

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 53rd Legislature (2011)

4   COMMITTEE SUBSTITUTE  
5   FOR  
6   HOUSE BILL NO. 1796

                                  By: Tibbs and Cockroft

7  
8                                   COMMITTEE SUBSTITUTE

9           An Act relating to firearms; ordering a legislative  
10          referendum pursuant to the Oklahoma Constitution;  
11          amending 21 O.S. 2001, Sections 1272, as last amended  
12          by Section 1, Chapter 128, O.S.L. 2007, 1272.1,  
13          1272.2, 1273, 1276, 1277, as amended by Section 2,  
14          Chapter 128, O.S.L. 2007, 1278, 1280.1, as amended by  
15          Section 2, Chapter 465, O.S.L. 2003, 1283, as last  
16          amended by Section 1, Chapter 13, O.S.L. 2009 and  
17          1287, as last amended by Section 2, Chapter 162,  
18          O.S.L. 2007 (21 O.S. Supp. 2010, Sections 1272, 1277,  
19          1280.1, 1283 and 1287), which relate to the carrying,  
20          use and possession of firearms; modifying description  
21          of handgun licenses; clarifying manner in which  
22          firearms may be carried by handgun licensees;  
23          deleting certain statutory references; amending 21  
24          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

1 amended by Section 7, Chapter 465, O.S.L. 2003,  
2 1290.11, as amended by Section 3, Chapter 62, O.S.L.  
3 2006, 1290.12, as last amended by Section 1, Chapter  
4 162, O.S.L. 2010, 1290.13, 1290.14, as last amended  
5 by Section 1, Chapter 455, O.S.L. 2005, 1290.15,  
6 1290.17, 1290.18, 1290.19, 1290.20, 1290.21, 1290.23,  
7 1290.24, 1290.25 and 1290.26, as amended by Section  
8 9, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2010,  
9 Sections 1290.5, 1290.8, 1290.9, 1290.11, 1290.12,  
10 1290.14 and 1290.26), which relate to the Oklahoma  
11 Self-Defense Act; modifying and deleting certain  
12 statutory references; defining term; modifying  
13 certain definition; modifying description of handgun  
14 licenses; clarifying manner in which firearms may be  
15 carried by handgun licensees; amending 21 O.S. 2001,  
16 Section 1364, which relates to discharging firearms;  
17 modifying description of handgun license; deleting  
18 certain statutory reference; amending 63 O.S. 2001,  
19 Section 2-110, as amended by Section 4, Chapter 359,  
20 O.S.L. 2008 (63 O.S. Supp. 2010, Section 2-110),  
21 which relates to the Uniform Controlled Dangerous  
22 Substances Act; modifying manner in which weapons may  
23 be carried by attorneys of the Oklahoma State Bureau  
24 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

1 the people for their approval or rejection at the next General  
2 Election, to be held on November 6, 2012.

3 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1272, as  
4 last amended by Section 1, Chapter 128, O.S.L. 2007 (21 O.S. Supp.  
5 2010, Section 1272), is amended to read as follows:

6 Section 1272.

7 UNLAWFUL CARRY

8 A. It shall be unlawful for any person to carry upon or about  
9 his or her person, or in a purse or other container belonging to the  
10 person, any pistol, revolver, shotgun or rifle whether loaded or  
11 unloaded or any dagger, bowie knife, dirk knife, switchblade knife,  
12 spring-type knife, sword cane, knife having a blade which opens  
13 automatically by hand pressure applied to a button, spring, or other  
14 device in the handle of the knife, blackjack, loaded cane, billy,  
15 hand chain, metal knuckles, or any other offensive weapon, whether  
16 such weapon be concealed or unconcealed, except this section shall  
17 not prohibit:

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

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

22 3. The carrying, possession and use of any weapon by a peace  
23 officer or other person authorized by law to carry a weapon in the

1 performance of official duties and in compliance with the rules of  
2 the employing agency;

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

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

17 B. Any person convicted of violating the foregoing provision  
18 shall be guilty of a misdemeanor punishable as provided in Section  
19 1276 of this title.

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

22 Section 1272.1

23 CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

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

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

22           Nothing in this section shall be interpreted to authorize any  
23 private investigator with a firearms authorization in actual  
24

1 physical possession of a weapon to consume low-point beer or  
2 alcoholic beverages in any establishment where low-point beer or  
3 alcoholic beverages are consumed.

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

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

8 Section 1272.2

9 PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

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

17 Any person convicted of violating the provisions of this section  
18 after having been issued a ~~concealed~~ handgun license pursuant to the  
19 provisions of the Oklahoma Self-Defense Act, ~~Sections 1290.1 through~~  
20 ~~1290.26 of this title,~~ shall have the license revoked by the  
21 Oklahoma State Bureau of Investigation after a hearing and  
22 determination that the person is in violation of Section 1272.1 of  
23 this title.

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

3 Section 1273.

4 ALLOWING MINORS TO POSSESS FIREARMS

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

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

20 C. It shall be unlawful for any child to possess any of the  
21 arms or weapons designated in Section 1272 of this title, except  
22 rifles or shotguns used for participation in hunting animals or  
23 fowl, hunter safety classes, target shooting, skeet, trap or other  
24

1 recognized sporting event. Provided, the possession of rifles or  
2 shotguns authorized by this section shall not authorize the  
3 possession of such weapons by any person who is subject to the  
4 provisions of Section 1283 of this title.

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

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

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

22 Section 1276.

23 PENALTY FOR 1272 AND 1273

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

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

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

1 Section 1277.

2 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

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

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

20 and

21 7. Any other place specifically prohibited by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

18 Nothing contained in any provision of this subsection shall be  
19 construed to authorize or allow any college or university to  
20 establish any policy or rule that has the effect of prohibiting any  
21 person in lawful possession of a ~~concealed~~ handgun license from  
22 possession of a handgun allowable under such license in places  
23 described in paragraphs 1, 2 and 3 of this subsection. Nothing

1 contained in any provision of this subsection shall be construed to  
2 limit the authority of any college or university in this state from  
3 taking administrative action against any student for any violation  
4 of any provision of this subsection.

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

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

18 Section 1278.

19 UNLAWFUL INTENT TO CARRY

20 Any person in this state who carries or wears any deadly weapons  
21 or dangerous instrument whatsoever with the intent or for the avowed  
22 purpose of unlawfully injuring another person, upon conviction,  
23 shall be guilty of a felony punishable by a fine not exceeding Five

UNDERLINED language denotes Amendments to present Statutes.  
BOLD FACE CAPITALIZED language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

17 Section 1280.1

18 POSSESSION OF FIREARM ON SCHOOL PROPERTY

19 A. It shall be unlawful for any person to have in his or her  
20 possession on any public or private school property or while in any  
21 school bus or vehicle used by any school for transportation of  
22 students or teachers any firearm or weapon designated in Section  
23  
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~~Strike thru~~ language denotes deletion from present Statutes.

1 1272 of this title, except as provided in subsection C of this  
2 section or as otherwise authorized by law.

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

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

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

18 2. A gun or knife used for the purposes of participating in the  
19 Oklahoma Department of Wildlife Conservation certified hunter  
20 training education course or any other hunting, fishing, safety or  
21 firearms training courses, or a recognized firearms sports event,  
22 team shooting program or competition, or living history reenactment,  
23 provided the course or event is approved by the principal or chief

1 administrator of the school where the course or event is offered,  
2 and provided the weapon is properly displayed or stored as required  
3 by law pending participation in the course, event, program or  
4 competition; and

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

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

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

22 Section 1283.

23 CONVICTED FELONS AND DELINQUENTS

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

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

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

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

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

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

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

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

18 I. For purposes of this section, "altered air pistol" shall  
19 mean any air pistol manufactured to propel projectiles by air  
20 pressure which has been altered from its original manufactured  
21 state.

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1 SECTION 11. AMENDATORY 21 O.S. 2001, Section 1287, as  
2 last amended by Section 2, Chapter 162, O.S.L. 2007 (21 O.S. Supp.  
3 2010, Section 1287), is amended to read as follows:

4 Section 1287.

5 USE OF FIREARM WHILE COMMITTING A FELONY

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

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

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

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

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

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

19 Section 1289.7

20 FIREARMS IN VEHICLES

21 Any person, except a convicted felon, may transport in a motor  
22 vehicle a rifle, shotgun or pistol, open and unloaded, at any time.  
23 For purposes of this section "open" means the firearm is transported

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1 in plain view, in a case designed for carrying firearms, which case  
2 is wholly or partially visible, in a gun rack mounted in the  
3 vehicle, in an exterior locked compartment or a trunk of a vehicle.

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

10 Any person who is the operator of a vehicle or is a passenger in  
11 any vehicle wherein another person who is licensed pursuant to the  
12 Oklahoma Self-Defense Act, ~~Sections 1290.1 through 1290.25 of Title~~  
13 ~~21 of the Oklahoma Statutes,~~ to carry a concealed handgun, concealed  
14 or unconcealed, and is carrying a ~~concealed~~ handgun or has ~~concealed~~  
15 the handgun in such vehicle, shall not be deemed in violation of the  
16 provisions of this section provided the licensee is in or near the  
17 vehicle.

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

20 Section 1289.9

21 CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

22 It shall be unlawful for any person to carry or use shotguns,  
23 rifles or pistols in any circumstances while under the influence of

1 beer, intoxicating liquors or any hallucinogenic, or any unlawful or  
2 unprescribed drug, and it shall be unlawful for any person to carry  
3 or use shotguns, rifles or pistols when under the influence of any  
4 drug prescribed by a licensed physician if the aftereffects of such  
5 consumption affect mental, emotional or physical processes to a  
6 degree that would result in abnormal behavior. Any person convicted  
7 of a violation of the provisions of this section shall be punished  
8 as provided in Section 1289.15 of this title.

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

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

19 Section 1289.10

20 FURNISHING FIREARMS TO INCOMPETENT PERSONS

21 It shall be unlawful for any person to knowingly transmit,  
22 transfer, sell, lend or furnish any shotgun, rifle or pistol to any  
23 person who is under an adjudication of mental incompetency, or to

1 any person who is mentally deficient or of unsound mind. Any person  
2 convicted of a violation of the provisions of this section shall be  
3 punished as provided in Section 1289.15 of this title.

4 Any person convicted of a violation of the provisions of this  
5 section after having been issued a ~~concealed~~ handgun license  
6 pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Section~~  
7 ~~1290.1 et seq. of this title,~~ shall have the license suspended for a  
8 term of six (6) months and shall be subject to an administrative  
9 fine of Fifty Dollars (\$50.00), upon a hearing and determination by  
10 the Oklahoma State Bureau of Investigation that the person is in  
11 violation of the provisions of this section.

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

14 Section 1289.11

15 RECKLESS CONDUCT

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

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

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

11 Section 1289.12

12 GIVING FIREARMS TO CONVICTED PERSONS

13 It shall be unlawful for any person within this state to  
14 knowingly sell, trade, give, transmit or otherwise cause the  
15 transfer of rifles, shotguns or pistols to any convicted felon or an  
16 adjudicated delinquent, and it shall be unlawful for any person  
17 within this state to knowingly sell, trade, give, transmit or  
18 otherwise cause the transfer of any shotgun, rifle or pistol to any  
19 individual who is under the influence of alcohol or drugs or is  
20 mentally or emotionally unbalanced or disturbed. All persons who  
21 engage in selling, trading or otherwise transferring firearms will  
22 display this section prominently in full view at or near the point  
23 of normal firearms sale, trade or transfer. Any person convicted of

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

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

10 SECTION 17. AMENDATORY 21 O.S. 2001, Section 1289.13, as  
11 last amended by Section 1, Chapter 549, O.S.L. 2004 (21 O.S. Supp.  
12 2010, Section 1289.13), is amended to read as follows:

13 Section 1289.13

14 TRANSPORTING A LOADED FIREARM

15 Except as otherwise provided by the provisions of the Oklahoma  
16 Self-Defense Act or another provision of law, it shall be unlawful  
17 to transport a loaded pistol, rifle or shotgun in a landborne motor  
18 vehicle over a public highway or roadway. However, a rifle or  
19 shotgun may be transported clip or magazine loaded and not chamber  
20 loaded when transported in an exterior locked compartment of the  
21 vehicle or trunk of the vehicle or in the interior compartment of  
22 the vehicle notwithstanding the provisions of Section 1289.7 of this  
23  
24

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1 title when the person is in possession of a valid handgun license  
2 pursuant to the Oklahoma Self-Defense Act.

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

5 Any person who is the operator of a vehicle or is a passenger in  
6 any vehicle wherein another person who is licensed pursuant to the  
7 Oklahoma Self-Defense Act to carry a ~~concealed~~ handgun, concealed or  
8 unconcealed, and is carrying a ~~concealed~~ handgun or has ~~concealed~~ a  
9 handgun or rifle or shotgun in such vehicle shall not be deemed in  
10 violation of the provisions of this section provided the licensee is  
11 in or near the vehicle.

12 SECTION 18. AMENDATORY Section 4, Chapter 465, O.S.L.  
13 2003, as amended by Section 2, Chapter 549, O.S.L. 2004 (21 O.S.  
14 Supp. 2010, Section 1289.13A), is amended to read as follows:

15 Section 1289.13A

16 IMPROPER TRANSPORTATION OF FIREARMS

17 A. Notwithstanding the provisions of Section 1272 or 1289.13  
18 of this title, any person stopped pursuant to a moving traffic  
19 violation who is transporting a loaded pistol in the motor vehicle  
20 without a valid ~~concealed~~ handgun ~~permit~~ license authorized by the  
21 Oklahoma Self-Defense Act or valid license from another state,  
22 whether the loaded firearm is concealed or ~~open~~ unconcealed in the  
23 vehicle, shall be issued a traffic citation in the amount of Seventy

1 Dollars (\$70.00), plus court costs for transporting a firearm  
2 improperly. In addition to the traffic citation provided in this  
3 section, the person may also be arrested for any other violation of  
4 law.

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

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

15 2. The officer has probable cause to believe the weapon is:  
16 a. contraband, or  
17 b. a firearm used in the commission of a crime other than  
18 a violation of subsection A of this section.

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

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

23 Section 1289.16

FELONY POINTING FIREARMS

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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

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

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

7 Section 1289.23

8 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

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

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

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

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

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

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

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

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

22           E. When an off-duty reserve peace officer carries a certified  
23 weapon, the officer shall be wearing the law enforcement uniform

1 prescribed by the employing agency or when not wearing the  
2 prescribed law enforcement uniform, the officer shall be required:

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

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

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

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

22 H. Any off-duty peace officer who carries any weapon in  
23 violation of the provisions of this section shall be deemed to be in

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1 violation of Section 1272 of this title and may be prosecuted as  
2 provided by law for a violation of that section.

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

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

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

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

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

20 2. Upon receiving the required information, CLEET shall  
21 determine whether the peace officer is in good standing, has CLEET  
22 certification and training, and is otherwise eligible for a  
23 ~~concealed~~ handgun license. Upon verification of the officer's

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

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

22 4. If a the commission card of a law enforcement officer's  
23 ~~commission card~~ officer is terminated, revoked or suspended, the

1 ~~concealed~~ handgun license shall be immediately returned to CLEET.  
2 When a peace officer in possession of a ~~concealed~~ handgun license  
3 pursuant to this subsection changes employment, the person must  
4 notify CLEET within ninety (90) days and send a new letter verifying  
5 employment and status as a full-time commissioned or reserve peace  
6 officer.

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

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

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

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

20 Section 1290.2

21 DEFINITIONS

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

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

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

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

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

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

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

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



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

3 SECTION 24. AMENDATORY 21 O.S. 2001, Section 1290.5, as  
4 last amended by Section 1, Chapter 225, O.S.L. 2009 (21 O.S. Supp.  
5 2010, Section 1290.5), is amended to read as follows:

6 Section 1290.5

7 TERM OF LICENSE AND RENEWAL

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

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

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1 thereafter the license is considered expired. However, any  
2 applicant shall have three (3) years from the expiration of the  
3 license to comply with the renewal requirements of this section.

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

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

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

21 C. Beginning November 1, 2007, any person making application  
22 for a ~~concealed~~ handgun license or any licensee seeking to renew a  
23 ~~concealed~~ handgun license shall have the option to request that said

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

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

10 Section 1290.6

11 PROHIBITED AMMUNITION

12 Any concealed or unconcealed handgun when carried in a manner  
13 authorized by the provisions of the Oklahoma Self-Defense Act,  
14 ~~Sections 1 through 25 of this act,~~ and when loaded with any  
15 ammunition which is either a restricted bullet as defined by Section  
16 1289.19 of ~~Title 21 of the Oklahoma Statutes~~ this title or is larger  
17 than .45 caliber or is otherwise prohibited by law shall be deemed a  
18 prohibited weapon for purposes of the Oklahoma Self-Defense Act.  
19 Any person violating the provisions of this section shall be  
20 punished for a criminal offense as provided by Section 1272 of ~~Title~~  
21 ~~21 of the Oklahoma Statutes~~ this title or any other applicable  
22 provision of law. In addition to any criminal prosecution for a  
23 violation of the provisions of this section, the licensee shall be

1 subject to an administrative fine of Five Hundred Dollars (\$500.00),  
2 upon a hearing and determination by the Oklahoma State Bureau of  
3 Investigation that the person is in violation of the provisions of  
4 this section.

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

7 Section 1290.7

8 CONSTRUING AUTHORITY OF LICENSE

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

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

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

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

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

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

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

4 Section 1290.8

5 POSSESSION OF LICENSE REQUIRED

6 NOTIFICATION TO POLICE OF GUN

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

18 B. The person shall be required to have possession of his or  
19 her valid handgun license and a valid Oklahoma driver license or an  
20 Oklahoma State photo identification at all times when in possession  
21 of an authorized pistol. Any violation of the provisions of this  
22 subsection may be punishable as a criminal offense as authorized by  
23 Section 1272 of this title or pursuant to any other applicable

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

13       Upon the arrest of any person for a violation of the provisions  
14 of this subsection, the person may show proof to the court that a  
15 valid handgun license and the other required identification has been  
16 issued to such person and the person may state any reason why the  
17 handgun license or the other required identification was not carried  
18 by the person as required by the Oklahoma Self-Defense Act. The  
19 court shall dismiss an alleged violation of Section 1272 of this  
20 title upon payment of court costs, if proof of a valid handgun  
21 license and other required identification is shown to the court  
22 within ten (10) days of the arrest of the person. The court shall

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1 report a dismissal of a charge to the Bureau for consideration of  
2 administrative proceedings against the licensee.

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

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

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

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

14 Section 1290.9

15 ELIGIBILITY

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

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

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

6 4. Complete a firearms safety and training course and  
7 demonstrate competence and qualifications with the type of pistol to  
8 be carried by the person as provided in Section 1290.14 of this  
9 title, and submit proof of training and qualification or an  
10 exemption for training and qualification as authorized by Section  
11 1290.14 of this title;

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

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

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

19 Section 1290.11

20 OTHER PRECLUSIONS

21 A. The following conditions shall preclude a person from being  
22 eligible for a ~~concealed~~ handgun license pursuant to the provisions  
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1 of the Oklahoma Self-Defense Act for a period of time as prescribed  
2 in each of the following paragraphs:

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

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

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

18 4. The person has previously undergone treatment for a mental  
19 illness, condition, or disorder which required medication or  
20 supervision as defined by paragraph 7 of Section 1290.10 of this  
21 title. The preclusive period shall be three (3) years from the last  
22 date of treatment or upon presentation of a certified statement from  
23 a licensed physician stating that the person is either no longer  
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1 disabled by any mental or psychiatric illness, condition, or  
2 disorder or that the person has been stabilized on medication for  
3 ten (10) years or more;

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

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

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

20 8. A court order for a final Victim Protection Order against  
21 the applicant, as authorized by Section 60 et seq. of Title 22 of  
22 the Oklahoma Statutes, or any court order granting a final victim  
23 protection order against the applicant from another state. The

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1 preclusive period shall be three (3) years from the date of the  
2 entry of the final court order, or sixty (60) days from the date an  
3 order was vacated, canceled or withdrawn;

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

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

- 13 a. any assault and battery which caused serious physical  
14 injury to the victim or any second or subsequent  
15 assault and battery,
- 16 b. any aggravated assault and battery,
- 17 c. any stalking pursuant to Section 1173 of this title,  
18 or a similar law of another state,
- 19 d. any violation of the Protection from Domestic Abuse  
20 Act, Section 60 et seq. of Title 22 of the Oklahoma  
21 Statutes, or any violation of a victim protection  
22 order of another state,

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- 1 e. any violation relating to illegal drug use or  
2 possession, or  
3 f. an act of domestic abuse as defined by Section 644 of  
4 this title or an act of domestic assault and battery  
5 or any comparable acts under the law of another state.

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

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

11 SECTION 30. AMENDATORY 21 O.S. 2001, Section 1290.12, as  
12 last amended by Section 1, Chapter 162, O.S.L. 2010 (21 O.S. Supp.  
13 2010, Section 1290.12), is amended to read as follows:

14 Section 1290.12

15 PROCEDURE FOR APPLICATION

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

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

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

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

- 10 a. a money order or a cashier's check made payable to the  
11 Oklahoma State Bureau of Investigation, or
- 12 b. by a nationally recognized credit card issued to the  
13 applicant. For purposes of this paragraph,  
14 "nationally recognized credit card" means any  
15 instrument or device, whether known as a credit card,  
16 credit plate, charge plate, or by any other name,  
17 issued with or without fee by the issuer for the use  
18 of the cardholder in obtaining goods, services, or  
19 anything else of value on credit which is accepted by  
20 over one thousand merchants in the state. The  
21 Oklahoma State Bureau of Investigation shall determine  
22 which nationally recognized credit cards will be  
23 accepted by the Bureau.

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

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

20 6. Two passport size photographs of the applicant shall be  
21 submitted with the completed application. The cost of the  
22 photographs shall be the responsibility of the applicant. The  
23 sheriff is authorized to take the ~~applicant's~~ applicant's photograph of the

1 applicant for purposes of the Oklahoma Self-Defense Act and, if such  
2 photographs are taken by the sheriff the cost of the photographs  
3 shall not exceed Ten Dollars (\$10.00) for the two photos. All money  
4 received by the sheriff from photographing applicants pursuant to  
5 the provisions of this paragraph shall be retained by the sheriff  
6 and deposited into the Sheriff's Service Fee Account;

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

16 8. Upon verification of the identity of the applicant, the  
17 sheriff shall take two complete sets of fingerprints of the  
18 applicant. Both sets of fingerprints shall be submitted by the  
19 sheriff with the completed application, certificate of training or  
20 an exemption certificate, photographs and processing fee to the  
21 Oklahoma State Bureau of Investigation within fourteen (14) days of  
22 taking the fingerprints. The cost of the fingerprints shall be paid  
23 by the applicant and shall not exceed Twenty-five Dollars (\$25.00)

1 for the two sets. All fees collected by the sheriff from taking  
2 fingerprints pursuant to the provisions of this paragraph shall be  
3 retained by the sheriff and deposited into the Sheriff's Service Fee  
4 Account;

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

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

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

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

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

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

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

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

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

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

16 (3) If the records suggest the applicant may have  
17 been adjudicated delinquent for an offense that  
18 would constitute a felony offense if committed by  
19 an adult but such record is inconclusive, the  
20 Bureau shall ask the applicant whether he or she  
21 was adjudicated a delinquent for an offense that  
22 would constitute a felony offense if committed by  
23 an adult within the last ten (10) years. If the

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

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

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

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

10 Section 1290.13

11 AUTOMATIC LISTING OF LICENSES

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

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

7 SECTION 32. AMENDATORY 21 O.S. 2001, Section 1290.14, as  
8 last amended by Section 1, Chapter 455, O.S.L. 2005 (21 O.S. Supp.  
9 2010, Section 1290.14), is amended to read as follows:

10 Section 1290.14

11 SAFETY AND TRAINING COURSE

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

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

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

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

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

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

19 4. Receive a course completion certificate.

20 All firearms instructors shall be required to meet the eligibility  
21 requirements for a ~~concealed~~ handgun license as provided in Sections  
22 1290.9, 1290.10, and 1290.11 of this title, and the application  
23 shall be processed as provided for applicants in Section 1290.12 of

1 this title, including the state and national criminal history  
2 records search and fingerprint search. A firearms instructor shall  
3 be required to pay a fee of One Hundred Dollars (\$100.00) to the  
4 Council on Law Enforcement Education and Training (CLEET) each time  
5 the person makes application for CLEET approval as a firearms  
6 instructor pursuant to the provisions of the Oklahoma Self-Defense  
7 Act. The fee shall be retained by CLEET and shall be deposited into  
8 the Firearms Instructors Revolving Fund. CLEET shall promulgate the  
9 rules, forms and procedures necessary to implement the approval of  
10 firearms instructors as authorized by the provisions of this  
11 subsection. CLEET shall periodically review each approved  
12 instructor during a training and qualification course to assure  
13 compliance with the rules and course contents. Any violation of the  
14 rules may result in the revocation or suspension of CLEET and  
15 Oklahoma State Bureau of Investigation approval. Unless the  
16 approval has been revoked or suspended, a firearms instructor's  
17 CLEET approval shall be for a term of five (5) years. Beginning on  
18 ~~the effective date of this act~~ July 1, 2003, any firearms instructor  
19 who has been issued a four-year CLEET approval shall not be eligible  
20 for the five-year approval until the expiration of the approval  
21 previously issued. CLEET shall be responsible for notifying all  
22 approved firearms instructors of statutory and policy changes  
23 related to the Oklahoma Self-Defense Act.

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

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

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

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

22       D. The Oklahoma State Bureau of Investigation shall approve  
23 registration for a firearms instructor applicant who is in full

1 compliance with CLEET rules regarding firearms instructors and the  
2 provisions of subsection B of this section, if completion of the  
3 federal fingerprint search is the only reason for delay of  
4 registration of that firearms instructor applicant. Upon receipt of  
5 the federal fingerprint search information, if the Bureau receives  
6 information which precludes the person from having a ~~concealed~~  
7 handgun license, the Bureau shall revoke both the registration and  
8 the ~~concealed~~ handgun license previously issued to the firearms  
9 instructor.

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

1 the training course; instruction on pistol handling, safety and  
2 storage; dynamics of ammunition and firing; methods or positions for  
3 firing a pistol; information about the criminal provisions of the  
4 Oklahoma law relating to firearms; the requirements of the Oklahoma  
5 Self-Defense Act as it relates to the applicant; self-defense and  
6 the use of appropriate force; a practice shooting session; and a  
7 familiarization course. The firearms instructor shall refuse to  
8 train or qualify any person when the pistol to be used or carried by  
9 the person is either deemed unsafe or unfit for firing or is a  
10 weapon not authorized by the Oklahoma Self-Defense Act. The course  
11 shall provide an opportunity for the applicant to qualify himself or  
12 herself on either a derringer, a revolver, a semiautomatic pistol or  
13 any combination of a derringer, a revolver and a semiautomatic  
14 pistol, provided no pistol shall be capable of firing larger than  
15 .45 caliber ammunition. Any applicant who successfully trains and  
16 qualifies himself or herself with a semiautomatic pistol may be  
17 approved by the firearms instructor on the training certificate for  
18 a semiautomatic pistol, a revolver and a derringer upon request of  
19 the applicant. Any person who qualifies on a derringer or revolver  
20 shall not be eligible for a semiautomatic rating until the person  
21 has demonstrated competence and qualifications on a semiautomatic  
22 pistol. Upon successful completion of the training and  
23 qualification course, a certificate shall be issued to each

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

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

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

1 Section 1290.15

2 PERSONS EXEMPT FROM TRAINING COURSE

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

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

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

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

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

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

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

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

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

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

14 B. The Council on Law Enforcement Education and Training  
15 (CLEET) shall establish criteria for providing proof of an  
16 exemption. Before any person shall be considered exempt from all or  
17 part of the required training and qualification pursuant to the  
18 provisions of the Oklahoma Self-Defense Act, ~~Section 1290.1 et seq.~~  
19 ~~of this title~~, the person shall present the required proof of  
20 exemption to a registered firearms instructor. Each person  
21 determined to be exempt from training or qualification as provided  
22 in this subsection shall receive an exemption certificate from the  
23 registered firearms instructor. The rules promulgated by CLEET to

1 implement the provisions of this section and Section 1290.14 of this  
2 title may require that a fee not to exceed Five Dollars (\$5.00) be  
3 charged for processing an exemption certificate. The original  
4 exemption certificate must be submitted with an application for a  
5 handgun license as provided in paragraph 2 of Section 1290.12 of  
6 this title. No person who is determined to be exempt from training  
7 or qualification may carry a concealed or unconcealed firearm  
8 pursuant to the authority of the Oklahoma Self-Defense Act until  
9 issued a valid handgun license.

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

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

19 Section 1290.17

20 SUSPENSION AND REVOCATION OF LICENSE

21 A. The Oklahoma State Bureau of Investigation shall have  
22 authority pursuant to the provisions of the Oklahoma Self-Defense  
23 Act and any other provision of law to suspend or revoke any

1 ~~concealed~~ handgun license issued pursuant to the provisions of the  
2 Oklahoma Self-Defense Act. A person whose license has been  
3 suspended or revoked or against whom a fine has been assessed shall  
4 be entitled to an appeal through a hearing in accordance with the  
5 Administrative Procedures Act. Any administrative hearing on  
6 suspensions, revocations or fines shall be conducted by a hearing  
7 examiner appointed by the Bureau. The hearing examiner's decision  
8 shall be a final decision appealable to a district court in  
9 accordance with the Administrative Procedures Act. After a  
10 ~~concealed~~ handgun license has been issued, the discovery of or the  
11 occurrence of any condition which directly affects a person's  
12 eligibility for a handgun license as provided by the provisions of  
13 Section 1290.9 or 1290.10 of this title shall require a revocation  
14 of the license by the Bureau. The discovery of or the occurrence of  
15 any condition pursuant to Section 1290.11 of this title, after a  
16 license has been issued, shall cause a suspension of the handgun  
17 license for a period of time as prescribed for the condition. Any  
18 provision of law that requires a revocation of a ~~concealed~~ handgun  
19 license upon a conviction shall cause the Bureau to suspend the  
20 ~~concealed~~ handgun license upon the discovery of the arrest of the  
21 person for such offense until a determination of the criminal case  
22 at which time the Bureau shall proceed with the appropriate  
23 administrative action. A licensee may voluntarily surrender a

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1 license to the Oklahoma State Bureau of Investigation at any time.  
2 Such surrender of a handgun license will render the license invalid.  
3 Nothing in this section may be interpreted to prevent a subsequent  
4 new application for a license. The licensee shall be informed and  
5 acknowledge in writing as follows:

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

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

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

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

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

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

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

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

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

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

17 D. Any administrative fine assessed in accordance with the  
18 provisions of the Oklahoma Self-Defense Act shall be paid in full  
19 within thirty (30) days of assessment. The Oklahoma State Bureau of  
20 Investigation shall, without a hearing, suspend the ~~concealed-carry~~  
21 handgun license of any person who fails to pay in full any  
22 administrative fine assessed against the person in accordance with  
23 the provisions of this subsection. The suspension of any ~~concealed~~

1 ~~carry~~ handgun license shall be automatic and shall begin thirty (30)  
2 days from the date of the assessment of the administrative fine.  
3 The suspension shall be removed and the ~~concealed-carry~~ handgun  
4 license returned to its prior standing upon payment of the  
5 administrative fine being paid in full to the Bureau.

6 E. Whenever a ~~concealed-carry~~ handgun license has been  
7 suspended in accordance with the provisions of this act or the  
8 administrative rules of the Bureau promulgated for purposes of this  
9 act, the license shall remain under suspension and shall not be  
10 reinstated until:

11 1. The person whose license has been suspended applies for  
12 reinstatement in accordance with the administrative rules of the  
13 Bureau. The Bureau shall not charge any fee in conjunction with an  
14 application for a license reinstatement. The person whose license  
15 has been suspended must demonstrate that the condition or preclusion  
16 which was the basis for the suspension has lapsed and is no longer  
17 in effect; and

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

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

UNDERLINED language denotes Amendments to present Statutes.  
BOLD FACE CAPITALIZED language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 SECTION 35. AMENDATORY 21 O.S. 2001, Section 1290.18, is  
2 amended to read as follows:

3 Section 1290.18

4 APPLICATION FORM CONTENTS

5 The application shall be completed upon the sworn oath of the  
6 applicant as provided in paragraph 5 of Section ~~12~~ 1290.12 of this  
7 ~~act~~ title. The application form shall be provided by the Oklahoma  
8 State Bureau of Investigation and shall contain the following  
9 information in addition to any other information deemed relevant by  
10 the Bureau:

- 11 1. Applicant's full legal name;
- 12 2. Applicant's birth name, alias names or nicknames;
- 13 3. Maiden name, if applicable;
- 14 4. County of residence;
- 15 5. Length of residency at the current address;
- 16 6. Previous addresses for the preceding three (3) years;
- 17 7. Place of birth;
- 18 8. Date of birth;
- 19 9. Declaration of citizenship and date United States  
20 citizenship was acquired, if applicable;
- 21 10. Race;
- 22 11. Weight;
- 23 12. Height;

- 1 13. Sex;
- 2 14. Color of eyes;
- 3 15. Social Security number;
- 4 16. Current driver license number;
- 5 17. Military service number, if applicable;
- 6 18. Law enforcement identification numbers, if applicable;
- 7 19. Current occupation;
- 8 20. Authorized type or types of pistol for which the applicant
- 9 qualified as stated on the certificate of training or exemption of
- 10 training which shall be stated as either derringer, revolver,
- 11 semiautomatic pistol, or some combination of derringer, revolver and
- 12 semiautomatic pistol and the maximum ammunition capacity of the
- 13 firearm shall be .45 caliber;
- 14 21. An acknowledgment that the applicant desires a ~~concealed~~
- 15 handgun license as a means of lawful self-defense and self-
- 16 protection and for no other intent or purpose;
- 17 22. A statement that the applicant has never been convicted of
- 18 any felony offense in this state, another state or pursuant to any
- 19 federal offense;
- 20 23. A statement that the applicant has none of the conditions
- 21 which would preclude the issuing of a ~~concealed~~ handgun license
- 22 pursuant to any of the provisions of Sections ~~10~~ 1290.10 and ~~11~~
- 23 1290.11 of this ~~act~~ title and that the applicant further meets all

1 of the eligibility criteria required by Section ~~9~~ 1290.9 of this ~~act~~  
2 title;

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

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

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

18 27. A conspicuous warning that the application is executed upon  
19 the sworn oath of the applicant and that any false or misleading  
20 answer to any question or the submission of any false information or  
21 documentation by the applicant is punishable by criminal penalty as  
22 provided in paragraph 5 of Section ~~12~~ 1290.12 of this ~~act~~ title;

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

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

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

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

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

12 SECTION 36. AMENDATORY 21 O.S. 2001, Section 1290.19, is  
13 amended to read as follows:

14 Section 1290.19

15 LICENSE FORM

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

- 20 1. The ~~person's~~ full name of the person;
- 21 2. Current address;
- 22 3. County of residence;
- 23 4. Date of birth;

UNDERLINED language denotes Amendments to present Statutes.  
BOLD FACE CAPITALIZED language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

- 1 5. Weight;
- 2 6. Height;
- 3 7. Sex;
- 4 8. Race;
- 5 9. Color of eyes;
- 6 10. Handgun license identification number;
- 7 11. Expiration date of the handgun license; and
- 8 12. Authorized pistol to be either: (D) derringer, (R)
- 9 revolver, (S) semiautomatic pistol, or some combination of
- 10 derringer, revolver and semiautomatic pistol as may be authorized by
- 11 the Oklahoma Self-Defense Act for which the person demonstrated
- 12 qualification pursuant to the certificate of training or an
- 13 exemption certificate.

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

16 Section 1290.20

17 PENALTY FOR REFUSAL TO SUBMIT OR FALSIFICATION

18 It shall be unlawful for any sheriff or designee to fail or  
19 refuse to accept an application for a ~~concealed~~ handgun license as  
20 authorized by the provisions of the Oklahoma Self-Defense Act, ~~7~~  
21 ~~Sections 1 through 25 of this act,~~ or to fail or refuse to process  
22 or submit the completed application to the Oklahoma State Bureau of  
23 Investigation within the time prescribed by paragraph 8 of Section

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

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

11 Section 1290.21

12 REPLACEMENT LICENSE

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

1 Oklahoma Self-Defense Act. The Bureau shall, upon receipt of the  
2 notarized statement and fee from the licensee, issue a substitute  
3 license with the same expiration date within ten (10) days of the  
4 receipt of the notarized statement and fee.

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

11 C. Any person having a valid ~~concealed~~ handgun license pursuant  
12 to the Oklahoma Self-Defense Act may carry any make or model of an  
13 authorized pistol listed on the license, provided the type of pistol  
14 shall not be other than the type or types listed on the license. A  
15 person may complete additional firearms training for an additional  
16 type of pistol during any license period and upon successful  
17 completion of the training may request the additional type of pistol  
18 be included on the license. The person shall submit to the Bureau a  
19 fifteen-dollar replacement fee, the original certificate of training  
20 and qualification for the additional type of firearm, and a  
21 statement requesting the license be updated to include the  
22 additional type of pistol. The Bureau shall issue an updated  
23 license with the same expiration date within ten (10) days of the

1 receipt of the request. The person shall have no authority to carry  
2 any additional type of pistol pursuant to the provisions of the  
3 Oklahoma Self-Defense Act until the updated license has been  
4 received by the licensee. The original license shall be destroyed  
5 upon receipt of an updated handgun license.

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

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

15 Section 1290.23

16 DEPOSIT OF FEES BY OSBI

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

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

3 Section 1290.24

4 IMMUNITY

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

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

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

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

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

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

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

11 Section 1290.25

12 LEGISLATIVE INTENT

13 The Legislature finds as a matter of public policy and fact that  
14 it is necessary to provide statewide uniform standards for issuing  
15 licenses to carry concealed or unconcealed handguns for lawful self-  
16 defense and self-protection, and further finds it necessary to  
17 occupy the field of regulation of the bearing of concealed or  
18 unconcealed handguns to ensure that no honest, law-abiding citizen  
19 who qualifies pursuant to the provisions of the Oklahoma Self-  
20 Defense Act, ~~Section 1290.1 et seq. of this title,~~ is subjectively  
21 or arbitrarily denied his or her rights. The Legislature does not  
22 delegate to the Oklahoma State Bureau of Investigation any authority  
23 to regulate or restrict the issuing of handgun licenses except as

UNDERLINED language denotes Amendments to present Statutes.  
BOLD FACE CAPITALIZED language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 provided by the provisions of this act. Subjective or arbitrary  
2 actions or rules which encumber the issuing process by placing  
3 burdens on the applicant beyond those requirements detailed in the  
4 provisions of the Oklahoma Self-Defense Act or which create  
5 restrictions beyond those specified in this act are deemed to be in  
6 conflict with the intent of this act and are hereby prohibited. The  
7 Oklahoma Self-Defense Act shall be liberally construed to carry out  
8 the constitutional right to bear arms for self-defense and self-  
9 protection. The provisions of the Oklahoma Self-Defense Act are  
10 cumulative to existing rights to bear arms and nothing in Section  
11 1290.1 et seq. of this title shall impair or diminish those rights.

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

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

4 Section 1290.26

5 RECIPROCAL AGREEMENT AUTHORITY

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

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

1 Section 1364.

2 DISCHARGING FIREARM

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

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

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

1 Commission and Bureau personnel on all legal matters and shall  
2 appear for and represent the Director, the Commission and Bureau  
3 personnel in all administrative hearings and all litigation or other  
4 proceedings which may arise in the discharge of their duties. At  
5 the request of the Oklahoma State Bureau of Narcotics and Dangerous  
6 Drugs Control Commission, such attorney shall assist the district  
7 attorney in prosecuting charges of violators of the Uniform  
8 Controlled Dangerous Substances Act or any felony relating to or  
9 arising from a violation of the Uniform Controlled Dangerous  
10 Substances Act. Attorneys for the Bureau who have been certified by  
11 the Council on Law Enforcement Education and Training to carry a  
12 ~~concealed~~ weapon or have been issued a ~~concealed~~ handgun license  
13 pursuant to the provisions of the Oklahoma Self-Defense Act shall be  
14 allowed to carry weapons pursuant to paragraph 3 of subsection A of  
15 Section 1272 of Title 21 of the Oklahoma Statutes. These attorneys,  
16 pursuant to this provision, shall not be considered eligible to  
17 participate in the Oklahoma Law Enforcement Retirement System. If a  
18 conflict of interest would be created by such attorney representing  
19 the Director, the Commission or Bureau personnel, additional counsel  
20 may be hired upon approval of the Oklahoma State Bureau of Narcotics  
21 and Dangerous Drugs Control Commission.

22 SECTION 45. AMENDATORY 63 O.S. 2001, Section 4210.3, is  
23 amended to read as follows:

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

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

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

20 BALLOT TITLE

21 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

22 THE GIST OF THE PROPOSITION IS AS FOLLOWS:  
23  
24

1 This measure would change the Oklahoma Self-Defense Act. This  
2 measure would allow concealed carry permit holders to carry a  
3 weapon on their person in a manner that is concealed or  
4 unconcealed. This measure would be effective January 1, 2013.

5 SHALL THE PROPOSAL BE APPROVED?

6 FOR THE PROPOSAL - YES \_\_\_\_\_

7 AGAINST THE PROPOSAL - NO \_\_\_\_\_

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

13  
14 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03-03-2011 -  
15 DO PASS, As Amended and Coauthored.  
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