

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1366

By: Sanders

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7 COMMITTEE SUBSTITUTE

8 An Act relating to firearms; amending 21 O.S. 2011,
9 Section 1290.12, as amended by Section 32, Chapter
10 259, O.S.L. 2012 (21 O.S. Supp. 2012, Section
11 1290.12), which relates to application procedures for
12 handgun licenses; providing alternate process for
13 taking fingerprints of applicants under certain
14 circumstances; and providing an effective date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.12, as
17 amended by Section 32, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
18 Section 1290.12), is amended to read as follows:

19 Section 1290.12

20 PROCEDURE FOR APPLICATION

21 A. The procedure for applying for a handgun license and
22 processing the application shall be as follows:

23 1. An eligible person may request an application packet for a
24 handgun license from the Oklahoma State Bureau of Investigation or

1 the county sheriff's office either in person or by mail. The Bureau
2 may provide application packets to each sheriff not exceeding two
3 hundred packets per request. The Bureau shall provide the following
4 information in the application packet:

- 5 a. an application form,
- 6 b. procedures to follow to process the application form,
- 7 and
- 8 c. a copy of the Oklahoma Self-Defense Act with any
9 modifications thereto;

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

1 handgun license when the person claims an exemption from training
2 and qualification;

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

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

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

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

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

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

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

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)
24 for the two sets. All fees collected by the sheriff from taking

1 fingerprints pursuant to the provisions of this paragraph shall be
2 retained by the sheriff and deposited into the Sheriff's Service Fee
3 Account. If it is determined that the fingerprints do not meet the
4 Oklahoma State Bureau of Investigation's Automated Fingerprint
5 Identification System (AFIS) submission standards, the applicant may
6 then have his or her fingerprints taken by any sheriff, police
7 department or approved private vendor authorized to take
8 fingerprints;

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

22 10. The Oklahoma State Bureau of Investigation, upon receipt of
23 the application and required information from the sheriff, shall
24 forward one full set of fingerprints of the applicant to the Federal

1 Bureau of Investigation for a national criminal history records
2 search. The cost of processing the fingerprints nationally shall be
3 paid from the processing fee collected by the Oklahoma State Bureau
4 of Investigation;

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

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

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- 1 (1) with a "Yes" answer, if the records of the
2 Department indicate that the person was
3 involuntarily committed to a mental institution
4 in Oklahoma,
- 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 records of
10 the Department suggest the applicant may be a
11 formerly committed person. In the case of an
12 inconclusive answer, the Bureau shall ask the
13 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 investigation by the Bureau, ~~it~~
20 the Bureau 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
24 against the records in the Juvenile Online Tracking

1 System (JOLTS) of the Office of Juvenile Affairs. The
2 Office of Juvenile Affairs shall provide the Bureau
3 direct access to check the applicant against the
4 records available on JOLTS.

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

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

15 (3) If the records suggest the applicant may have
16 been adjudicated delinquent for an offense that
17 would constitute a felony offense if committed by
18 an adult but such record is inconclusive, the
19 Bureau shall ask the applicant whether he or she
20 was adjudicated a delinquent for an offense that
21 would constitute a felony offense if committed by
22 an adult within the last ten (10) years. If the
23 applicant states under penalty of perjury that he
24 or she was not adjudicated a delinquent within

1 ten (10) years, the Bureau shall continue
2 processing the application for a license;

3 12. If the background check set forth in paragraph 11 of this
4 subsection reveals no records pertaining to the applicant, the
5 Oklahoma State Bureau of Investigation shall either issue a handgun
6 license or deny the application within sixty (60) days of the date
7 of receipt of the ~~applicant's~~ completed application of the applicant
8 and the required information from the sheriff. In all other cases,
9 the Oklahoma State Bureau of Investigation shall either issue a
10 handgun license or deny the application within ninety (90) days of
11 the date of the receipt of the ~~applicant's~~ completed application of
12 the applicant and the required information from the sheriff. The
13 Bureau shall approve an applicant who appears to be in full
14 compliance with the provisions of the Oklahoma Self-Defense Act, if
15 completion of the federal fingerprint search is the only reason for
16 delay of the issuance of the handgun license to that applicant.
17 Upon receipt of the federal fingerprint search information, if the
18 Bureau receives information which precludes the person from having a
19 handgun license, the Bureau shall revoke the handgun license
20 previously issued to the applicant. The Bureau shall deny a license
21 when the applicant fails to properly complete the application form
22 or application process or is determined not to be eligible as
23 specified by the provisions of Section 1290.9, 1290.10 or 1290.11 of
24 this title. The Bureau shall approve an application in all other

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

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

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SECTION 2. This act shall become effective November 1, 2013.

54-1-6990 GRS 02/13/13