

1 ENGROSSED HOUSE
2 BILL NO. 1647

By: Bennett, Reynolds, Ritze,
Shannon and Trebilcock of
the House

3
4 and

Russell and Allen of the
Senate

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8 An Act relating to crimes and punishments; amending
9 21 O.S. 2001, Section 1289.6, which relates to the
10 Oklahoma Firearms Act of 1971; adding condition for
11 which firearms may be carried; amending 21 O.S. 2001,
12 Sections 1290.5, as last amended by Section 1,
13 Chapter 225, O.S.L. 2009 and 1290.12, as last amended
14 by Section 1, Chapter 162, O.S.L. 2010 (21 O.S. Supp.
15 2010, Sections 1290.5 and 1290.12), which relate to
16 the Oklahoma Self-Defense Act; authorizing issuance
17 of lifetime concealed handgun licenses for military
18 personnel; authorizing promulgation of rules;
19 defining term; modifying certain application
20 procedure; updating language; and providing an
21 effective date.

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

23 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1289.6, is
24 amended to read as follows:

Section 1289.6

CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

A. A person shall be permitted to carry loaded and unloaded
shotguns, rifles and pistols, open and not concealed and without a
handgun license as authorized by the Oklahoma Self-Defense Act,

1 ~~Sections 1 through 25 of this act,~~ pursuant to the following
2 conditions:

3 1. When hunting animals or fowl;

4 2. During competition in or practicing in a safety or hunter
5 safety class, target shooting, skeet, trap or other recognized
6 sporting events;

7 3. During participation in or in preparation for a military
8 function of the state military forces to be defined as the Oklahoma
9 Army or Air National Guard, Federal Military Reserve and active
10 military forces;

11 4. During participation in or in preparation for a recognized
12 police function of either a municipal, county or state government as
13 functioning police officials;

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

16 6. When the person has a reasonable fear of bodily harm, if the
17 person has filed an emergency protective order, or if a protective
18 order has been granted by a district court; or

19 7. For any legitimate purpose not in violation of the Oklahoma
20 Firearms Act of 1971, ~~Sections 1289.1 through 1289.17 of this title~~
21 or any legislative enactment regarding the use, ownership and
22 control of firearms.

23 B. A person shall be permitted to carry unloaded shotguns,
24 rifles and pistols, open and not concealed and without a handgun

1 license as authorized by the Oklahoma Self-Defense Act pursuant to
2 the following conditions:

3 1. When going to or from the person's private residence or
4 vehicle or a vehicle in which the person is riding as a passenger to
5 a place designated or authorized for firearms repairs or
6 reconditioning, or for firearms trade, sale, or barter, or gunsmith,
7 or hunting animals or fowl, or hunter safety course, or target
8 shooting, or skeet or trap shooting or any recognized firearms
9 activity or event and while in such places; or

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

12 C. The provisions of this section shall not be construed to
13 prohibit educational or recreational activities, exhibitions,
14 displays or shows involving the use or display of rifles, shotguns
15 or pistols or other weapons if the activity is approved by the
16 property owner and sponsor of the activity.

17 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1290.5, as
18 last amended by Section 1, Chapter 225, O.S.L. 2009 (21 O.S. Supp.
19 2010, Section 1290.5), is amended to read as follows:

20 Section 1290.5

21 TERM OF LICENSE AND RENEWAL

22 A. A concealed handgun license when issued shall authorize the
23 person to whom the license is issued to carry a loaded or unloaded
24 concealed handgun as authorized by the provisions of the Oklahoma

1 Self-Defense Act, and any future modifications thereto. The Except
2 as provided for in subsections D and E of this section, the license
3 shall be valid in this state for a period of five (5) or ten (10)
4 years, unless subsequently surrendered, suspended or revoked as
5 provided by law. The person shall have no authority to continue to
6 carry a concealed handgun in this state pursuant to the Oklahoma
7 Self-Defense Act when a license is expired or when a license has
8 been voluntarily surrendered or suspended or revoked for any reason.

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

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

19 2. The applicant must complete the renewal form, attach two
20 current passport size photographs of the applicant, and submit a
21 renewal fee in the amount of Eighty-five Dollars (\$85.00) to the
22 Bureau. The renewal fee may be paid with a nationally recognized
23 credit card as provided in subparagraph b of paragraph 4 of
24 subsection A of Section 1290.12 of this title, or by a cashier's

1 check or money order made payable to the Oklahoma State Bureau of
2 Investigation.

3 3. Upon receipt of the renewal application, photographs and
4 fee, the Bureau will conduct a criminal history records name search,
5 an investigation of medical records or other records or information
6 deemed by the Bureau to be relevant to the renewal application. If
7 the applicant appears not to have any prohibition to renewing the
8 handgun license, the Bureau shall issue the renewed license for a
9 period of five (5) or ten (10) years or for the life of the military
10 veteran or active military duty personnel, as provided for in
11 subsection F of this section.

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

22 D. Any person who is a military veteran and is making
23 application for a concealed handgun license shall have the option to
24 request that said license be valid for the life of the military

1 veteran. The fee for a concealed handgun license issued for the
2 life of the military veteran shall be One Hundred Twenty-five
3 Dollars (\$125.00).

4 E. Any person who is on active military duty, National Guard
5 duty or regular military reserve duty and is making application for
6 a concealed handgun license shall have the option to request that
7 said license be valid for the life of the person. There shall be no
8 fee assessed when issuing a concealed handgun license to a person
9 who is deemed active-duty military personnel.

10 F. Upon completing a renewal application and submitting a
11 renewal fee of Twenty-five Dollars (\$25.00), a military veteran with
12 a concealed handgun license issued prior to November 1, 2011, shall
13 have the license renewed for the life of the person. Upon
14 completing a renewal application, a person on active military duty,
15 National Guard duty or regular military reserve duty with a
16 concealed handgun license issued prior to November 1, 2011, shall
17 have the license renewed for the life of the person. There shall be
18 no renewal fee assessed when issuing the renewal license to a person
19 who is deemed active-duty military personnel. The Bureau may
20 promulgate rules necessary to implement the provisions of
21 subsections D, E and F of this section.

22 G. As used in this section, "military veteran" shall mean any
23 person who has been honorably discharged from active military duty,
24 National Guard duty or the military reserves.

1 SECTION 3. AMENDATORY 21 O.S. 2001, Section 1290.12, as
2 last amended by Section 1, Chapter 162, O.S.L. 2010 (21 O.S. Supp.
3 2010, Section 1290.12), is amended to read as follows:

4 Section 1290.12 A. The procedure for applying for a concealed
5 handgun license and processing the application shall be as follows:

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

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

17 2. The person shall be required to successfully complete a
18 firearms safety and training course from a firearms instructor who
19 is approved and registered in this state as provided in Section
20 1290.14 of this title, and the person shall be required to
21 demonstrate competency and qualification with a pistol authorized
22 for concealed carry by the Oklahoma Self-Defense Act. The original
23 certificate of training shall be submitted with the application for
24 a handgun license. No duplicate, copy, facsimile or other

1 reproduction of the certificate of training or exemption from
2 training shall be acceptable as proof of training as required by the
3 provisions of the Oklahoma Self-Defense Act. A person exempt from
4 the training requirements as provided in Section 1290.15 of this
5 title must show the required proof of such exemption to the firearms
6 instructor to receive an exemption certificate. The original
7 exemption certificate must be submitted with the application for a
8 handgun license when the person claims an exemption from training
9 and qualification;

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

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

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

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

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

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

1 pursuant to the provisions of Section 1290.10 of this title and the
2 Oklahoma State Bureau of Investigation shall revoke the handgun
3 license, if issued;

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

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

23 8. Upon verification of the identity of the applicant, the
24 sheriff shall take two complete sets of fingerprints of the

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

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

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

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

19 a. In the course of the ~~Bureau's~~ investigation by the
20 Bureau, it shall present the name of the applicant
21 along with any known aliases, the address of the
22 applicant and the social security number of the
23 applicant to the Department of Mental Health and
24 Substance Abuse Services. The Department of Mental

1 Health and Substance Abuse Services shall respond
2 within ten (10) days of receiving such information to
3 the Bureau as follows:

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

22 b. In the course of the ~~Bureau's~~ investigation by the
23 Bureau, it shall check the name of any applicant who
24 is twenty-eight (28) years of age or younger along

1 with any known aliases, the address of the applicant
2 and the social security number of the applicant
3 against the records in the Juvenile Online Tracking
4 System (JOLTS) of the Office of Juvenile Affairs. The
5 Office of Juvenile Affairs shall provide the Bureau
6 direct access to check the applicant against the
7 records available on JOLTS.

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

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

18 (3) If the records suggest the applicant may have
19 been adjudicated delinquent for an offense that
20 would constitute a felony offense if committed by
21 an adult but such record is inconclusive, the
22 Bureau shall ask the applicant whether he or she
23 was adjudicated a delinquent for an offense that
24 would constitute a felony offense if committed by

1 an adult within the last ten (10) years. If the
2 applicant states under penalty of perjury that he
3 or she was not adjudicated a delinquent within
4 ten (10) years, the Bureau shall continue
5 processing the application for a license;

6 12. If the background check set forth in ~~subsection~~ paragraph
7 11 of this ~~section~~ subsection reveals no records pertaining to the
8 applicant, the Oklahoma State Bureau of Investigation shall either
9 issue a concealed handgun license or deny the application within
10 sixty (60) days of the date of receipt of the ~~applicant's~~ completed
11 application by the applicant and the required information from the
12 sheriff. In all other cases, the Oklahoma State Bureau of
13 Investigation shall either issue a concealed handgun license or deny
14 the application within ninety (90) days of the date of the receipt
15 of the ~~applicant's~~ completed application by the applicant and the
16 required information from the sheriff. The Bureau shall approve an
17 applicant who appears to be in full compliance with the provisions
18 of the Oklahoma Self-Defense Act, if completion of the federal
19 fingerprint search is the only reason for delay of the issuance of
20 the handgun license to that applicant. Upon receipt of the federal
21 fingerprint search information, if the Bureau receives information
22 which precludes the person from having a concealed handgun license,
23 the Bureau shall revoke the concealed handgun license previously
24 issued to the applicant. The Bureau shall deny a license when the

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

24

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

8 SECTION 4. This act shall become effective November 1, 2011.

9 Passed the House of Representatives the 16th day of March, 2011.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2011.

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Presiding Officer of the Senate

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