently revoked and shall be liable for an administrative fine of One Hundred Dollars ($100.00) upon a hearing

and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 10. AMENDATORY 21 O.S. 2001, Section 1283, as last amended by Section 1, Chapter 13, O.S.L. 2009 (21 O.S. Supp. 2010, Section 1283), is amended to read as follows:

Section 1283.

CONVICTED FELONS AND DELINQUENTS

A. Except as provided in subsection B of this section, it shall be unlawful for any person convicted of any felony in any court of this state or of another state or of the United States to have in his or her possession or under his or her immediate control, or in any vehicle which the person is operating, or in which the person is riding as a passenger, or at the residence where the convicted person resides, any pistol, imitation or homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm.

B. Any person who has previously been convicted of a nonviolent felony in any court of this state or of another state or of the United States, and who has received a full and complete pardon from the proper authority and has not been convicted of any other felony offense which has not been pardoned, shall have restored the right to possess any firearm or other weapon prohibited by subsection A of this section, the right to apply for and carry a ~~concealed~~ handgun, concealed or unconcealed, pursuant to the Oklahoma Self-Defense Act

and the right to perform the duties of a peace officer, gunsmith, or for firearms repair.

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

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

to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes.

E. Any person having been issued a ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma Self-Defense Act and who thereafter knowingly or intentionally allows a convicted felon or adjudicated delinquent or a youthful offender as prohibited by the provisions of subsection A, C, or D of this section to possess or have control of any pistol authorized by the Oklahoma Self-Defense Act shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Five Thousand Dollars ($5,000.00). In addition, the person shall have the handgun license revoked by the Oklahoma State Bureau of Investigation after a hearing and determination that the person has violated the provisions of this section.

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

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

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

I. For purposes of this section, "altered air pistol" shall mean any air pistol manufactured to propel projectiles by air

pressure which has been altered from its original manufactured state.

SECTION 11. AMENDATORY 21 O.S. 2001, Section 1287, as last amended by Section 2, Chapter 162, O.S.L. 2007 (21 O.S. Supp. 2010, Section 1287), is amended to read as follows:

Section 1287.

USE OF FIREARM WHILE COMMITTING A FELONY

A. Any person who, while committing or attempting to commit a felony, possesses a pistol, shotgun or rifle or any other offensive weapon in such commission or attempt, whether the pistol, shotgun or rifle is loaded or not, or who possesses a blank or imitation pistol, altered air or toy pistol, shotgun or rifle capable of raising in the mind of one threatened with such device a fear that it is a real pistol, shotgun or rifle, or who possesses an air gun or carbon dioxide or other gas-filled weapon, electronic dart gun, conductive energy weapon, knife, dagger, dirk, switchblade knife, blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in addition to the penalty provided by statute for the felony committed or attempted, upon conviction shall be guilty of a felony for possessing such weapon or device, which shall be a separate offense from the felony committed or attempted and shall be punishable by imprisonment in the custody of the Department of Corrections for a period of not less than two (2) years nor for more than ten (10) years for the first offense, and for a period of not less than ten

(10) years nor more than thirty (30) years for any second or subsequent offense.

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

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

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

SECTION 12. AMENDATORY 21 O.S. 2001, Section 1289.7, is amended to read as follows:

Section 1289.7

FIREARMS IN VEHICLES

Any person, except a convicted felon, may transport in a motor vehicle a rifle, shotgun or pistol, open and unloaded, at any time. For purposes of this section "open" means the firearm is transported in plain view, in a case designed for carrying firearms, which case

is wholly or partially visible, in a gun rack mounted in the vehicle, in an exterior locked compartment or a trunk of a vehicle.

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

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

SECTION 13. AMENDATORY 21 O.S. 2001, Section 1289.9, is amended to read as follows:

Section 1289.9

CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

It shall be unlawful for any person to carry or use shotguns, rifles or pistols in any circumstances while under the influence of beer, intoxicating liquors or any hallucinogenic, or any unlawful or unprescribed drug, and it shall be unlawful for any person to carry

or use shotguns, rifles or pistols when under the influence of any drug prescribed by a licensed physician if the aftereffects of such consumption affect mental, emotional or physical processes to a degree that would result in abnormal behavior. Any person convicted of a violation of the provisions of this section shall be punished as provided in Section 1289.15 of this title.

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

SECTION 14. AMENDATORY 21 O.S. 2001, Section 1289.10, is amended to read as follows:

Section 1289.10

FURNISHING FIREARMS TO INCOMPETENT PERSONS

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

Any person convicted of a violation of the provisions of this section after having been issued a ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma Self-Defense Act~~, Section 1290.1 et seq. of this title,~~ shall have the license suspended for a term of six (6) months and shall be subject to an administrative fine of Fifty Dollars ($50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 15. AMENDATORY 21 O.S. 2001, Section 1289.11, is amended to read as follows:

Section 1289.11

RECKLESS CONDUCT

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

Any person convicted of a violation of the provisions of this section after having been issued a ~~concealed~~ handgun license pursuant to the Oklahoma Self-Defense Act~~, Sections 1 through 25 of this act,~~ shall have the license revoked and shall be subject to an

administrative fine of One Thousand Dollars ($1,000.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 16. AMENDATORY 21 O.S. 2001, Section 1289.12, is amended to read as follows:

Section 1289.12

GIVING FIREARMS TO CONVICTED PERSONS

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

Any person convicted of a violation of this section after having been issued a ~~concealed~~ handgun license pursuant to the Oklahoma Self-Defense Act~~, Sections 1 through 25 of this act,~~ shall have the

license suspended for six (6) months and shall be liable for an administrative fine of Fifty Dollars ($50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 17. AMENDATORY 21 O.S. 2001, Section 1289.13, as last amended by Section 1, Chapter 549, O.S.L. 2004 (21 O.S. Supp. 2010, Section 1289.13), is amended to read as follows:

Section 1289.13

TRANSPORTING A LOADED FIREARM

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

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

Any person who is the operator of a vehicle or is a passenger in any vehicle wherein another person who is licensed pursuant to the Oklahoma Self-Defense Act to carry a ~~concealed~~ handgun, concealed or

unconcealed, and is carrying a ~~concealed~~ handgun or has ~~concealed~~ a handgun or rifle or shotgun in such vehicle shall not be deemed in violation of the provisions of this section provided the licensee is in or near the vehicle.

SECTION 18. AMENDATORY Section 4, Chapter 465, O.S.L. 2003, as amended by Section 2, Chapter 549, O.S.L. 2004 (21 O.S. Supp. 2010, Section 1289.13A), is amended to read as follows:

Section 1289.13A

IMPROPER TRANSPORTATION OF FIREARMS

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

B. When the arresting officer determines that a valid handgun license exists, pursuant to the Oklahoma Self-Defense Act or any provision of law from another state, for any person in the stopped

vehicle, any firearms permitted to be carried pursuant to that license shall not be confiscated, unless:

1. The person is arrested for violating another provision of law other than a violation of subsection A of this section; provided, however, if the person is never charged with an offense pursuant to this paragraph or if the charges are dismissed or the person is acquitted, the weapon shall be returned to the person; or

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

a. contraband, or

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

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

SECTION 19. AMENDATORY 21 O.S. 2001, Section 1289.16, is amended to read as follows:

Section 1289.16

FELONY POINTING FIREARMS

It shall be unlawful for any person to willfully or without lawful cause point a shotgun, rifle or pistol, or any deadly weapon, whether loaded or not, at any person or persons for the purpose of threatening or with the intention of discharging the firearm or with any malice or for any purpose of injuring, either through physical injury or mental or emotional intimidation or for purposes of whimsy, humor or prank, or in anger or otherwise, but not to include

the pointing of shotguns, rifles or pistols by law enforcement authorities in the performance of their duties, members of the state military forces in the performance of their duties, members of the federal military reserve and active military components in the performance of their duties, or any federal government law enforcement officer in the performance of any duty, or in the performance of a play on stage, rodeo, television or on film, or in defense of any person, one's home or property. Any person convicted of a violation of the provisions of this section shall be punished as provided in Section 1289.17 of this title.

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

SECTION 20. AMENDATORY 21 O.S. 2001, Section 1289.23, as amended by Section 1, Chapter 538, O.S.L. 2004 (21 O.S. Supp. 2010, Section 1289.23), is amended to read as follows:

Section 1289.23

CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

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

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

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

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

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

D. A reserve peace officer who has satisfactorily completed a basic police course of not less than one hundred twenty (120) hours of accredited instruction for reserve police officers and reserve

deputies from the Council on Law Enforcement Education and Training or a course of study approved by CLEET may carry a certified weapon when such officer is off duty as provided by subsection E of this section, provided:

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

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

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

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

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

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

G. Nothing in this section shall be construed to limit or restrict any peace officer or reserve peace officer from carrying a ~~concealed~~ handgun, concealed or unconcealed, as allowed by the Oklahoma Self-Defense Act after issuance of a valid license. When an off-duty officer elects to carry a ~~concealed~~ handgun under the authority of the Oklahoma Self-Defense Act, the person shall comply with all provisions of such act and shall not be representing the employing agency.

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

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

1. The officer shall apply in writing to the Council on Law Enforcement Education and Training (CLEET) stating that the officer desires to have a ~~concealed permit~~ handgun license pursuant to the Oklahoma Self-Defense Act and certifying that he or she has no

preclusions to having such ~~concealed~~ handgun license. The officer shall submit with the application:

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

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

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

2. Upon receiving the required information, CLEET shall determine whether the peace officer is in good standing, has CLEET certification and training, and is otherwise eligible for a ~~concealed~~ handgun license. Upon verification of the officer's eligibility, CLEET shall send the information to the Oklahoma State Bureau of Investigation (OSBI) and OSBI shall issue a ~~concealed~~ handgun license in the same or similar form as other handgun licenses. All other requirements in Section 1290.12 of this title concerning application for a ~~concealed~~ handgun license shall be waived for active duty peace officers except as provided in this subsection, including but not limited to training, fingerprints and criminal history records checks unless the officer does not have fingerprints on file or a criminal history records background check conducted prior to employment as a peace officer. The OSBI shall

not be required to conduct any further investigation into the eligibility of the peace officer applicant and shall not deny a ~~concealed~~ handgun license except when preclusions are found to exist.

3. The term of the ~~concealed~~ handgun ~~permit~~ license for an active duty reserve or full-time commissioned peace officer pursuant to this section shall be as provided in Section 1290.5 of this title, renewable in the same manner provided in this subsection for an original application by a peace officer. The ~~concealed~~ handgun license shall be valid when the peace officer is in possession of a valid driver license and law enforcement commission card.

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

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

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

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

SECTION 21. AMENDATORY 21 O.S. 2001, Section 1290.2, is amended to read as follows:

Section 1290.2

DEFINITIONS

A. As used in Sections ~~1~~ 1290.1 through ~~25~~ 1290.26 of this ~~act~~ title:

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

2. "Unconcealed handgun" means a loaded or unloaded pistol carried upon the person in a belt holster that has any kind of a locking mechanism and that is wholly or partially visible, or carried upon the person in a scabbard or case that has any kind of a locking mechanism and is designed for carrying firearms that is wholly or partially visible; and

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

a. has an overall length of less than sixteen (16) inches ~~and is able to be fully concealed from detection and view~~,

b. is capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury,

c. is designed to be held and fired by the use of a single hand, and

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

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

SECTION 22. AMENDATORY 21 O.S. 2001, Section 1290.3, is amended to read as follows:

Section 1290.3

AUTHORITY TO ISSUE LICENSE

The Oklahoma State Bureau of Investigation is hereby authorized to license an eligible person to carry a concealed or unconcealed handgun as provided by the provisions of the Oklahoma Self-Defense Act~~, Sections 1 through 25 of this act~~. The ~~Bureau's~~ authority of the Bureau shall be limited to the provisions specifically provided

in the Oklahoma Self-Defense Act. The Bureau shall promulgate rules, forms and procedures necessary to implement the provisions of the Oklahoma Self-Defense Act.

SECTION 23. AMENDATORY 21 O.S. 2001, Section 1290.4, is amended to read as follows:

Section 1290.4

UNLAWFUL CARRY

As provided by Section 1272 of ~~Title 21 of the Oklahoma Statutes~~ this title, it is unlawful for any person to carry a concealed or unconcealed handgun in this state, except as hereby authorized by the provisions of the Oklahoma Self-Defense Act~~, Sections 1 through 25 of this act,~~ or as may otherwise be provided by law.

SECTION 24. AMENDATORY 21 O.S. 2001, Section 1290.5, as last amended by Section 1, Chapter 225, O.S.L. 2009 (21 O.S. Supp. 2010, Section 1290.5), is amended to read as follows:

Section 1290.5

TERM OF LICENSE AND RENEWAL

A. A ~~concealed~~ handgun license when issued shall authorize the person to whom the license is issued to carry a loaded or unloaded ~~concealed~~ handgun, concealed or unconcealed, as authorized by the provisions of the Oklahoma Self-Defense Act, and any future modifications thereto. The license shall be valid in this state for a period of five (5) or ten (10) years, unless subsequently surrendered, suspended or revoked as provided by law. The person

shall have no authority to continue to carry a concealed or unconcealed handgun in this state pursuant to the Oklahoma Self-Defense Act when a license is expired or when a license has been voluntarily surrendered or suspended or revoked for any reason.

B. A license may be renewed any time within ninety (90) days prior to the expiration date as provided in this subsection. The Bureau shall send a renewal application to each eligible licensee with a return address requested. There shall be a thirty-day grace period on license renewals beginning on the date of expiration, thereafter the license is considered expired. However, any applicant shall have three (3) years from the expiration of the license to comply with the renewal requirements of this section.

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

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

3. Upon receipt of the renewal application, photographs and fee, the Bureau will conduct a criminal history records name search,

an investigation of medical records or other records or information deemed by the Bureau to be relevant to the renewal application. If the applicant appears not to have any prohibition to renewing the handgun license, the Bureau shall issue the renewed license for a period of five (5) or ten (10) years.

C. Beginning November 1, 2007, any person making application for a ~~concealed~~ handgun license or any licensee seeking to renew a ~~concealed~~ handgun license shall have the option to request that said license be valid for a period of ten (10) years. The fee for any ~~concealed~~ handgun license issued for a period of ten (10) years shall be double the amount of the fee provided for in paragraph 4 of subsection A of Section 1290.12 of this title. The renewal fee for a ~~concealed~~ handgun license issued for a period of ten (10) years shall be double the amount of the fee provided for in paragraph 2 of subsection B of this section.

SECTION 25. AMENDATORY 21 O.S. 2001, Section 1290.6, is amended to read as follows:

Section 1290.6

PROHIBITED AMMUNITION

Any concealed <u>or unconcealed</u> handgun when carried in a manner authorized by the provisions of the Oklahoma Self-Defense Act~~,~~ ~~Sections 1 through 25 of this act,~~ <u>and</u> when loaded with any ammunition which is either a restricted bullet as defined by Section 1289.19 of ~~Title 21 of the Oklahoma Statutes~~ <u>this title</u> or is larger

than .45 caliber or is otherwise prohibited by law shall be deemed a prohibited weapon for purposes of the Oklahoma Self-Defense Act. Any person violating the provisions of this section shall be punished for a criminal offense as provided by Section 1272 of ~~Title 21 of the Oklahoma Statutes~~ this title or any other applicable provision of law. In addition to any criminal prosecution for a violation of the provisions of this section, the licensee shall be subject to an administrative fine of Five Hundred Dollars ($500.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 26. AMENDATORY 21 O.S. 2001, Section 1290.7, is amended to read as follows:

Section 1290.7

CONSTRUING AUTHORITY OF LICENSE

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

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

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

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

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

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

SECTION 27. AMENDATORY 21 O.S. 2001, Section 1290.8, as amended by Section 6, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2010, Section 1290.8), is amended to read as follows:

Section 1290.8

POSSESSION OF LICENSE REQUIRED

NOTIFICATION TO POLICE OF GUN

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

B. The person shall be required to have possession of his or her valid handgun license and a valid Oklahoma driver license or an Oklahoma State photo identification at all times when in possession of an authorized pistol. Any violation of the provisions of this subsection may be punishable as a criminal offense as authorized by Section 1272 of this title or pursuant to any other applicable provision of law. In addition to any criminal prosecution which may result from not carrying the handgun license and the required identification with the authorized pistol as required by the provisions of this subsection, the person may be subject to an administrative fine for violation of the provisions of this subsection. The administrative fine shall be Fifty Dollars ($50.00) and shall be assessed by the Oklahoma State Bureau of Investigation after a hearing and determination that the licensee is in violation of the provisions of this subsection. Any second or subsequent violation of the provisions of this subsection shall be grounds for the Bureau to suspend the handgun license for a period of six (6) months, in addition to any other penalty imposed.

Upon the arrest of any person for a violation of the provisions of this subsection, the person may show proof to the court that a valid handgun license and the other required identification has been issued to such person and the person may state any reason why the handgun license or the other required identification was not carried by the person as required by the Oklahoma Self-Defense Act. The

court shall dismiss an alleged violation of Section 1272 of this title upon payment of court costs, if proof of a valid handgun license and other required identification is shown to the court within ten (10) days of the arrest of the person. The court shall report a dismissal of a charge to the Bureau for consideration of administrative proceedings against the licensee.

C. It shall be unlawful for any person to fail or refuse to identify the fact that the person is in actual possession of a concealed or unconcealed handgun pursuant to the authority of the Oklahoma Self-Defense Act when the person first comes into contact with any law enforcement officer of this state or its political subdivisions or a federal law enforcement officer during the course of any arrest, detainment, or routine traffic stop. No person shall be required to identify himself or herself as a ~~concealed~~ handgun licensee when no handgun is in the ~~person's~~ possession of the person or in any vehicle in which the person is driving or is a passenger. Any violation of the provisions of this subsection shall, upon conviction, be a misdemeanor punishable by a fine not exceeding Five Hundred Dollars ($500.00), by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. In addition to any criminal prosecution for a violation of the provisions of this subsection, the licensee shall be subject to a six-month suspension of the license and an administrative fine of Fifty Dollars ($50.00), upon a hearing and

determination by the Bureau that the person is in violation of the provisions of this subsection.

D. Any law enforcement officer coming in contact with a person whose handgun license is suspended, revoked, or expired, or who is in possession of a handgun license which has not been lawfully issued to that person, shall confiscate the license and return it to the Oklahoma State Bureau of Investigation for appropriate administrative proceedings against the licensee when the license is no longer needed as evidence in any criminal proceeding.

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

SECTION 28. AMENDATORY 21 O.S. 2001, Section 1290.9, as amended by Section 7, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2010, Section 1290.9), is amended to read as follows:

Section 1290.9

ELIGIBILITY

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

1. Be a citizen of the United States;

2. Establish a residency in the State of Oklahoma. For purposes of the Oklahoma Self-Defense Act, the term "residency"

shall apply to any person who either possesses a valid Oklahoma driver license or state photo identification card, and physically resides in this state or has permanent military orders within this state and possesses a valid driver license from another state where such person claims residency;

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

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

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

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

SECTION 29. AMENDATORY 21 O.S. 2001, Section 1290.11, as amended by Section 3, Chapter 62, O.S.L. 2006 (21 O.S. Supp. 2010, Section 1290.11), is amended to read as follows:

Section 1290.11

OTHER PRECLUSIONS

A. The following conditions shall preclude a person from being eligible for a ~~concealed~~ handgun license pursuant to the provisions

of the Oklahoma Self-Defense Act for a period of time as prescribed in each of the following paragraphs:

1. An arrest for an alleged commission of a felony offense or a felony charge pending in this state, another state or pursuant to the United States Code. The preclusive period shall be until the final determination of the matter;

2. The person is subject to the provisions of a deferred sentence or deferred prosecution in this state or another state or pursuant to federal authority for the commission of a felony offense. The preclusive period shall be three (3) years and shall begin upon the final determination of the matter;

3. Any involuntary commitment for a mental illness, condition, or disorder pursuant to the provisions of Section 5-410 of Title 43A of the Oklahoma Statutes or any involuntary commitment in another state pursuant to any provisions of law of that state. The preclusive period shall be permanent as provided by Title 18 of the United States Code Section 922(g)(4);

4. The person has previously undergone treatment for a mental illness, condition, or disorder which required medication or supervision as defined by paragraph 7 of Section 1290.10 of this title. The preclusive period shall be three (3) years from the last date of treatment or upon presentation of a certified statement from a licensed physician stating that the person is either no longer disabled by any mental or psychiatric illness, condition, or

disorder or that the person has been stabilized on medication for ten (10) years or more;

5. Inpatient treatment for substance abuse. The preclusive period shall be three (3) years from the last date of treatment or upon presentation of a certified statement from a licensed physician stating that the person has been free from substance use for twelve (12) months or more preceding the filing of an application for a handgun license;

6. Two or more convictions of public intoxication pursuant to Section 8 of Title 37 of the Oklahoma Statutes, or a similar law of another state. The preclusive period shall be three (3) years from the date of the completion of the last sentence;

7. Two or more misdemeanor convictions relating to intoxication or driving under the influence of an intoxicating substance or alcohol. The preclusive period shall be three (3) years from the date of the completion of the last sentence or shall require a certified statement from a licensed physician stating that the person is not in need of substance abuse treatment;

8. A court order for a final Victim Protection Order against the applicant, as authorized by Section 60 et seq. of Title 22 of the Oklahoma Statutes, or any court order granting a final victim protection order against the applicant from another state. The preclusive period shall be three (3) years from the date of the

entry of the final court order, or sixty (60) days from the date an order was vacated, canceled or withdrawn;

9. An adjudicated delinquent or convicted felon residing in the residence of the applicant which may be a violation of Section 1283 of this title. The preclusive period shall be thirty (30) days from the date the person no longer resides in the same residence as the applicant; or

10. An arrest for an alleged commission of, a charge pending for, or the person is subject to the provisions of a deferred sentence or a deferred prosecution for any one or more of the following misdemeanor offenses in this state or another state:

a. any assault and battery which caused serious physical injury to the victim or any second or subsequent assault and battery,

b. any aggravated assault and battery,

c. any stalking pursuant to Section 1173 of this title, or a similar law of another state,

d. any violation of the Protection from Domestic Abuse Act, Section 60 et seq. of Title 22 of the Oklahoma Statutes, or any violation of a victim protection order of another state,

e. any violation relating to illegal drug use or possession, or

f. an act of domestic abuse as defined by Section 644 of this title or an act of domestic assault and battery or any comparable acts under the law of another state.

The preclusive period for this paragraph shall be three (3) years and shall begin upon the final determination of the matter.

B. Nothing in this section shall be construed to require a full investigation of the applicant by the Oklahoma State Bureau of Investigation.

SECTION 30. AMENDATORY 21 O.S. 2001, Section 1290.12, as last amended by Section 1, Chapter 162, O.S.L. 2010 (21 O.S. Supp. 2010, Section 1290.12), is amended to read as follows:

Section 1290.12

PROCEDURE FOR APPLICATION

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

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

a. an application form,

b. procedures to follow to process the application form, and

c. a copy of the Oklahoma Self-Defense Act with any modifications thereto;

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

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

4. The person shall deliver to the sheriff at the time of delivery of the completed application form a fee of One Hundred

Dollars ($100.00) for processing the application through the Oklahoma State Bureau of Investigation and processing the required fingerprints through the Federal Bureau of Investigation. The processing fee shall be in the form of:

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

b. by a nationally recognized credit card issued to the applicant. For purposes of this paragraph, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by the issuer for the use of the cardholder in obtaining goods, services, or anything else of value on credit which is accepted by over one thousand merchants in the state. The Oklahoma State Bureau of Investigation shall determine which nationally recognized credit cards will be accepted by the Bureau.

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

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

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

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

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

9. The sheriff shall submit to the Oklahoma State Bureau of Investigation within the fourteen-day period, together with the completed application, including the certificate of training or

exemption certificate, photographs, processing fee and legible fingerprints meeting the Oklahoma State Bureau of Investigation's Automated Fingerprint Identification System (AFIS) submission standards, and a report of information deemed pertinent to an investigation of the applicant for a handgun license. The sheriff shall make a preliminary investigation of pertinent information about the applicant and the court clerk shall assist the sheriff in locating pertinent information in court records for this purpose. If no pertinent information is found to exist either for or against the applicant, the sheriff shall so indicate in the report;

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

11. The Oklahoma State Bureau of Investigation shall make a reasonable effort to investigate the information submitted by the applicant and the sheriff, to ascertain whether or not the issuance of a handgun license would be in violation of the provisions of the Oklahoma Self-Defense Act. The ~~Bureau's~~ investigation <u>by the Bureau</u> of an applicant shall include, but shall not be limited to: a statewide criminal history records search, a national criminal

history records search, a Federal Bureau of Investigation fingerprint search, and if applicable, an investigation of medical records or other records or information deemed by the Bureau to be relevant to the application.

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

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

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

(3) with an "Inconclusive" answer if the ~~Department's~~ records of the Department suggest the applicant may be a formerly committed person. In the case

of an inconclusive answer, the Bureau shall ask the applicant whether he or she was involuntarily committed. If the applicant states under penalty of perjury that he or she has not been involuntarily committed, the Bureau shall continue processing the application for a license.

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

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

(2) If the Bureau finds no record on the JOLTS indicating the named person was adjudicated

delinquent for an offense that would constitute a felony offense if committed by an adult within the last ten (10) years, or

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

12. If the background check set forth in ~~subsection~~ paragraph 11 of this ~~section~~ subsection reveals no records pertaining to the applicant, the Oklahoma State Bureau of Investigation shall either issue a ~~concealed~~ handgun license or deny the application within sixty (60) days of the date of receipt of the applicant's completed application and the required information from the sheriff. In all other cases, the Oklahoma State Bureau of Investigation shall either issue a ~~concealed~~ handgun license or deny the application within ninety (90) days of the date of the receipt of the applicant's

completed application and the required information from the sheriff. The Bureau shall approve an applicant who appears to be in full compliance with the provisions of the Oklahoma Self-Defense Act, if completion of the federal fingerprint search is the only reason for delay of the issuance of the handgun license to that applicant. Upon receipt of the federal fingerprint search information, if the Bureau receives information which precludes the person from having a ~~concealed~~ handgun license, the Bureau shall revoke the ~~concealed~~ handgun license previously issued to the applicant. The Bureau shall deny a license when the applicant fails to properly complete the application form or application process or is determined not to be eligible as specified by the provisions of Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall approve an application in all other cases. If an application is denied, the Bureau shall notify the applicant in writing of its decision. The notification shall state the grounds for the denial and inform the applicant of the right to an appeal as may be provided by the provisions of the Administrative Procedures Act. All notices of denial shall be mailed by first class mail to the ~~applicant's~~ address <u>of the applicant</u> listed in the application. Within sixty (60) calendar days from the date of mailing a denial of application to an applicant, the applicant shall notify the Bureau in writing of the intent to appeal the decision of denial or the ~~applicant's~~ right <u>of the applicant</u> to appeal shall be deemed waived. Any

administrative hearing on a denial which may be provided shall be conducted by a hearing examiner appointed by the Bureau. The ~~hearing examiner's~~ decision of the hearing examiner shall be a final decision appealable to a district court in accordance with the Administrative Procedures Act. When an application is approved, the Bureau shall issue the license and mail it to the sheriff of the county wherein the applicant resides. The applicant may pick up the concealed handgun license from the sheriff's office.

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

SECTION 31. AMENDATORY 21 O.S. 2001, Section 1290.13, is amended to read as follows:

Section 1290.13

AUTOMATIC LISTING OF LICENSES

The Oklahoma State Bureau of Investigation shall maintain an automated listing of all persons issued a ~~concealed~~ handgun license in this state pursuant to the provisions of the Oklahoma Self-Defense Act~~, Section 1290.1 et seq. of this title,~~ and all subsequent suspended or revoked licenses. Information from the

automated listing shall only be available to a law enforcement officer or law enforcement agency upon request for law enforcement purposes. The Bureau shall also maintain for each applicant the original application or a copy of the original application form and any subsequent renewal application forms together with the photographs, fingerprints and other pertinent information on the applicant which shall be confidential, except to law enforcement officers or law enforcement agencies in the performance of their duties. To facilitate the Bureau's administration of the Oklahoma Self-Defense Act, all licensees shall maintain a current mailing address where the licensee may receive certified mail. The licensee shall within thirty (30) days of a change of name or address inform the Bureau of such change.

SECTION 32. AMENDATORY 21 O.S. 2001, Section 1290.14, as last amended by Section 1, Chapter 455, O.S.L. 2005 (21 O.S. Supp. 2010, Section 1290.14), is amended to read as follows:

Section 1290.14

SAFETY AND TRAINING COURSE

A. Each applicant for a license to carry a concealed <u>or unconcealed</u> handgun pursuant to the Oklahoma Self-Defense Act must successfully complete a firearms safety and training course in this state conducted by a registered and approved firearms instructor as provided by the provisions of this section. The applicant must further demonstrate competence and qualification with an authorized

pistol of the type or types that the applicant desires to carry as a concealed or unconcealed handgun pursuant to the provisions of the Oklahoma Self-Defense Act, except certain persons may be exempt from such training requirement as provided by the provisions of Section 1290.15 of this title.

B. The Council on Law Enforcement Education and Training (CLEET) shall establish criteria for approving firearms instructors for purposes of training and qualifying individuals for a ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. Prior to submitting an application for CLEET approval as a firearms instructor, applicants shall attend a firearms instructor school, meeting the following minimum requirements:

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

a. Council on Law Enforcement Education and Training,

b. National Rifle Association,

c. Oklahoma Rifle Association,

d. federal law enforcement agencies, or

e. other professionally recognized organizations;

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

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

4. Receive a course completion certificate.

All firearms instructors shall be required to meet the eligibility requirements for a ~~concealed~~ handgun license as provided in Sections 1290.9, 1290.10, and 1290.11 of this title, and the application shall be processed as provided for applicants in Section 1290.12 of this title, including the state and national criminal history records search and fingerprint search. A firearms instructor shall be required to pay a fee of One Hundred Dollars ($100.00) to the Council on Law Enforcement Education and Training (CLEET) each time the person makes application for CLEET approval as a firearms instructor pursuant to the provisions of the Oklahoma Self-Defense Act. The fee shall be retained by CLEET and shall be deposited into the Firearms Instructors Revolving Fund. CLEET shall promulgate the rules, forms and procedures necessary to implement the approval of firearms instructors as authorized by the provisions of this subsection. CLEET shall periodically review each approved instructor during a training and qualification course to assure compliance with the rules and course contents. Any violation of the rules may result in the revocation or suspension of CLEET and Oklahoma State Bureau of Investigation approval. Unless the approval has been revoked or suspended, a firearms instructor's CLEET approval shall be for a term of five (5) years. Beginning on ~~the effective date of this act~~ July 1, 2003, any firearms instructor who has been issued a four-year CLEET approval shall not be eligible for the five-year approval until the expiration of the approval

previously issued. CLEET shall be responsible for notifying all approved firearms instructors of statutory and policy changes related to the Oklahoma Self-Defense Act.

C. 1. All firearms instructors approved by CLEET to train and qualify individuals for a ~~concealed~~ handgun license shall be required to apply for registration with the Oklahoma State Bureau of Investigation after receiving CLEET approval. All firearms instructors teaching the approved course for a ~~concealed~~ handgun license must display their registration certificate during each training and qualification course. Each approved firearms instructor shall complete a registration form provided by the Bureau and shall pay a registration fee of One Hundred Dollars ($100.00) to the Bureau at the time of each application for registration, except as provided in paragraph 2 of this subsection. Registration certificates issued by the Bureau shall be valid for five (5) years from the date of issuance. The Bureau shall issue a five-year handgun license to an approved firearms instructor at the time of issuance of a registration certificate and no additional fee shall be required or charged. The Bureau shall maintain a current listing of all registered firearms instructors in this state. Nothing in this paragraph shall be construed to eliminate the requirement for registration and training with CLEET as provided in subsection B of this section. Failure to register or be trained as required shall

result in a revocation or suspension of the instructor certificate by the Bureau.

2. On ~~the effective date of this act~~ July 1, 2003, the registered instructors listed in subparagraphs a and b of this paragraph shall not be required to renew the firearms instructor registration certificate with the Oklahoma State Bureau of Investigation at the expiration of the registration term, provided the instructor is not subject to any suspension or revocation of the firearm instructor certificate. The firearms instructor registration with the Oklahoma State Bureau of Investigation shall automatically renew together with the handgun license authorized in paragraph 1 of this subsection for an additional five-year term and no additional cost or fee may be charged for the following individuals:

a. an active duty law enforcement officer of this state or any of its political subdivisions or of the federal government who has a valid CLEET approval as a firearms instructor pursuant to the Oklahoma Self-Defense Act, and

b. a retired law enforcement officer authorized to carry a firearm pursuant to Section 1289.8 of this title who has a valid CLEET approval as a firearms instructor pursuant to the Oklahoma Self-Defense Act.

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

E. The required firearms safety and training course and the actual demonstration of competency and qualification required of the applicant shall be designed and conducted in such a manner that the course can be reasonably completed by the applicant within an eight-hour period. CLEET shall establish the course content and promulgate rules, procedures and forms necessary to implement the provisions of this subsection. For the training and qualification course, an applicant may be charged a fee not to exceed Sixty Dollars ($60.00). The instructor to student ratio shall not exceed ten students to any one instructor. CLEET may establish criteria for assistant instructors, maximum class size and any other requirements deemed necessary to conduct a safe and effective training and qualification course. The course content shall include

a safety inspection of the firearm to be used by the applicant in the training course; instruction on pistol handling, safety and storage; dynamics of ammunition and firing; methods or positions for firing a pistol; information about the criminal provisions of the Oklahoma law relating to firearms; the requirements of the Oklahoma Self-Defense Act as it relates to the applicant; self-defense and the use of appropriate force; a practice shooting session; and a familiarization course. The firearms instructor shall refuse to train or qualify any person when the pistol to be used or carried by the person is either deemed unsafe or unfit for firing or is a weapon not authorized by the Oklahoma Self-Defense Act. The course shall provide an opportunity for the applicant to qualify himself or herself on either a derringer, a revolver, a semiautomatic pistol or any combination of a derringer, a revolver and a semiautomatic pistol, provided no pistol shall be capable of firing larger than .45 caliber ammunition. Any applicant who successfully trains and qualifies himself or herself with a semiautomatic pistol may be approved by the firearms instructor on the training certificate for a semiautomatic pistol, a revolver and a derringer upon request of the applicant. Any person who qualifies on a derringer or revolver shall not be eligible for a semiautomatic rating until the person has demonstrated competence and qualifications on a semiautomatic pistol. Upon successful completion of the training and qualification course, a certificate shall be issued to each

applicant who successfully completes the course. The certificate of training shall comply with the form established by CLEET and shall be submitted with an application for a ~~concealed~~ handgun license pursuant to the provisions of paragraph 2 of Section 1290.12 of this title.

F. There is hereby created a revolving fund for the Council on Law Enforcement Education and Training (CLEET), to be designated the "Firearms Instructors Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all funds received for approval of firearms instructors for purposes of the Oklahoma Self-Defense Act. All funds received shall be deposited to the fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Council on Law Enforcement Education and Training, for implementation of the training and qualification course contents, approval of firearms instructors and any other CLEET requirement pursuant to the provisions of the Oklahoma Self-Defense Act or as may otherwise be deemed appropriate by CLEET. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 33. AMENDATORY 21 O.S. 2001, Section 1290.15, is amended to read as follows:

Section 1290.15

PERSONS EXEMPT FROM TRAINING COURSE

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

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

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

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

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

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

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

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

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

Provided, however, persons applying for an exemption pursuant to paragraph 3, 4, 5, 6 or 7 of this subsection may be required to successfully complete the classroom portion of the training course. The classroom portion of the training course shall not exceed a fee of Thirty Dollars ($30.00).

B. The Council on Law Enforcement Education and Training (CLEET) shall establish criteria for providing proof of an exemption. Before any person shall be considered exempt from all or part of the required training and qualification pursuant to the provisions of the Oklahoma Self-Defense Act~~, Section 1290.1 et seq. of this title~~, the person shall present the required proof of exemption to a registered firearms instructor. Each person determined to be exempt from training or qualification as provided in this subsection shall receive an exemption certificate from the registered firearms instructor. The rules promulgated by CLEET to implement the provisions of this section and Section 1290.14 of this title may require that a fee not to exceed Five Dollars ($5.00) be charged for processing an exemption certificate. The original

exemption certificate must be submitted with an application for a handgun license as provided in paragraph 2 of Section 1290.12 of this title. No person who is determined to be exempt from training or qualification may carry a concealed or unconcealed firearm pursuant to the authority of the Oklahoma Self-Defense Act until issued a valid handgun license.

C. Nothing contained in any provision of the Oklahoma Self-Defense Act shall be construed to alter, amend, or modify the authority of any active duty law enforcement officer, or any person certified by the Council on Law Enforcement Education and Training to carry a pistol during the course of their employment, ~~from carrying~~ to carry any pistol in any manner authorized by law or authorized by the employing agency.

SECTION 34. AMENDATORY 21 O.S. 2001, Section 1290.17, is amended to read as follows:

Section 1290.17

SUSPENSION AND REVOCATION OF LICENSE

A. The Oklahoma State Bureau of Investigation shall have authority pursuant to the provisions of the Oklahoma Self-Defense Act and any other provision of law to suspend or revoke any ~~concealed~~ handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act. A person whose license has been suspended or revoked or against whom a fine has been assessed shall be entitled to an appeal through a hearing in accordance with the

Administrative Procedures Act. Any administrative hearing on suspensions, revocations or fines shall be conducted by a hearing examiner appointed by the Bureau. The hearing examiner's decision shall be a final decision appealable to a district court in accordance with the Administrative Procedures Act. After a ~~concealed~~ handgun license has been issued, the discovery of or the occurrence of any condition which directly affects a person's eligibility for a handgun license as provided by the provisions of Section 1290.9 or 1290.10 of this title shall require a revocation of the license by the Bureau. The discovery of or the occurrence of any condition pursuant to Section 1290.11 of this title, after a license has been issued, shall cause a suspension of the handgun license for a period of time as prescribed for the condition. Any provision of law that requires a revocation of a ~~concealed~~ handgun license upon a conviction shall cause the Bureau to suspend the ~~concealed~~ handgun license upon the discovery of the arrest of the person for such offense until a determination of the criminal case at which time the Bureau shall proceed with the appropriate administrative action. A licensee may voluntarily surrender a license to the Oklahoma State Bureau of Investigation at any time. Such surrender of a handgun license will render the license invalid. Nothing in this section may be interpreted to prevent a subsequent new application for a license. The licensee shall be informed and acknowledge in writing as follows:

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

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

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

B. Any ~~concealed~~ handgun license which is subsequently suspended or revoked shall be immediately returned to the Oklahoma State Bureau of Investigation upon notification. Any person refusing or failing to return a license after notification of its suspension or revocation shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not exceeding Five Hundred Dollars ($500.00), by imprisonment in the county jail for not exceeding six (6) months, or by both such fine and imprisonment. In addition, the person shall be subject to an administrative fine of Five Hundred Dollars ($500.00), upon a hearing and determination by the Bureau that the person is in violation of the provisions of this subsection.

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

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

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

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

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

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

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

E. Whenever a ~~concealed carry~~ handgun license has been suspended in accordance with the provisions of this act or the administrative rules of the Bureau promulgated for purposes of this

act, the license shall remain under suspension and shall not be reinstated until:

1. The person whose license has been suspended applies for reinstatement in accordance with the administrative rules of the Bureau. The Bureau shall not charge any fee in conjunction with an application for a license reinstatement. The person whose license has been suspended must demonstrate that the condition or preclusion which was the basis for the suspension has lapsed and is no longer 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 35. AMENDATORY 21 O.S. 2001, 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 ~~12~~ 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;

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

10. Race;

11. Weight;

12. Height;

13. Sex;

14. Color of eyes;

15. Social Security number;

16. Current driver license number;

17. Military service number, if applicable;

18. Law enforcement identification numbers, if applicable;

19. Current occupation;

20. Authorized type or types of pistol for which the applicant qualified as stated on the certificate of training or exemption of

training which shall be stated as either derringer, revolver, semiautomatic pistol, or some combination of derringer, revolver and semiautomatic pistol and the maximum ammunition capacity of the firearm shall be .45 caliber;

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

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

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

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

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

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

27. A conspicuous warning that the application is executed upon the sworn oath of the applicant and that any false or misleading 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 36. AMENDATORY 21 O.S. 2001, 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;

4. Date of birth;

5. Weight;

6. Height;

7. Sex;

8. Race;

9. Color of eyes;

10. Handgun license identification number;

11. Expiration date of the handgun license; and

12. Authorized pistol to be either: (D) derringer, (R) revolver, (S) semiautomatic pistol, or some combination of derringer, revolver and semiautomatic pistol as may be authorized by the Oklahoma Self-Defense Act for which the person demonstrated

qualification pursuant to the certificate of training or an exemption certificate.

SECTION 37. AMENDATORY 21 O.S. 2001, Section 1290.20, is amended to read as follows:

Section 1290.20

PENALTY FOR REFUSAL TO SUBMIT OR FALSIFICATION

It shall be unlawful for any sheriff or designee to fail or refuse to accept an application for a ~~concealed~~ handgun license as authorized by the provisions of the Oklahoma Self-Defense Act~~,~~ ~~Sections 1 through 25 of this act,~~ or to fail or refuse to process or submit the completed application to the Oklahoma State Bureau of Investigation within the time prescribed by paragraph 8 of Section ~~12~~ 1290.12 of this ~~act~~ title, or to falsify or knowingly allow any person to falsify any information, documentation, fingerprint or photograph submitted with a ~~concealed~~ handgun application. Any violation shall, upon conviction, be a misdemeanor. There is a presumption that the sheriff has acted in good faith to comply with the provisions of the Oklahoma Self-Defense Act and any alleged violation of the provisions of this section shall require proof beyond a reasonable doubt.

SECTION 38. AMENDATORY 21 O.S. 2001, Section 1290.21, is amended to read as follows:

Section 1290.21

REPLACEMENT LICENSE

A. In the event a ~~concealed~~ handgun license becomes missing, lost, stolen or destroyed, the license shall be invalid, and the person to whom the license was issued shall notify the Oklahoma State Bureau of Investigation within thirty (30) days of the discovery of the fact that the license is not in the possession of the licensee. The person may obtain a substitute license upon furnishing a notarized statement to the Bureau that the license is missing, lost, stolen or destroyed and paying a fifteen-dollar replacement fee. During any period when a license is missing, lost, stolen or destroyed, the person shall have no authority to carry a concealed or unconcealed handgun pursuant to the provisions of the Oklahoma Self-Defense Act. The Bureau shall, upon receipt of the notarized statement and fee from the licensee, issue a substitute license with the same expiration date within ten (10) days of the receipt of the notarized statement and fee.

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

C. Any person having a valid ~~concealed~~ handgun license pursuant to the Oklahoma Self-Defense Act may carry any make or model of an authorized pistol listed on the license, provided the type of pistol

shall not be other than the type or types listed on the license. A person may complete additional firearms training for an additional type of pistol during any license period and upon successful completion of the training may request the additional type of pistol be included on the license. The person shall submit to the Bureau a fifteen-dollar replacement fee, the original certificate of training and qualification for the additional type of firearm, and a statement requesting the license be updated to include the additional type of pistol. The Bureau shall issue an updated license with the same expiration date within ten (10) days of the receipt of the request. The person shall have no authority to carry any additional type of pistol pursuant to the provisions of the Oklahoma Self-Defense Act until the updated license has been received by the licensee. The original license shall be destroyed upon receipt of an updated handgun license.

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

SECTION 39. AMENDATORY 21 O.S. 2001, Section 1290.23, is amended to read as follows:

Section 1290.23

DEPOSIT OF FEES BY OSBI

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

SECTION 40. AMENDATORY 21 O.S. 2001, Section 1290.24, is amended to read as follows:

Section 1290.24

IMMUNITY

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

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

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

3. Any injury to any person during a handgun training course conducted by a firearms instructor certified by the Council on Law Enforcement Education and Training to conduct training under the

Oklahoma Self-Defense Act, or injury from any misfire or malfunction of any handgun on a training course firing range supervised by a certified firearms instructor under the provisions of the Oklahoma Self-Defense Act, or any injury resulting from carrying a concealed or unconcealed handgun pursuant to a ~~concealed~~ handgun license; and

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

B. Firearms instructors certified by the Council on Law Enforcement Education and Training to conduct training for the Oklahoma Self-Defense Act shall be immune from liability to third persons resulting or arising from any claim based on an act or omission of a trainee.

SECTION 41. AMENDATORY 21 O.S. 2001, Section 1290.25, is amended to read as follows:

Section 1290.25

LEGISLATIVE INTENT

The Legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed or unconcealed handguns for lawful self-defense and self-protection, and further finds it necessary to occupy the field of regulation of the bearing of concealed or unconcealed handguns to ensure that no honest, law-abiding citizen who qualifies pursuant to the provisions of the Oklahoma Self-

Defense Act~~, Section 1290.1 et seq. of this title,~~ is subjectively or arbitrarily denied his or her rights. The Legislature does not delegate to the Oklahoma State Bureau of Investigation any authority to regulate or restrict the issuing of handgun licenses except as provided by the provisions of this act. Subjective or arbitrary actions or rules which encumber the issuing process by placing burdens on the applicant beyond those requirements detailed in the provisions of the Oklahoma Self-Defense Act or which create restrictions beyond those specified in this act are deemed to be in conflict with the intent of this act and are hereby prohibited. The Oklahoma Self-Defense Act shall be liberally construed to carry out the constitutional right to bear arms for self-defense and self-protection. The provisions of the Oklahoma Self-Defense Act are cumulative to existing rights to bear arms and nothing in Section 1290.1 et seq. of this title shall impair or diminish those rights.

However, the conditions that mandate the administrative actions of license denial, suspension, revocation or an administrative fine are intended to protect the health, safety and public welfare of the citizens of this state. The restricting conditions specified in the Oklahoma Self-Defense Act generally involve the criminal history, mental state, alcohol or substance abuse of the applicant or licensee, a hazard of domestic violence, a danger to police officers, or the ability of the Oklahoma State Bureau of Investigation to properly administer the Oklahoma Self-Defense Act.

The restricting conditions that establish a risk of injury or harm to the public are tailored to reduce the risks to the benefit of the citizens of this state.

SECTION 42. AMENDATORY 21 O.S. 2001, Section 1290.26, as amended by Section 9, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2010, Section 1290.26), is amended to read as follows:

Section 1290.26

RECIPROCAL AGREEMENT AUTHORITY

The State of Oklahoma hereby recognizes any valid concealed or unconcealed carry weapons permit or license issued by another state. Any person entering this state in possession of a firearm authorized for concealed or unconcealed carry upon the authority and license of another state is authorized to continue to carry a concealed or unconcealed firearm and license in this state; provided the license from the other state remains valid. The firearm must either be carried unconcealed or fully concealed from detection and view, and upon coming in contact with any peace officer of this state, the person must disclose the fact that he or she is in possession of a concealed or unconcealed firearm pursuant to a valid concealed or unconcealed carry weapons permit or license issued in another state. Any person who is twenty-one (21) years of age or older having a valid firearm license from another state may apply for a ~~concealed~~ handgun license in this state immediately upon establishing a residence in this state.

SECTION 43. AMENDATORY 21 O.S. 2001, Section 1364, is amended to read as follows:

Section 1364.

DISCHARGING FIREARM

Every person who willfully discharges any pistol, rifle, shotgun, airgun or other weapon, or throws any other missile in any public place, or in any place where there is any person to be endangered thereby, although no injury to any person shall ensue, is guilty of a misdemeanor. Any person convicted of a violation of the provisions of this section after having been issued a ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma Self-Defense Act~~, Sections 1 through 25 of this act,~~ shall have the license suspended for a period of six (6) months and shall be subject to an administrative fine of Fifty Dollars ($50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 44. AMENDATORY 63 O.S. 2001, Section 2-110, as amended by Section 4, Chapter 359, O.S.L. 2008 (63 O.S. Supp. 2010, Section 2-110), is amended to read as follows:

Section 2-110. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control may employ attorneys, who shall be unclassified employees of the state, or contract with attorneys, as needed. These attorneys may advise the Director, the

Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission and Bureau personnel on all legal matters and shall appear for and represent the Director, the Commission and Bureau personnel in all administrative hearings and all litigation or other proceedings which may arise in the discharge of their duties. At the request of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission, such attorney shall assist the district attorney in prosecuting charges of violators of the Uniform Controlled Dangerous Substances Act or any felony relating to or arising from a violation of the Uniform Controlled Dangerous Substances Act. Attorneys for the Bureau who have been certified by the Council on Law Enforcement Education and Training to carry a ~~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 45. AMENDATORY 63 O.S. 2001, 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 concealed or unconcealed upon or about their person in compliance with the provisions of the Oklahoma Self-Defense Act.

SECTION 46. This act shall become effective January 1, 2013, if approved by the people.

SECTION 47. The Ballot Title for the proposed act shall be in the following form:

BALLOT TITLE

Legislative Referendum No. ____ State Question No. ____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure would change the Oklahoma Self-Defense Act. This measure would allow concealed carry permit holders to carry a

weapon on their person in a manner that is concealed or unconcealed. This measure would be effective January 1, 2013.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

AGAINST THE PROPOSAL — NO _____

SECTION 48. The Chief Clerk of the House of Representatives, immediately after the passage of this act, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 47 hereof, with the Secretary of State and one copy with the Attorney General.

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