

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1462 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Pat Ownbey

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1462

By: Ownbey

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending
9 21 O.S. 2011, Sections 1290.14 and 1290.15, as
10 amended by Sections 34 and 35, Chapter 259, O.S.L.
11 2012 (21 O.S. Supp. 2012, Sections 1290.14 and
12 1290.15), which relate to the Oklahoma Self-Defense
13 Act; terminating fingerprint submission requirement
14 for certain renewals; providing for ten-year
15 registration certificates; stating fee; allowing
16 firearm training and qualification course providers
17 to determine course fees; and providing an effective
18 date.

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

20 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.14, as
21 amended by Section 34, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
22 Section 1290.14), is amended to read as follows:

23 Section 1290.14

24 SAFETY AND TRAINING COURSE

A. Each applicant for a license to carry a concealed or
unconcealed handgun pursuant to the Oklahoma Self-Defense Act must

1 successfully complete a firearms safety and training course in this
2 state conducted by a registered and approved firearms instructor as
3 provided by the provisions of this section. The applicant must
4 further demonstrate competence and qualification with an authorized
5 pistol of the type or types that the applicant desires to carry as a
6 concealed or unconcealed handgun pursuant to the provisions of the
7 Oklahoma Self-Defense Act, except certain persons may be exempt from
8 such training requirement as provided by the provisions of Section
9 1290.15 of this title.

10 B. The Council on Law Enforcement Education and Training
11 (CLEET) shall establish criteria for approving firearms instructors
12 for purposes of training and qualifying individuals for a handgun
13 license pursuant to the provisions of the Oklahoma Self-Defense Act.
14 Prior to submitting an application for CLEET approval as a firearms
15 instructor, applicants shall attend a firearms instructor school,
16 meeting the following minimum requirements:

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

- 19 a. Council on Law Enforcement Education and Training,
- 20 b. National Rifle Association,
- 21 c. Oklahoma Rifle Association,
- 22 d. federal law enforcement agencies, or
- 23 e. other professionally recognized organizations;

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

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

4 4. Receive a course completion certificate.

5 All firearms instructors shall be required to meet the eligibility
6 requirements for a handgun license as provided in Sections 1290.9,
7 1290.10, and 1290.11 of this title, and the application shall be
8 processed as provided for applicants in Section 1290.12 of this
9 title, including the state and national criminal history records
10 search and fingerprint search. A firearms instructor shall be
11 required to pay a fee of One Hundred Dollars (\$100.00) to the
12 Council on Law Enforcement Education and Training (CLEET) each time
13 the person makes application for CLEET approval as a firearms
14 instructor pursuant to the provisions of the Oklahoma Self-Defense
15 Act. The fee shall be retained by CLEET and shall be deposited into
16 the Firearms Instructors Revolving Fund. CLEET shall promulgate the
17 rules, forms and procedures necessary to implement the approval of
18 firearms instructors as authorized by the provisions of this
19 subsection. CLEET shall periodically review each approved
20 instructor during a training and qualification course to assure
21 compliance with the rules and course contents. Any violation of the
22 rules may result in the revocation or suspension of CLEET and
23 Oklahoma State Bureau of Investigation approval. Unless the
24 approval has been revoked or suspended, a firearms instructor's

1 CLEET approval shall be for a term of five (5) years. Beginning on
2 July 1, 2003, any firearms instructor who has been issued a four-
3 year CLEET approval shall not be eligible for the five-year approval
4 until the expiration of the approval previously issued. CLEET shall
5 be responsible for notifying all approved firearms instructors of
6 statutory and policy changes related to the Oklahoma Self-Defense
7 Act. A firearms instructor shall not be required to submit his or
8 her fingerprints for a fingerprint search when renewing a firearms
9 instructor's CLEET approval.

10 C. 1. All firearms instructors approved by CLEET to train and
11 qualify individuals for a handgun license shall be required to apply
12 for registration with the Oklahoma State Bureau of Investigation
13 after receiving CLEET approval. All firearms instructors teaching
14 the approved course for a handgun license must display their
15 registration certificate during each training and qualification
16 course. Each approved firearms instructor shall complete a
17 registration form provided by the Bureau and shall have the option
18 to pay a registration fee of either One Hundred Dollars (\$100.00)
19 for a five-year registration certificate or Two Hundred Dollars
20 (\$200.00) for a ten-year registration certificate to the Bureau at
21 the time of each application for registration, except as provided in
22 paragraph 2 of this subsection. Registration certificates issued by
23 the Bureau shall be valid for a period of five (5) years or ten (10)
24 years from the date of issuance. The Bureau shall issue a five-year

1 or ten-year handgun license to an approved firearms instructor at
2 the time of issuance of a registration certificate and no additional
3 fee shall be required or charged. The Bureau shall maintain a
4 current listing of all registered firearms instructors in this
5 state. Nothing in this paragraph shall be construed to eliminate
6 the requirement for registration and training with CLEET as provided
7 in subsection B of this section. Failure to register or be trained
8 as required shall result in a revocation or suspension of the
9 instructor certificate by the Bureau.

10 2. On or after July 1, 2003, the registered instructors listed
11 in subparagraphs a and b of this paragraph shall not be required to
12 renew the firearms instructor registration certificate with the
13 Oklahoma State Bureau of Investigation at the expiration of the
14 registration term, provided the instructor is not subject to any
15 suspension or revocation of the firearm instructor certificate. The
16 firearms instructor registration with the Oklahoma State Bureau of
17 Investigation shall automatically renew together with the handgun
18 license authorized in paragraph 1 of this subsection for an
19 additional five-year term and no additional cost or fee may be
20 charged for the following individuals:

21 a. an active duty law enforcement officer of this state
22 or any of its political subdivisions or of the federal
23 government who has a valid CLEET approval as a
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1 firearms instructor pursuant to the Oklahoma Self-
2 Defense Act, and

3 b. a retired law enforcement officer authorized to carry
4 a firearm pursuant to Section 1289.8 of this title who
5 has a valid CLEET approval as a firearms instructor
6 pursuant to the Oklahoma Self-Defense Act.

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

17 E. The required firearms safety and training course and the
18 actual demonstration of competency and qualification required of the
19 applicant shall be designed and conducted in such a manner that the
20 course can be reasonably completed by the applicant within an eight-
21 hour period. CLEET shall establish the course content and
22 promulgate rules, procedures and forms necessary to implement the
23 provisions of this subsection. For the training and qualification
24 course, an applicant may be charged a fee ~~not to exceed Sixty~~

1 ~~Dollars (\$60.00)~~ which shall be determined by the instructor or
2 entity that is conducting the course. The instructor to student
3 ratio shall not exceed ten students to any one instructor. CLEET
4 may establish criteria for assistant instructors, maximum class size
5 and any other requirements deemed necessary to conduct a safe and
6 effective training and qualification course. The course content
7 shall include a safety inspection of the firearm to be used by the
8 applicant in the training course; instruction on pistol handling,
9 safety and storage; dynamics of ammunition and firing; methods or
10 positions for firing a pistol; information about the criminal
11 provisions of the Oklahoma law relating to firearms; the
12 requirements of the Oklahoma Self-Defense Act as it relates to the
13 applicant; self-defense and the use of appropriate force; a practice
14 shooting session; and a familiarization course. The firearms
15 instructor shall refuse to train or qualify any person when the
16 pistol to be used or carried by the person is either deemed unsafe
17 or unfit for firing or is a weapon not authorized by the Oklahoma
18 Self-Defense Act. The course shall provide an opportunity for the
19 applicant to qualify himself or herself on either a derringer, a
20 revolver, a semiautomatic pistol or any combination of a derringer,
21 a revolver and a semiautomatic pistol, provided no pistol shall be
22 capable of firing larger than .45 caliber ammunition. Any applicant
23 who successfully trains and qualifies himself or herself with a
24 semiautomatic pistol may be approved by the firearms instructor on

1 the training certificate for a semiautomatic pistol, a revolver and
2 a derringer upon request of the applicant. Any person who qualifies
3 on a derringer or revolver shall not be eligible for a semiautomatic
4 rating until the person has demonstrated competence and
5 qualifications on a semiautomatic pistol. Upon successful
6 completion of the training and qualification course, a certificate
7 shall be issued to each applicant who successfully completes the
8 course. The certificate of training shall comply with the form
9 established by CLEET and shall be submitted with an application for
10 a handgun license pursuant to the provisions of paragraph 2 of
11 Section 1290.12 of this title.

12 F. There is hereby created a revolving fund for the Council on
13 Law Enforcement Education and Training (CLEET), to be designated the
14 "Firearms Instructors Revolving Fund". The fund shall be a
15 continuing fund, not subject to fiscal year limitations, and shall
16 consist of all funds received for approval of firearms instructors
17 for purposes of the Oklahoma Self-Defense Act. All funds received
18 shall be deposited to the fund. All monies accruing to the credit
19 of said fund are hereby appropriated and may be budgeted and
20 expended by the Council on Law Enforcement Education and Training,
21 for implementation of the training and qualification course
22 contents, approval of firearms instructors and any other CLEET
23 requirement pursuant to the provisions of the Oklahoma Self-Defense
24 Act or as may otherwise be deemed appropriate by CLEET.

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

4 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.15, as
5 amended by Section 35, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
6 Section 1290.15), is amended to read as follows:

7 Section 1290.15

8 PERSONS EXEMPT FROM TRAINING COURSE

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

12 1. A firearms instructor registered with the Oklahoma State
13 Bureau of Investigation for purposes of the Oklahoma Self-Defense
14 Act;

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

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

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

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

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

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

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

13 Provided, however, persons applying for an exemption pursuant to
14 paragraph 3, 4, 5, 6 or 7 of this subsection may be required to
15 successfully complete the classroom portion of the training course.
16 The fee for the classroom portion of the training course shall ~~not~~
17 ~~exceed a fee of Thirty Dollars (\$30.00)~~ be determined by the
18 instructor or entity that is conducting the course.

19 B. The Council on Law Enforcement Education and Training
20 (CLEET) shall establish criteria for providing proof of an
21 exemption. Before any person shall be considered exempt from all or
22 part of the required training and qualification pursuant to the
23 provisions of the Oklahoma Self-Defense Act, the person shall
24 present the required proof of exemption to a registered firearms

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

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

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SECTION 3. This act shall become effective November 1, 2013.

54-1-6841 GRS 02/06/13