

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1550

By: Shortey

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Sections 1289.23, 1290.12, 1290.13,
9 1290.14 and 1290.20, which relate to firearms;
10 modifying and providing for certain fee; deleting
11 certain requirement for certain license; providing
12 for certain mailing; and providing an effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.23, is
15 amended to read as follows:

Section 1289.23.

16 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

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

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

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

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

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

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

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

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

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

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

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

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

22 G. Nothing in this section shall be construed to limit or
23 restrict any peace officer or reserve peace officer from carrying a
24 concealed handgun as allowed by the Oklahoma Self-Defense Act after

1 issuance of a valid license. When an off-duty officer elects to
2 carry a concealed handgun under the authority of the Oklahoma Self-
3 Defense Act, the person shall comply with all provisions of such act
4 and shall not be representing the employing agency.

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

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

12 1. The officer shall apply in writing to the Council on Law
13 Enforcement Education and Training (CLEET) stating that the officer
14 desires to have a concealed permit pursuant to the Oklahoma Self-
15 Defense Act and certifying that he or she has no preclusions to
16 having such concealed handgun license. The officer shall submit
17 with the application:

- 18 a. an official letter from his or her employing agency
19 confirming the officer's employment and status as a
20 full-time commissioned peace officer or an active
21 reserve peace officer,
- 22 b. a fee of Twenty-five Dollars (\$25.00) for the
23 concealed handgun license, and

24

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

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

21 3. The term of the concealed handgun permit for an active duty
22 reserve or full-time commissioned peace officer pursuant to this
23 section shall be as provided in Section 1290.5 of this title,
24 renewable in the same manner provided in this subsection for an

1 original application by a peace officer. The concealed handgun
2 license shall be valid when the peace officer is in possession of a
3 valid driver license and law enforcement commission card.

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

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

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

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

22 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.12, is
23 amended to read as follows:

24

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

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

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

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

1 the training requirements as provided in Section 1290.15 of this
2 title must show the required proof of such exemption to the firearms
3 instructor to receive an exemption certificate. The original
4 exemption certificate must be submitted with the application for a
5 handgun license when the person claims an exemption from training
6 and qualification;

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

10 4. The person shall deliver to the sheriff at the time of
11 delivery of the completed application form a fee of ~~One Hundred~~
12 ~~Dollars (\$100.00)~~ Thirty-five Dollars (\$35.00) for processing the
13 application through the Oklahoma State Bureau of Investigation ~~and~~
14 ~~processing the required fingerprints through the Federal Bureau of~~
15 ~~Investigation~~ and the sheriff of the county wherein the applicant
16 resides. The Bureau shall remit Ten Dollars (\$10.00) of the fee to
17 the county sheriff who processed the application. The processing
18 fee shall be in the form of:

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

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

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

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

1 shall be denied the right to have a concealed handgun license
2 pursuant to the provisions of Section 1290.10 of this title and the
3 Oklahoma State Bureau of Investigation shall revoke the handgun
4 license, if issued;

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

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

24

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

13 ~~9.~~ The sheriff shall submit to the Oklahoma State Bureau of
14 Investigation within the fourteen-day period, together with the
15 completed application, including the certificate of training or
16 exemption certificate, photographs, and processing fee, and ~~legible~~
17 ~~fingerprints meeting the Oklahoma State Bureau of Investigation's~~
18 ~~Automated Fingerprint Identification System (AFIS) submission~~
19 ~~standards, and a report of information deemed pertinent to an~~
20 investigation of the applicant for a handgun license. The sheriff
21 shall make a preliminary investigation of pertinent information
22 about the applicant and the court clerk shall assist the sheriff in
23 locating pertinent information in court records for this purpose.

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1 If no pertinent information is found to exist either for or against
2 the applicant, the sheriff shall so indicate in the report;

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

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

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

1 Department of Mental Health and Substance Abuse

2 Services shall respond within ten (10) days of

3 receiving such information to the Bureau as follows:

4 (1) with a "Yes" answer, if the Department's records

5 indicate that the person was involuntarily

6 committed to a mental institution in Oklahoma, or

7 (2) with a "No" answer, if there are no records

8 indicating the name of the person as a person

9 involuntarily committed to a mental institution

10 in Oklahoma, or

11 (3) with an "Inconclusive" answer if the Department's

12 records suggest the applicant may be a formerly

13 committed person. In the case of an inconclusive

14 answer, the Bureau shall ask the applicant

15 whether he or she was involuntarily committed.

16 If the applicant states under penalty of perjury

17 that he or she has not been involuntarily

18 committed, the Bureau shall continue processing

19 the application for a license.

20 b. In the course of the Bureau's investigation, it shall

21 check the name of any applicant who is twenty-eight

22 (28) years of age or younger along with any known

23 aliases, the address of the applicant and the social

24 security number of the applicant against the records

1 in the Juvenile Online Tracking System (JOLTS) of the
2 Office of Juvenile Affairs. The Office of Juvenile
3 Affairs shall provide the Bureau direct access to
4 check the applicant against the records available on
5 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
24 applicant states under penalty of perjury that he

1 or she was not adjudicated a delinquent within
2 ten (10) years, the Bureau shall continue
3 processing the application for a license;

4 ~~12.~~ 10. If the background check set forth in subsection ~~11~~ 9 of
5 this section reveals no records pertaining to the applicant, the
6 Oklahoma State Bureau of Investigation shall either issue a
7 concealed handgun license or deny the application within sixty (60)
8 days of the date of receipt of the applicant's completed application
9 and the required information from the sheriff. In all other cases,
10 the Oklahoma State Bureau of Investigation shall either issue a
11 concealed handgun license or deny the application within ninety (90)
12 days of the date of the receipt of the applicant's completed
13 application and the required information from the sheriff. ~~The~~
14 ~~Bureau shall approve an applicant who appears to be in full~~
15 ~~compliance with the provisions of the Oklahoma Self-Defense Act, if~~
16 ~~completion of the federal fingerprint search is the only reason for~~
17 ~~delay of the issuance of the handgun license to that applicant.~~
18 ~~Upon receipt of the federal fingerprint search information, if the~~
19 ~~Bureau receives information which precludes the person from having a~~
20 ~~concealed handgun license, the Bureau shall revoke the concealed~~
21 ~~handgun license previously issued to the applicant. The Bureau~~
22 shall deny a license when the applicant fails to properly complete
23 the application form or application process or is determined not to
24 be eligible as specified by the provisions of Section 1290.9,

1 1290.10 or 1290.11 of this title. The Bureau shall approve an
2 application in all other cases. If an application is denied, the
3 Bureau shall notify the applicant in writing of its decision. The
4 notification shall state the grounds for the denial and inform the
5 applicant of the right to an appeal as may be provided by the
6 provisions of the Administrative Procedures Act. All notices of
7 denial shall be mailed by first class mail to the applicant's
8 address listed in the application. Within sixty (60) calendar days
9 from the date of mailing a denial of application to an applicant,
10 the applicant shall notify the Bureau in writing of the intent to
11 appeal the decision of denial or the applicant's right to appeal
12 shall be deemed waived. Any administrative hearing on a denial
13 which may be provided shall be conducted by a hearing examiner
14 appointed by the Bureau. The hearing examiner's decision shall be a
15 final decision appealable to a district court in accordance with the
16 Administrative Procedures Act. When an application is approved, the
17 Bureau shall issue the license and mail it by first class mail to
18 ~~the sheriff of the county wherein the applicant resides~~ the
19 applicant's address listed in the application. ~~The applicant may~~
20 ~~pick up the concealed handgun license from the sheriff's office.~~

21 B. Nothing contained in any provision of the Oklahoma Self-
22 Defense Act shall be construed to require or authorize the
23 registration, documentation or providing of serial numbers with
24 regard to any firearm. For purposes of the Oklahoma Self-Defense

1 Act, the sheriff may designate a person to receive, ~~fingerprint,~~
2 photograph or otherwise process applications for concealed handgun
3 licenses.

4 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.13, is
5 amended to read as follows:

6 Section 1290.13.

7 AUTOMATIC LISTING OF LICENSES

8 The Oklahoma State Bureau of Investigation shall maintain an
9 automated listing of all persons issued a concealed handgun license
10 in this state pursuant to the provisions of the Oklahoma Self-
11 Defense Act, ~~Section 1290.1 et seq. of this title,~~ and all
12 subsequent suspended or revoked licenses. Information from the
13 automated listing shall only be available to a law enforcement
14 officer or law enforcement agency upon request for law enforcement
15 purposes. The Bureau shall also maintain for each applicant the
16 original application or a copy of the original application form and
17 any subsequent renewal application forms together with the
18 photographs, ~~fingerprints~~ and other pertinent information on the
19 applicant which shall be confidential, except to law enforcement
20 officers or law enforcement agencies in the performance of their
21 duties. To facilitate the Bureau's administration of the Oklahoma
22 Self-Defense Act, all licensees shall maintain a current mailing
23 address where the licensee may receive certified mail. The licensee

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1 shall within thirty (30) days of a change of name or address inform
2 the Bureau of such change.

3 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.14, is
4 amended to read as follows:

5 Section 1290.14.

6 SAFETY AND TRAINING COURSE

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

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

24

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

- 3 a. Council on Law Enforcement Education and Training,
- 4 b. National Rifle Association,
- 5 c. Oklahoma Rifle Association,
- 6 d. federal law enforcement agencies, or
- 7 e. other professionally recognized organizations;

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

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

12 4. Receive a course completion certificate.

13 All firearms instructors shall be required to meet the eligibility
14 requirements for a concealed handgun license as provided in Sections
15 1290.9, 1290.10, and 1290.11 of this title, and the application
16 shall be processed as provided for applicants in Section 1290.12 of
17 this title, including the state and national criminal history
18 records search ~~and fingerprint search~~. A firearms instructor shall
19 be required to pay a fee of One Hundred Dollars (\$100.00) to the
20 Council on Law Enforcement Education and Training (CLEET) each time
21 the person makes application for CLEET approval as a firearms
22 instructor pursuant to the provisions of the Oklahoma Self-Defense
23 Act. The fee shall be retained by CLEET and shall be deposited into
24 the Firearms Instructors Revolving Fund. CLEET shall promulgate the

1 rules, forms and procedures necessary to implement the approval of
2 firearms instructors as authorized by the provisions of this
3 subsection. CLEET shall periodically review each approved
4 instructor during a training and qualification course to assure
5 compliance with the rules and course contents. Any violation of the
6 rules may result in the revocation or suspension of CLEET and
7 Oklahoma State Bureau of Investigation approval. Unless the
8 approval has been revoked or suspended, a firearms instructor's
9 CLEET approval shall be for a term of five (5) years. Beginning on
10 ~~the effective date of this act~~ July 1, 2003, any firearms instructor
11 who has been issued a four-year CLEET approval shall not be eligible
12 for the five-year approval until the expiration of the approval
13 previously issued. CLEET shall be responsible for notifying all
14 approved firearms instructors of statutory and policy changes
15 related to the Oklahoma Self-Defense Act.

16 C. 1. All firearms instructors approved by CLEET to train and
17 qualify individuals for a concealed handgun license shall be
18 required to apply for registration with the Oklahoma State Bureau of
19 Investigation after receiving CLEET approval. All firearms
20 instructors teaching the approved course for a concealed handgun
21 license must display their registration certificate during each
22 training and qualification course. Each approved firearms
23 instructor shall complete a registration form provided by the Bureau
24 and shall pay a registration fee of One Hundred Dollars (\$100.00) to

1 the Bureau at the time of each application for registration, except
2 as provided in paragraph 2 of this subsection. Registration
3 certificates issued by the Bureau shall be valid for five (5) years
4 from the date of issuance. The Bureau shall issue a five-year
5 handgun license to an approved firearms instructor at the time of
6 issuance of a registration certificate and no additional fee shall
7 be required or charged. The Bureau shall maintain a current listing
8 of all registered firearms instructors in this state. Nothing in
9 this paragraph shall be construed to eliminate the requirement for
10 registration and training with CLEET as provided in subsection B of
11 this section. Failure to register or be trained as required shall
12 result in a revocation or suspension of the instructor certificate
13 by the Bureau.

14 2. On ~~the effective date of this act~~ June 9, 2004, the
15 registered instructors listed in subparagraphs a and b of this
16 paragraph shall not be required to renew the firearms instructor
17 registration certificate with the Oklahoma State Bureau of
18 Investigation at the expiration of the registration term, provided
19 the instructor is not subject to any suspension or revocation of the
20 firearm instructor certificate. The firearms instructor
21 registration with the Oklahoma State Bureau of Investigation shall
22 automatically renew together with the handgun license authorized in
23 paragraph 1 of this subsection for an additional five-year term and
24

1 no additional cost or fee may be charged for the following
2 individuals:

- 3 a. an active duty law enforcement officer of this state
4 or any of its political subdivisions or of the federal
5 government who has a valid CLEET approval as a
6 firearms instructor pursuant to the Oklahoma Self-
7 Defense Act, and
- 8 b. a retired law enforcement officer authorized to carry
9 a firearm pursuant to Section 1289.8 of this title who
10 has a valid CLEET approval as a firearms instructor
11 pursuant to the Oklahoma Self-Defense Act.

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

23 E. The required firearms safety and training course and the
24 actual demonstration of competency and qualification required of the

1 applicant shall be designed and conducted in such a manner that the
2 course can be reasonably completed by the applicant within an eight-
3 hour period. CLEET shall establish the course content and
4 promulgate rules, procedures and forms necessary to implement the
5 provisions of this subsection. For the training and qualification
6 course, an applicant may be charged a fee not to exceed Sixty
7 Dollars (\$60.00). The instructor to student ratio shall not exceed
8 ten students to any one instructor. CLEET may establish criteria
9 for assistant instructors, maximum class size and any other
10 requirements deemed necessary to conduct a safe and effective
11 training and qualification course. The course content shall include
12 a safety inspection of the firearm to be used by the applicant in
13 the training course; instruction on pistol handling, safety and
14 storage; dynamics of ammunition and firing; methods or positions for
15 firing a pistol; information about the criminal provisions of the
16 Oklahoma law relating to firearms; the requirements of the Oklahoma
17 Self-Defense Act as it relates to the applicant; self-defense and
18 the use of appropriate force; a practice shooting session; and a
19 familiarization course. The firearms instructor shall refuse to
20 train or qualify any person when the pistol to be used or carried by
21 the person is either deemed unsafe or unfit for firing or is a
22 weapon not authorized by the Oklahoma Self-Defense Act. The course
23 shall provide an opportunity for the applicant to qualify himself or
24 herself on either a derringer, a revolver, a semiautomatic pistol or

1 any combination of a derringer, a revolver and a semiautomatic
2 pistol, provided no pistol shall be capable of firing larger than
3 .45 caliber ammunition. Any applicant who successfully trains and
4 qualifies himself or herself with a semiautomatic pistol may be
5 approved by the firearms instructor on the training certificate for
6 a semiautomatic pistol, a revolver and a derringer upon request of
7 the applicant. Any person who qualifies on a derringer or revolver
8 shall not be eligible for a semiautomatic rating until the person
9 has demonstrated competence and qualifications on a semiautomatic
10 pistol. Upon successful completion of the training and
11 qualification course, a certificate shall be issued to each
12 applicant who successfully completes the course. The certificate of
13 training shall comply with the form established by CLEET and shall
14 be submitted with an application for a concealed handgun license
15 pursuant to the provisions of paragraph 2 of Section 1290.12 of this
16 title.

17 F. There is hereby created a revolving fund for the Council on
18 Law Enforcement Education and Training (CLEET), to be designated the
19 "Firearms Instructors Revolving Fund". The fund shall be a
20 continuing fund, not subject to fiscal year limitations, and shall
21 consist of all funds received for approval of firearms instructors
22 for purposes of the Oklahoma Self-Defense Act. All funds received
23 shall be deposited to the fund. All monies accruing to the credit
24 of said fund are hereby appropriated and may be budgeted and

1 expended by the Council on Law Enforcement Education and Training,
2 for implementation of the training and qualification course
3 contents, approval of firearms instructors and any other CLEET
4 requirement pursuant to the provisions of the Oklahoma Self-Defense
5 Act or as may otherwise be deemed appropriate by CLEET.

6 Expenditures from said fund shall be made upon warrants issued by
7 the State Treasurer against claims filed as prescribed by law with
8 the Director of State Finance for approval and payment.

9 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1290.20, is
10 amended to read as follows:

11 Section 1290.20.

12 PENALTY FOR REFUSAL TO SUBMIT OR FALSIFICATION

13 It shall be unlawful for any sheriff or designee to fail or
14 refuse to accept an application for a concealed handgun license as
15 authorized by the provisions of the Oklahoma Self-Defense Act,
16 Sections ~~4~~ 1290.1 through ~~25~~ 1290.25 of this ~~act~~ title, or to fail
17 or refuse to process or submit the completed application to the
18 Oklahoma State Bureau of Investigation within the time prescribed by
19 paragraph 8 of Section 12 of this act, or to falsify or knowingly
20 allow any person to falsify any information, documentation, ~~7~~
21 ~~fingerprint~~ or photograph submitted with a concealed handgun
22 application. Any violation shall, upon conviction, be a
23 misdemeanor. There is a presumption that the sheriff has acted in
24 good faith to comply with the provisions of the Oklahoma Self-

1 Defense Act and any alleged violation of the provisions of this
2 section shall require proof beyond a reasonable doubt.

3 SECTION 6. This act shall become effective November 1, 2012.

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