

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1547

By: Cockroft

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2001, Section 1290.12, as last amended by
9 Section 1, Chapter 162, O.S.L. 2010 (21 O.S. Supp.
10 2010, Section 1290.12), which relates to the Oklahoma
11 Self-Defense Act; deleting certain fees associated
12 with concealed carry permit applications; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1290.12, as
16 last amended by Section 1, Chapter 162, O.S.L. 2010 (21 O.S. Supp.
17 2010, Section 1290.12), is amended to read as follows:

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

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

- 1 a. an application form,
- 2 b. procedures to follow to process the application form,
- 3 and
- 4 c. a copy of the Oklahoma Self-Defense Act with any
- 5 modifications thereto;

6 2. The person shall be required to successfully complete a
7 firearms safety and training course from a firearms instructor who
8 is approved and registered in this state as provided in Section
9 1290.14 of this title, and the person shall be required to
10 demonstrate competency and qualification with a pistol authorized
11 for concealed carry by the Oklahoma Self-Defense Act. The original
12 certificate of training shall be submitted with the application for
13 a handgun license. No duplicate, copy, facsimile or other
14 reproduction of the certificate of training or exemption from
15 training shall be acceptable as proof of training as required by the
16 provisions of the Oklahoma Self-Defense Act. A person exempt from
17 the training requirements as provided in Section 1290.15 of this
18 title must show the required proof of such exemption to the firearms
19 instructor to receive an exemption certificate. The original
20 exemption certificate must be submitted with the application for a
21 handgun license when the person claims an exemption from training
22 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 photograph of the
24 applicant for purposes of the Oklahoma Self-Defense Act and, if such

1 photographs are taken by the sheriff no fee for the cost of the
2 photographs shall ~~not exceed Ten Dollars (\$10.00) for the two~~
3 ~~photos. All money received by the sheriff from photographing~~
4 ~~applicants pursuant to the provisions of this paragraph shall be~~
5 ~~retained by the sheriff and deposited into the Sheriff's Service Fee~~
6 ~~Account~~ be assessed and collected from the applicant;

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 of the person;

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~~ There shall be no fee assessed and
23 collected from the applicant for the cost of taking the fingerprints
24 ~~shall be paid by~~ of the applicant ~~and shall not exceed Twenty five~~

1 ~~Dollars (\$25.00) for the two sets. All fees collected by the~~
2 ~~sheriff from taking fingerprints pursuant to the provisions of this~~
3 ~~paragraph shall be retained by the sheriff and deposited into the~~
4 ~~Sheriff's Service Fee 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
23 paid from the processing fee collected by the Oklahoma State Bureau
24 of Investigation;

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

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

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

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

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

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

- 1 (1) If the Bureau finds a record on the JOLTS that
2 indicates the person was adjudicated a delinquent
3 for an offense that would constitute a felony
4 offense if committed by an adult within the last
5 ten (10) years the Bureau shall deny the license,
- 6 (2) If the Bureau finds no record on the JOLTS
7 indicating the named person was adjudicated
8 delinquent for an offense that would constitute a
9 felony offense if committed by an adult within
10 the last ten (10) years, or
- 11 (3) If the records suggest the applicant may have
12 been adjudicated delinquent for an offense that
13 would constitute a felony offense if committed by
14 an adult but such record is inconclusive, the
15 Bureau shall ask the applicant whether he or she
16 was adjudicated a delinquent for an offense that
17 would constitute a felony offense if committed by
18 an adult within the last ten (10) years. If the
19 applicant states under penalty of perjury that he
20 or she was not adjudicated a delinquent within
21 ten (10) years, the Bureau shall continue
22 processing the application for a license;

23 12. If the background check set forth in ~~subsection~~ paragraph
24 11 of this ~~section~~ subsection reveals no records pertaining to the

1 applicant, the Oklahoma State Bureau of Investigation shall either
2 issue a concealed handgun license or deny the application within
3 sixty (60) days of the date of receipt of the ~~applicant's~~ completed
4 application of the applicant and the required information from the
5 sheriff. In all other cases, the Oklahoma State Bureau of
6 Investigation shall either issue a concealed handgun license or deny
7 the application within ninety (90) days of the date of the receipt
8 of the ~~applicant's~~ completed application of the applicant and the
9 required information from the sheriff. The Bureau shall approve an
10 applicant who appears to be in full compliance with the provisions
11 of the Oklahoma Self-Defense Act, if completion of the federal
12 fingerprint search is the only reason for delay of the issuance of
13 the handgun license to that applicant. Upon receipt of the federal
14 fingerprint search information, if the Bureau receives information
15 which precludes the person from having a concealed handgun license,
16 the Bureau shall revoke the concealed handgun license previously
17 issued to the applicant. The Bureau shall deny a license when the
18 applicant fails to properly complete the application form or
19 application process or is determined not to be eligible as specified
20 by the provisions of Section 1290.9, 1290.10 or 1290.11 of this
21 title. The Bureau shall approve an application in all other cases.
22 If an application is denied, the Bureau shall notify the applicant
23 in writing of its decision. The notification shall state the
24 grounds for the denial and inform the applicant of the right to an

1 appeal as may be provided by the provisions of the Administrative
2 Procedures Act. All notices of denial shall be mailed by first
3 class mail to the ~~applicant's~~ address of the applicant listed in the
4 application. Within sixty (60) calendar days from the date of
5 mailing a denial of application to an applicant, the applicant shall
6 notify the Bureau in writing of the intent to appeal the decision of
7 denial or the ~~applicant's~~ right of the applicant to appeal shall be
8 deemed waived. Any administrative hearing on a denial which may be
9 provided shall be conducted by a hearing examiner appointed by the
10 Bureau. The ~~hearing examiner's~~ decision of the hearing examiner
11 shall be a final decision appealable to a district court in
12 accordance with the Administrative Procedures Act. When an
13 application is approved, the Bureau shall issue the license and mail
14 it to the sheriff of the county wherein the applicant resides. The
15 applicant may pick up the concealed handgun license from the
16 sheriff's office.

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

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SECTION 2. This act shall become effective November 1, 2011.

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