

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1364

By: David

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Self Defense Act;
8 amending 21 O.S. 2011, Section 1290.14, which relates
9 to certain requirements for firearms instructors;
10 excepting certain persons from certain requirement to
11 be a firearms instructor; and providing an effective
12 date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.14, is
15 amended to read as follows:

Section 1290.14.

16 SAFETY AND TRAINING COURSE

17 A. Each applicant for a license to carry a concealed handgun
18 pursuant to the Oklahoma Self-Defense Act must successfully complete
19 a firearms safety and training course in this state conducted by a
20 registered and approved firearms instructor as provided by the
21 provisions of this section. The applicant must further demonstrate
22 competence and qualification with an authorized pistol of the type
23 or types that the applicant desires to carry as a concealed handgun
24 pursuant to the provisions of the Oklahoma Self-Defense Act, except

1 certain persons may be exempt from such training requirement as
2 provided by the provisions of Section 1290.15 of this title.

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

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

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

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

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

21 4. Receive a course completion certificate.

22 All firearms instructors shall be required to meet the eligibility
23 requirements for a concealed handgun license as provided in Sections
24 1290.9, 1290.10, and 1290.11 of this title, and the application

1 shall be processed as provided for applicants in Section 1290.12 of
2 this title, including the state and national criminal history
3 records search and fingerprint search, provided, any person who
4 qualifies for an exemption as provided in Section 1290.15 of Title
5 21 of the Oklahoma Statutes shall not be required to obtain a
6 concealed handgun license in order to be a firearms instructor. A
7 firearms instructor shall be required to pay a fee of One Hundred
8 Dollars (\$100.00) to the Council on Law Enforcement Education and
9 Training (CLEET) each time the person makes application for CLEET
10 approval as a firearms instructor pursuant to the provisions of the
11 Oklahoma Self-Defense Act. The fee shall be retained by CLEET and
12 shall be deposited into the Firearms Instructors Revolving Fund.
13 CLEET shall promulgate the rules, forms and procedures necessary to
14 implement the approval of firearms instructors as authorized by the
15 provisions of this subsection. CLEET shall periodically review each
16 approved instructor during a training and qualification course to
17 assure compliance with the rules and course contents. Any violation
18 of the rules may result in the revocation or suspension of CLEET and
19 Oklahoma State Bureau of Investigation approval. Unless the
20 approval has been revoked or suspended, a firearms instructor's
21 CLEET approval shall be for a term of five (5) years. Beginning on
22 ~~the effective date of this act~~ July 1, 2003, any firearms instructor
23 who has been issued a four-year CLEET approval shall not be eligible
24 for the five-year approval until the expiration of the approval

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

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

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

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

- 15 a. an active duty law enforcement officer of this state
16 or any of its political subdivisions or of the federal
17 government who has a valid CLEET approval as a
18 firearms instructor pursuant to the Oklahoma Self-
19 Defense Act, and
- 20 b. a retired law enforcement officer authorized to carry
21 a firearm pursuant to Section 1289.8 of this title who
22 has a valid CLEET approval as a firearms instructor
23 pursuant to the Oklahoma Self-Defense Act.

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

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

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

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~~ the 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~~ the fund shall be made upon warrants issued
20 by the State Treasurer against claims filed as prescribed by law
21 with the Director of State Finance for approval and payment.

22 SECTION 2. This act shall become effective November 1, 2012.

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