

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1733

By: Sykes, Allen, Russell and
Shortey of the Senate

and

Hickman and Bennett of the
House

11 COMMITTEE SUBSTITUTE

12 An Act relating to firearms; amending 21 O.S. 2011,
13 Sections 1272, 1272.1, 1272.2, 1273, 1276, 1277,
14 1278, 1280.1, 1283 and 1287, which relate to the
15 carrying, use and possession of firearms; modifying
16 description of handgun licenses; clarifying manner in
17 which firearms may be carried by handgun licensees;
18 deleting certain statutory references; amending 21
19 O.S. 2011, Sections 1289.6, 1289.7, 1289.7a, 1289.9,
20 1289.10, 1289.11, 1289.12, 1289.13, 1289.13A,
21 1289.16, 1289.23 and 1289.24, which relate to the
22 Oklahoma Firearms Act of 1971; modifying conditions
23 related to carrying firearms; modifying description
24 of handgun licenses; clarifying manner in which
 firearms may be carried by handgun licensees;
 deleting certain statutory references; modifying
 scope of certain firearms prohibition; prohibiting
 the punishment of persons for certain crimes under
 certain circumstances; amending 21 O.S. 2011,
 Sections 1290.2, 1290.3, 1290.4, 1290.5, 1290.6,
 1290.7, 1290.8, 1290.9, 1290.11, 1290.12, 1290.13,
 1290.14, 1290.15, 1290.17, 1290.18, 1290.19, 1290.20,
 1290.21, 1290.23, 1290.24, 1290.25 and 1290.26, which
 relate to the Oklahoma Self-Defense Act; modifying

1 and deleting certain statutory references; defining
2 term; modifying certain definition; modifying handgun
3 license notification procedure; modifying issuance
4 procedure; modifying certain penalty; modifying
5 description of handgun licenses; clarifying manner in
6 which firearms may be carried by handgun licensees;
7 requiring licensees to display handgun license upon
8 demand; amending 21 O.S. 2011, Section 1364, which
9 relates to discharging firearms; modifying
10 description of handgun license; deleting certain
11 statutory reference; amending 63 O.S. 2011, Section
12 2-110, which relates to the Uniform Controlled
13 Dangerous Substances Act; modifying manner in which
14 weapons may be carried by attorneys of the Oklahoma
15 State Bureau of Narcotics and Dangerous Drugs
16 Control; amending 63 O.S. 2011, Section 4210.3, which
17 relates to the Oklahoma Boating Safety Regulation
18 Act; modifying scope of certain prohibited act; and
19 providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, is
amended to read as follows:

Section 1272.

UNLAWFUL CARRY

A. It shall be unlawful for any person to carry upon or about
his or her person, or in a purse or other container belonging to the
person, any pistol, revolver, shotgun or rifle whether loaded or
unloaded or any dagger, bowie knife, dirk knife, switchblade knife,
spring-type knife, sword cane, knife having a blade which opens
automatically by hand pressure applied to a button, spring, or other

1 device in the handle of the knife, blackjack, loaded cane, billy,
2 hand chain, metal knuckles, or any other offensive weapon, whether
3 such weapon be concealed or unconcealed, except this section shall
4 not prohibit:

5 1. The proper use of guns and knives for hunting, fishing,
6 educational or recreational purposes;

7 2. The carrying or use of weapons in a manner otherwise
8 permitted by statute or authorized by the Oklahoma Self-Defense Act;

9 3. The carrying, possession and use of any weapon by a peace
10 officer or other person authorized by law to carry a weapon in the
11 performance of official duties and in compliance with the rules of
12 the employing agency;

13 4. The carrying or use of weapons in a courthouse by a district
14 judge, associate district judge or special district judge within
15 this state, who is in possession of a valid ~~concealed~~ handgun
16 license issued pursuant to the provisions of the Oklahoma Self-
17 Defense Act and whose name appears on a list maintained by the
18 Administrative Director of the Courts; or

19 5. The carrying and use of firearms and other weapons provided
20 in this subsection when used for the purpose of living history
21 reenactment. For purposes of this paragraph, "living history
22 reenactment" means depiction of historical characters, scenes,
23 historical life or events for entertainment, education, or

1 historical documentation through the wearing or use of period,
2 historical, antique or vintage clothing, accessories, firearms,
3 weapons, and other implements of the historical period.

4 B. Any person convicted of violating the foregoing provision
5 shall be guilty of a misdemeanor punishable as provided in Section
6 1276 of this title.

7 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1272.1, is
8 amended to read as follows:

9 Section 1272.1

10 CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

11 A. It shall be unlawful for any person to carry or possess any
12 weapon designated in Section 1272 of this title in any establishment
13 where low-point beer, as defined by Section 163.2 of Title 37 of the
14 Oklahoma Statutes, or alcoholic beverages, as defined by Section 506
15 of Title 37 of the Oklahoma Statutes, are consumed. This provision
16 shall not apply to a peace officer, as defined in Section 99 of this
17 title, or to private investigators with a firearms authorization
18 when acting in the scope and course of employment, and shall not
19 apply to an owner or proprietor of the establishment having a
20 pistol, rifle, or shotgun on the premises. Provided however, a
21 person possessing a valid ~~concealed~~ handgun license pursuant to the
22 provisions of the Oklahoma Self-Defense Act, ~~Section 1290.1 et seq.~~
23 ~~of this title~~ may carry the concealed or unconcealed handgun into

1 any restaurant or other establishment licensed to dispense low-point
2 beer or alcoholic beverages where the sale of low-point beer or
3 alcoholic beverages does not constitute the primary purpose of the
4 business.

5 Provided further, nothing in this section shall be interpreted
6 to authorize any peace officer in actual physical possession of a
7 weapon to consume low-point beer or alcoholic beverages, except in
8 the authorized line of duty as an undercover officer.

9 Nothing in this section shall be interpreted to authorize any
10 private investigator with a firearms authorization in actual
11 physical possession of a weapon to consume low-point beer or
12 alcoholic beverages in any establishment where low-point beer or
13 alcoholic beverages are consumed.

14 B. Any person violating the provisions of this section shall be
15 punished as provided in Section 1272.2 of this title.

16 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1272.2, is
17 amended to read as follows:

18 Section 1272.2

19 PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

20 Any person who intentionally or knowingly carries on his or her
21 person any weapon in violation of Section 1272.1 of this title,
22 shall, upon conviction, be guilty of a felony punishable by a fine
23 not to exceed One Thousand Dollars (\$1,000.00), or imprisonment in

1 the ~~State Penitentiary~~ custody of the Department of Corrections for
2 a period not to exceed two (2) years, or by both such fine and
3 imprisonment.

4 Any person convicted of violating the provisions of this section
5 after having been issued a ~~concealed~~ handgun license pursuant to the
6 provisions of the Oklahoma Self-Defense Act, ~~Sections 1290.1 through~~
7 ~~1290.26 of this title,~~ shall have the license revoked by the
8 Oklahoma State Bureau of Investigation after a hearing and
9 determination that the person is in violation of Section 1272.1 of
10 this title.

11 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1273, is
12 amended to read as follows:

13 Section 1273.

14 ALLOWING MINORS TO POSSESS FIREARMS

15 A. It shall be unlawful for any person within this state to
16 sell or give to any child any of the arms or weapons designated in
17 Section 1272 of this title; provided, the provisions of this section
18 shall not prohibit a parent from giving his or her child a rifle or
19 shotgun for participation in hunting animals or fowl, hunter safety
20 classes, target shooting, skeet, trap or other recognized sporting
21 events, except as provided in subsection B of this section.

22 B. It shall be unlawful for any parent or guardian to
23 intentionally, knowingly, or recklessly permit his or her child to
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1 possess any of the arms or weapons designated in Section 1272 of
2 this title, including any rifle or shotgun, if such parent is aware
3 of a substantial risk that the child will use the weapon to commit a
4 criminal offense or if the child has either been adjudicated a
5 delinquent or has been convicted as an adult for any criminal
6 offense.

7 C. It shall be unlawful for any child to possess any of the
8 arms or weapons designated in Section 1272 of this title, except
9 rifles or shotguns used for participation in hunting animals or
10 fowl, hunter safety classes, target shooting, skeet, trap or other
11 recognized sporting event. Provided, the possession of rifles or
12 shotguns authorized by this section shall not authorize the
13 possession of such weapons by any person who is subject to the
14 provisions of Section 1283 of this title.

15 D. Any person violating the provisions of this section shall,
16 upon conviction, be punished as provided in Section 1276 of this
17 title, and, any child violating the provisions of this section shall
18 be subject to adjudication as a delinquent. In addition, any person
19 violating the provisions of this section shall be liable for civil
20 damages for any injury or death to any person and for any damage to
21 property resulting from any discharge of a firearm or use of any
22 other weapon as provided in Section 10 of Title 23 of the Oklahoma
23 Statutes. Any person convicted of violating the provisions of this

1 section after having been issued a ~~concealed~~ handgun license
2 pursuant to the provisions of the Oklahoma Self-Defense Act, may be
3 liable for an administrative violation as provided in Section 1276
4 of this title.

5 E. As used in this section, "child" means a person under
6 eighteen (18) years of age.

7 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1276, is
8 amended to read as follows:

9 Section 1276.

10 PENALTY FOR 1272 AND 1273

11 Any person violating the provisions of Section 1272 or 1273 of
12 this title shall, upon a first conviction, be adjudged guilty of a
13 misdemeanor and the party offending shall be punished by a fine of
14 not less than One Hundred Dollars (\$100.00) nor more than Two
15 Hundred Fifty Dollars (\$250.00), or by imprisonment in the county
16 jail for a period not to exceed thirty (30) days or both such fine
17 and imprisonment. On the second and every subsequent violation, the
18 party offending shall, upon conviction, be punished by a fine of not
19 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
20 Hundred Dollars (\$500.00), or by imprisonment in the county jail for
21 a period not less than thirty (30) days nor more than three (3)
22 months, or by both such fine and imprisonment.

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1 Any person convicted of violating the provisions of Section 1272
2 or 1273 of this title after having been issued a ~~concealed~~ handgun
3 license pursuant to the provisions of the Oklahoma Self-Defense Act,
4 ~~Sections 1 through 25 of this act,~~ shall have the license suspended
5 for a period of six (6) months and shall be liable for an
6 administrative fine of Fifty Dollars (\$50.00) upon a hearing and
7 determination by the Oklahoma State Bureau of Investigation that the
8 person is in violation of the provisions of this section.

9 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1277, is
10 amended to read as follows:

11 Section 1277.

12 UNLAWFUL CARRY IN CERTAIN PLACES

13 A. It shall be unlawful for any person in possession of a valid
14 ~~concealed~~ handgun license issued pursuant to the provisions of the
15 Oklahoma Self-Defense Act to carry any concealed or unconcealed
16 handgun into any of the following places:

17 1. Any structure, building, or office space which is owned or
18 leased by a city, town, county, state, or federal governmental
19 authority for the purpose of conducting business with the public;

20 2. Any meeting of any city, town, county, state or federal
21 officials, school board members, legislative members, or any other
22 elected or appointed officials;

1 3. Any prison, jail, detention facility or any facility used to
2 process, hold, or house arrested persons, prisoners or persons
3 alleged delinquent or adjudicated delinquent;

4 4. Any elementary or secondary school;

5 5. Any sports arena during a professional sporting event;

6 6. Any place where pari-mutuel wagering is authorized by law;
7 and

8 7. Any other place specifically prohibited by law.

9 B. For purposes of paragraphs 1, 2, 3, 5 and 6 of subsection A
10 of this section, the prohibited place does not include and
11 specifically excludes the following property:

12 1. Any property set aside for the use or parking of any
13 vehicle, whether attended or unattended, by a city, town, county,
14 state, or federal governmental authority;

15 2. Any property set aside for the use or parking of any
16 vehicle, whether attended or unattended, by any entity offering any
17 professional sporting event which is open to the public for
18 admission, or by any entity engaged in pari-mutuel wagering
19 authorized by law;

20 3. Any property adjacent to a structure, building, or office
21 space in which concealed or unconcealed weapons are prohibited by
22 the provisions of this section; and
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1 4. Any property designated by a city, town, county, or state,
2 governmental authority as a park, recreational area, or fairgrounds;
3 provided, nothing in this paragraph shall be construed to authorize
4 any entry by a person in possession of a concealed or unconcealed
5 handgun into any structure, building, or office space which is
6 specifically prohibited by the provisions of subsection A of this
7 section.

8 Nothing contained in any provision of this subsection shall be
9 construed to authorize or allow any person in control of any place
10 described in paragraph 1, 2, 3, 5 or 6 of subsection A of this
11 section to establish any policy or rule that has the effect of
12 prohibiting any person in lawful possession of a ~~concealed~~ handgun
13 license from possession of a handgun allowable under such license in
14 places described in paragraph 1, 2, 3 or 4 of this subsection.

15 C. Any person violating the provisions of subsection A of this
16 section shall, upon conviction, be guilty of a misdemeanor
17 punishable by a fine not to exceed Two Hundred Fifty Dollars
18 (\$250.00). Any person convicted of violating the provisions of
19 subsection A of this section may be liable for an administrative
20 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and
21 determination by the Oklahoma State Bureau of Investigation that the
22 person is in violation of the provisions of subsection A of this
23 section.

1 D. No person in possession of a valid ~~concealed~~ handgun license
2 issued pursuant to the provisions of the Oklahoma Self-Defense Act
3 shall be authorized to carry the handgun into or upon any college,
4 university, or technology center school property, except as provided
5 in this subsection. For purposes of this subsection, the following
6 property shall not be construed as prohibited for persons having a
7 valid ~~concealed~~ handgun license:

8 1. Any property set aside for the use or parking of any
9 vehicle, whether attended or unattended, provided the handgun is
10 carried or stored as required by law and the handgun is not removed
11 from the vehicle without the prior consent of the college or
12 university president or technology center school administrator while
13 the vehicle is on any college, university, or technology center
14 school property;

15 2. Any property authorized for possession or use of handguns by
16 college, university, or technology center school policy; and

17 3. Any property authorized by the written consent of the
18 college or university president or technology center school
19 administrator, provided the written consent is carried with the
20 handgun and the valid ~~concealed~~ handgun license while on college,
21 university, or technology center school property.

22 The college, university, or technology center school may notify
23 the Oklahoma State Bureau of Investigation within ten (10) days of a
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1 violation of any provision of this subsection by a licensee. Upon
2 receipt of a written notification of violation, the Bureau shall
3 give a reasonable notice to the licensee and hold a hearing. At the
4 hearing upon a determination that the licensee has violated any
5 provision of this subsection, the licensee may be subject to an
6 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
7 have the ~~concealed~~ handgun license suspended for three (3) months.

8 Nothing contained in any provision of this subsection shall be
9 construed to authorize or allow any college, university, or
10 technology center school to establish any policy or rule that has
11 the effect of prohibiting any person in lawful possession of a
12 ~~concealed~~ handgun license from possession of a handgun allowable
13 under such license in places described in paragraphs 1, 2 and 3 of
14 this subsection. Nothing contained in any provision of this
15 subsection shall be construed to limit the authority of any college
16 or university in this state from taking administrative action
17 against any student for any violation of any provision of this
18 subsection.

19 E. The provisions of this section shall not apply to any peace
20 officer or to any person authorized by law to carry a pistol in the
21 course of employment. District judges, associate district judges
22 and special district judges, who are in possession of a valid
23 ~~concealed~~ handgun license issued pursuant to the provisions of the

1 Oklahoma Self-Defense Act and whose names appear on a list
2 maintained by the Administrative Director of the Courts, shall be
3 exempt from this section when acting in the course and scope of
4 employment within the courthouses of this state. Private
5 investigators with a firearms authorization shall be exempt from
6 this section when acting in the course and scope of employment.

7 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1278, is
8 amended to read as follows:

9 Section 1278.

10 UNLAWFUL INTENT TO CARRY

11 Any person in this state who carries or wears any deadly weapons
12 or dangerous instrument whatsoever with the intent or for the avowed
13 purpose of unlawfully injuring another person, upon conviction,
14 shall be guilty of a felony punishable by a fine not exceeding Five
15 Thousand Dollars (\$5,000.00), by imprisonment in the custody of the
16 Department of Corrections for a period not exceeding two (2) years,
17 or by both such fine and imprisonment. The mere possession of such
18 a weapon or dangerous instrument, without more, however, shall not
19 be sufficient to establish intent as required by this section.

20 Any person convicted of violating the provisions of this section
21 after having been issued a ~~concealed~~ handgun license pursuant to the
22 provisions of the Oklahoma Self-Defense Act, ~~Section 1290.1 et seq.~~
23 ~~of this title,~~ shall have the license permanently revoked and shall

1 be liable for an administrative fine of One Thousand Dollars
2 (\$1,000.00) upon a hearing and determination by the Oklahoma State
3 Bureau of Investigation that the person is in violation of the
4 provisions of this section.

5 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1280.1, is
6 amended to read as follows:

7 Section 1280.1

8 POSSESSION OF FIREARM ON SCHOOL PROPERTY

9 A. It shall be unlawful for any person to have in his or her
10 possession on any public or private school property or while in any
11 school bus or vehicle used by any school for transportation of
12 students or teachers any firearm or weapon designated in Section
13 1272 of this title, except as provided in subsection C of this
14 section or as otherwise authorized by law.

15 B. "School property" means any publicly or privately owned
16 property held for purposes of elementary, secondary or vocational-
17 technical education, and shall not include property owned by public
18 school districts or private educational entities where such property
19 is leased or rented to an individual or corporation and used for
20 purposes other than educational.

21 C. Firearms and weapons are allowed on school property and
22 deemed not in violation of subsection A of this section as follows:
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1 1. A gun or knife designed for hunting or fishing purposes kept
2 in a privately owned vehicle and properly displayed or stored as
3 required by law, or a handgun carried in a vehicle pursuant to a
4 valid handgun license authorized by the Oklahoma Self-Defense Act,
5 provided such vehicle containing said gun or knife is driven onto
6 school property only to transport a student to and from school and
7 such vehicle does not remain unattended on school property;

8 2. A gun or knife used for the purposes of participating in the
9 Oklahoma Department of Wildlife Conservation certified hunter
10 training education course or any other hunting, fishing, safety or
11 firearms training courses, or a recognized firearms sports event,
12 team shooting program or competition, or living history reenactment,
13 provided the course or event is approved by the principal or chief
14 administrator of the school where the course or event is offered,
15 and provided the weapon is properly displayed or stored as required
16 by law pending participation in the course, event, program or
17 competition; and

18 3. Weapons in the possession of any peace officer or other
19 person authorized by law to possess a weapon in the performance of
20 their duties and responsibilities.

21 D. Any person violating the provisions of this section shall,
22 upon conviction, be guilty of a felony punishable by a fine not to
23 exceed Five Thousand Dollars (\$5,000.00), and imprisonment in the
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1 custody of the Department of Corrections for not more than two (2)
2 years. Any person convicted of violating the provisions of this
3 section after having been issued a ~~concealed~~ handgun license
4 pursuant to the provisions of the Oklahoma Self-Defense Act shall
5 have the license permanently revoked and shall be liable for an
6 administrative fine of One Hundred Dollars (\$100.00) upon a hearing
7 and determination by the Oklahoma State Bureau of Investigation that
8 the person is in violation of the provisions of this section.

9 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1283, is
10 amended to read as follows:

11 Section 1283.

12 CONVICTED FELONS AND DELINQUENTS

13 A. Except as provided in subsection B of this section, it shall
14 be unlawful for any person convicted of any felony in any court of
15 this state or of another state or of the United States to have in
16 his or her possession or under his or her immediate control, or in
17 any vehicle which the person is operating, or in which the person is
18 riding as a passenger, or at the residence where the convicted
19 person resides, any pistol, imitation or homemade pistol, altered
20 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
21 other dangerous or deadly firearm.

22 B. Any person who has previously been convicted of a nonviolent
23 felony in any court of this state or of another state or of the
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1 United States, and who has received a full and complete pardon from
2 the proper authority and has not been convicted of any other felony
3 offense which has not been pardoned, shall have restored the right
4 to possess any firearm or other weapon prohibited by subsection A of
5 this section, the right to apply for and carry a ~~concealed~~ handgun,
6 concealed or unconcealed, pursuant to the Oklahoma Self-Defense Act
7 and the right to perform the duties of a peace officer, gunsmith, or
8 for firearms repair.

9 C. It shall be unlawful for any person supervised by the
10 Department of Corrections or any division thereof to have in his or
11 her possession or under his or her immediate control, or at his or
12 her residence, or in any passenger vehicle which the supervised
13 person is operating or is riding as a passenger, any pistol, shotgun
14 or rifle, including any imitation or homemade pistol, altered air or
15 toy pistol, shotgun or rifle, while such person is subject to
16 supervision, probation, parole or inmate status.

17 D. It shall be unlawful for any person previously adjudicated
18 as a delinquent child or a youthful offender for the commission of
19 an offense, which would have constituted a felony offense if
20 committed by an adult, to have in the ~~person's~~ possession of the
21 person or under the ~~person's~~ immediate control of the person, or
22 have in any vehicle which he or she is driving or in which the
23 person is riding as a passenger, or at the ~~person's~~ residence of the

1 person, any pistol, imitation or homemade pistol, altered air or toy
2 pistol, machine gun, sawed-off shotgun or rifle, or any other
3 dangerous or deadly firearm within ten (10) years after such
4 adjudication; provided, that nothing in this subsection shall be
5 construed to prohibit the placement of the person in a home with a
6 full-time duly appointed peace officer who is certified by the
7 Council on Law Enforcement Education and Training (CLEET) pursuant
8 to the provisions of Section 3311 of Title 70 of the Oklahoma
9 Statutes.

10 E. Any person having been issued a ~~concealed~~ handgun license
11 pursuant to the provisions of the Oklahoma Self-Defense Act and who
12 thereafter knowingly or intentionally allows a convicted felon or
13 adjudicated delinquent or a youthful offender as prohibited by the
14 provisions of subsection A, C, or D of this section to possess or
15 have control of any pistol authorized by the Oklahoma Self-Defense
16 Act shall, upon conviction, be guilty of a felony punishable by a
17 fine not to exceed Five Thousand Dollars (\$5,000.00). In addition,
18 the person shall have the handgun license revoked by the Oklahoma
19 State Bureau of Investigation after a hearing and determination that
20 the person has violated the provisions of this section.

21 F. Any convicted or adjudicated person violating the provisions
22 of this section shall, upon conviction, be guilty of a felony
23 punishable as provided in Section 1284 of this title.

1 G. For purposes of this section, "sawed-off shotgun or rifle"
2 shall mean any shotgun or rifle which has been shortened to any
3 length.

4 H. For purposes of this section, "altered toy pistol" shall
5 mean any toy weapon which has been altered from its original
6 manufactured state to resemble a real weapon.

7 I. For purposes of this section, "altered air pistol" shall
8 mean any air pistol manufactured to propel projectiles by air
9 pressure which has been altered from its original manufactured
10 state.

11 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1287, is
12 amended to read as follows:

13 Section 1287.

14 USE OF FIREARM WHILE COMMITTING A FELONY

15 A. Any person who, while committing or attempting to commit a
16 felony, possesses a pistol, shotgun or rifle or any other offensive
17 weapon in such commission or attempt, whether the pistol, shotgun or
18 rifle is loaded or not, or who possesses a blank or imitation
19 pistol, altered air or toy pistol, shotgun or rifle capable of
20 raising in the mind of one threatened with such device a fear that
21 it is a real pistol, shotgun or rifle, or who possesses an air gun
22 or carbon dioxide or other gas-filled weapon, electronic dart gun,
23 conductive energy weapon, knife, dagger, dirk, switchblade knife,

1 blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in
2 addition to the penalty provided by statute for the felony committed
3 or attempted, upon conviction shall be guilty of a felony for
4 possessing such weapon or device, which shall be a separate offense
5 from the felony committed or attempted and shall be punishable by
6 imprisonment in the custody of the Department of Corrections for a
7 period of not less than two (2) years nor for more than ten (10)
8 years for the first offense, and for a period of not less than ten
9 (10) years nor more than thirty (30) years for any second or
10 subsequent offense.

11 B. Any person convicted of violating the provisions of this
12 section after having been issued a ~~concealed~~ handgun license
13 pursuant to the provisions of the Oklahoma Self-Defense Act shall
14 have the license permanently revoked and shall be liable for an
15 administrative fine of One Thousand Dollars (\$1,000.00) upon a
16 hearing and determination by the Oklahoma State Bureau of
17 Investigation that the person is in violation of the provisions of
18 this section.

19 C. As used in this section, "altered toy pistol" shall mean any
20 toy weapon which has been altered from its original manufactured
21 state to resemble a real weapon.

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1 D. As used in this section, "altered air pistol" shall mean any
2 air pistol manufactured to propel projectiles by air pressure which
3 has been altered from its original manufactured state.

4 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1289.6, is
5 amended to read as follows:

6 Section 1289.6

7 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

8 A. A person shall be permitted to carry loaded and unloaded
9 shotguns, rifles and pistols, open and not concealed and without a
10 handgun license as authorized by the Oklahoma Self-Defense Act,
11 ~~Sections 1 through 25 of this act,~~ pursuant to the following
12 conditions:

13 1. When hunting animals or fowl;

14 2. During competition in or practicing in a safety or hunter
15 safety class, target shooting, skeet, trap or other recognized
16 sporting events;

17 3. During participation in or in preparation for a military
18 function of the state military forces to be defined as the Oklahoma
19 Army or Air National Guard, Federal Military Reserve and active
20 military forces;

21 4. During participation in or in preparation for a recognized
22 police function of either a municipal, county or state government as
23 functioning police officials;

1 5. During a practice for or a performance for entertainment
2 purposes; ~~or~~

3 6. For lawful self-defense and self-protection or any other
4 legitimate purpose in or on property that is owned, leased, rented,
5 or otherwise legally controlled by the person; or

6 7. For any legitimate purpose not in violation of the Oklahoma
7 Firearms Act of 1971, Sections 1289.1 through 1289.17 of this title
8 or any legislative enactment regarding the use, ownership and
9 control of firearms.

10 B. A person shall be permitted to carry unloaded shotguns,
11 rifles and pistols, open and not concealed and without a handgun
12 license as authorized by the Oklahoma Self-Defense Act pursuant to
13 the following conditions:

14 1. When going to or from the person's private residence or
15 vehicle or a vehicle in which the person is riding as a passenger to
16 a place designated or authorized for firearms repairs or
17 reconditioning, or for firearms trade, sale, or barter, or gunsmith,
18 or hunting animals or fowl, or hunter safety course, or target
19 shooting, or skeet or trap shooting or any recognized firearms
20 activity or event and while in such places; or

21 2. For any legitimate purpose not in violation of the Oklahoma
22 Firearms Act of 1971, Sections 1289.1 through 1289.17 of this title.

1 C. The provisions of this section shall not be construed to
2 prohibit educational or recreational activities, exhibitions,
3 displays or shows involving the use or display of rifles, shotguns
4 or pistols or other weapons if the activity is approved by the
5 property owner and sponsor of the activity.

6 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1289.7, is
7 amended to read as follows:

8 Section 1289.7

9 FIREARMS IN VEHICLES

10 Any person, except a convicted felon, may transport in a motor
11 vehicle a rifle, shotgun or pistol, open and unloaded, at any time.
12 For purposes of this section "open" means the firearm is transported
13 in plain view, in a case designed for carrying firearms, which case
14 is wholly or partially visible, in a gun rack mounted in the
15 vehicle, in an exterior locked compartment or a trunk of a vehicle.

16 Any person, except a convicted felon, may transport in a motor
17 vehicle a rifle or shotgun concealed behind a seat of the vehicle or
18 within the interior of the vehicle provided the rifle or shotgun is
19 not clip, magazine or chamber loaded. The authority to transport a
20 clip or magazine loaded rifle or shotgun shall be pursuant to
21 Section 1289.13 of this title.

22 Any person who is the operator of a vehicle or is a passenger in
23 any vehicle wherein another person who is licensed pursuant to the
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1 Oklahoma Self-Defense Act, ~~Sections 1290.1 through 1290.25 of Title~~
2 ~~21 of the Oklahoma Statutes,~~ to carry a ~~concealed~~ handgun, concealed
3 or unconcealed, and is carrying a ~~concealed~~ handgun or has ~~concealed~~
4 the handgun in such vehicle, shall not be deemed in violation of the
5 provisions of this section provided the licensee is in or near the
6 vehicle.

7 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1289.7a, is
8 amended to read as follows:

9 Section 1289.7a A. No person, property owner, tenant,
10 employer, or business entity shall maintain, establish, or enforce
11 any policy or rule that has the effect of prohibiting any person,
12 except a convicted felon, from transporting and storing firearms or
13 ammunition in a locked motor vehicle, or from transporting and
14 storing firearms or ammunition locked in or locked to a motor
15 vehicle on any property set aside for any motor vehicle.

16 B. No person, property owner, tenant, employer, or business
17 entity shall be liable in any civil action for occurrences which
18 result from the storing of firearms or ammunition in a locked motor
19 vehicle on any property set aside for any motor vehicle, unless the
20 person, property owner, tenant, employer, or owner of the business
21 entity commits a criminal act involving the use of the firearms or
22 ammunition. The provisions of this subsection shall not apply to
23 claims pursuant to the Workers' Compensation Act.

1 C. An individual may bring a civil action to enforce this
2 section. If a plaintiff prevails in a civil action related to the
3 personnel manual against a person, property owner, tenant, employer
4 or business for a violation of this section, the court shall award
5 actual damages, enjoin further violations of this section, and award
6 court costs and attorney fees to the prevailing plaintiff.

7 D. As used in this section, "motor vehicle" means any
8 automobile, truck, minivan, sports utility vehicle, motorcycle,
9 motor scooter, and any other vehicle required to be registered under
10 the Oklahoma Vehicle License and Registration Act.

11 SECTION 14. AMENDATORY 21 O.S. 2011, Section 1289.9, is
12 amended to read as follows:

13 Section 1289.9

14 CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

15 It shall be unlawful for any person to carry or use shotguns,
16 rifles or pistols in any circumstances while under the influence of
17 beer, intoxicating liquors or any hallucinogenic, or any unlawful or
18 unprescribed drug, and it shall be unlawful for any person to carry
19 or use shotguns, rifles or pistols when under the influence of any
20 drug prescribed by a licensed physician if the aftereffects of such
21 consumption affect mental, emotional or physical processes to a
22 degree that would result in abnormal behavior. Any person convicted
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1 of a violation of the provisions of this section shall be punished
2 as provided in Section 1289.15 of this title.

3 Any person convicted of a violation of the provisions of this
4 section after having been issued a ~~concealed~~ handgun license
5 pursuant to the provisions of the Oklahoma Self-Defense Act shall
6 have the license suspended for a term of six (6) months and shall be
7 subject to an administrative fine of Fifty Dollars (\$50.00), upon a
8 hearing and determination by the Oklahoma State Bureau of
9 Investigation that the person is in violation of the provisions of
10 this section.

11 SECTION 15. AMENDATORY 21 O.S. 2011, Section 1289.10, is
12 amended to read as follows:

13 Section 1289.10

14 FURNISHING FIREARMS TO INCOMPETENT PERSONS

15 It shall be unlawful for any person to knowingly transmit,
16 transfer, sell, lend or furnish any shotgun, rifle or pistol to any
17 person who is under an adjudication of mental incompetency, or to
18 any person who is mentally deficient or of unsound mind. Any person
19 convicted of a violation of the provisions of this section shall be
20 punished as provided in Section 1289.15 of this title.

21 Any person convicted of a violation of the provisions of this
22 section after having been issued a ~~concealed~~ handgun license
23 pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Section~~
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1 ~~1290.1 et seq. of this title,~~ shall have the license suspended for a
2 term of six (6) months and shall be subject to an administrative
3 fine of Fifty Dollars (\$50.00), upon a hearing and determination by
4 the Oklahoma State Bureau of Investigation that the person is in
5 violation of the provisions of this section.

6 SECTION 16. AMENDATORY 21 O.S. 2011, Section 1289.11, is
7 amended to read as follows:

8 Section 1289.11

9 RECKLESS CONDUCT

10 It shall be unlawful for any person to engage in reckless
11 conduct while having in his or her possession any shotgun, rifle or
12 pistol, such actions consisting of creating a situation of
13 unreasonable risk and probability of death or great bodily harm to
14 another, and demonstrating a conscious disregard for the safety of
15 another person. Any person convicted of violating the provisions of
16 this section shall be punished as provided in Section 1289.15 of
17 this title.

18 Any person convicted of a violation of the provisions of this
19 section after having been issued a ~~concealed~~ handgun license
20 pursuant to the Oklahoma Self-Defense Act, ~~Sections 1 through 25 of~~
21 ~~this act,~~ shall have the license revoked and shall be subject to an
22 administrative fine of One Thousand Dollars (\$1,000.00), upon a
23 hearing and determination by the Oklahoma State Bureau of

1 Investigation that the person is in violation of the provisions of
2 this section.

3 SECTION 17. AMENDATORY 21 O.S. 2011, Section 1289.12, is
4 amended to read as follows:

5 Section 1289.12

6 GIVING FIREARMS TO CONVICTED PERSONS

7 It shall be unlawful for any person within this state to
8 knowingly sell, trade, give, transmit or otherwise cause the
9 transfer of rifles, shotguns or pistols to any convicted felon or an
10 adjudicated delinquent, and it shall be unlawful for any person
11 within this state to knowingly sell, trade, give, transmit or
12 otherwise cause the transfer of any shotgun, rifle or pistol to any
13 individual who is under the influence of alcohol or drugs or is
14 mentally or emotionally unbalanced or disturbed. All persons who
15 engage in selling, trading or otherwise transferring firearms will
16 display this section prominently in full view at or near the point
17 of normal firearms sale, trade or transfer. Any person convicted of
18 violating the provisions of this section shall be punished as
19 provided in Section 1289.15 of this title.

20 Any person convicted of a violation of this section after having
21 been issued a ~~concealed~~ handgun license pursuant to the Oklahoma
22 Self-Defense Act, ~~Sections 1 through 25 of this act,~~ shall have the
23 license suspended for six (6) months and shall be liable for an
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1 administrative fine of Fifty Dollars (\$50.00), upon a hearing and
2 determination by the Oklahoma State Bureau of Investigation that the
3 person is in violation of the provisions of this section.

4 SECTION 18. AMENDATORY 21 O.S. 2011, Section 1289.13, is
5 amended to read as follows:

6 Section 1289.13

7 TRANSPORTING A LOADED FIREARM

8 Except as otherwise provided by the provisions of the Oklahoma
9 Self-Defense Act or another provision of law, it shall be unlawful
10 to transport a loaded pistol, rifle or shotgun in a landborne motor
11 vehicle over a public highway or roadway. However, a rifle or
12 shotgun may be transported clip or magazine loaded and not chamber
13 loaded when transported in an exterior locked compartment of the
14 vehicle or trunk of the vehicle or in the interior compartment of
15 the vehicle notwithstanding the provisions of Section 1289.7 of this
16 title when the person is in possession of a valid handgun license
17 pursuant to the Oklahoma Self-Defense Act.

18 Any person convicted of a violation of this section shall be
19 punished as provided in Section 1289.15 of this title.

20 Any person who is the operator of a vehicle or is a passenger in
21 any vehicle wherein another person who is licensed pursuant to the
22 Oklahoma Self-Defense Act to carry a ~~concealed~~ handgun, concealed or
23 unconcealed, and is carrying a ~~concealed~~ handgun or has ~~concealed~~ a

1 handgun or rifle or shotgun in such vehicle shall not be deemed in
2 violation of the provisions of this section provided the licensee is
3 in or near the vehicle.

4 SECTION 19. AMENDATORY 21 O.S. 2011, Section 1289.13A,
5 is amended to read as follows:

6 Section 1289.13A

7 IMPROPER TRANSPORTATION OF FIREARMS

8 A. Notwithstanding the provisions of Section 1272 or 1289.13 of
9 this title, any person stopped pursuant to a moving traffic
10 violation who is transporting a loaded pistol in the motor vehicle
11 without a valid ~~concealed~~ handgun ~~permit~~ license authorized by the
12 Oklahoma Self-Defense Act or valid license from another state,
13 whether the loaded firearm is concealed or ~~open~~ unconcealed in the
14 vehicle, shall be issued a traffic citation in the amount of Seventy
15 Dollars (\$70.00), plus court costs for transporting a firearm
16 improperly. In addition to the traffic citation provided in this
17 section, the person may also be arrested for any other violation of
18 law.

19 B. When the arresting officer determines that a valid handgun
20 license exists, pursuant to the Oklahoma Self-Defense Act or any
21 provision of law from another state, for any person in the stopped
22 vehicle, any firearms permitted to be carried pursuant to that
23 license shall not be confiscated, unless:

1 1. The person is arrested for violating another provision of
2 law other than a violation of subsection A of this section;
3 provided, however, if the person is never charged with an offense
4 pursuant to this paragraph or if the charges are dismissed or the
5 person is acquitted, the weapon shall be returned to the person; or

6 2. The officer has probable cause to believe the weapon is:

7 a. contraband, or

8 b. a firearm used in the commission of a crime other than
9 a violation of subsection A of this section.

10 C. Nothing in this section shall be construed to require
11 confiscation of any firearm.

12 SECTION 20. AMENDATORY 21 O.S. 2011, Section 1289.16, is
13 amended to read as follows:

14 Section 1289.16

15 FELONY POINTING FIREARMS

16 It shall be unlawful for any person to willfully or without
17 lawful cause point a shotgun, rifle or pistol, or any deadly weapon,
18 whether loaded or not, at any person or persons for the purpose of
19 threatening or with the intention of discharging the firearm or with
20 any malice or for any purpose of injuring, either through physical
21 injury or mental or emotional intimidation or for purposes of
22 whimsy, humor or prank, or in anger or otherwise, but not to include
23 the pointing of shotguns, rifles or pistols by law enforcement

1 authorities in the performance of their duties, members of the state
2 military forces in the performance of their duties, members of the
3 federal military reserve and active military components in the
4 performance of their duties, or any federal government law
5 enforcement officer in the performance of any duty, or in the
6 performance of a play on stage, rodeo, television or on film, or in
7 defense of any person, one's home or property. Any person convicted
8 of a violation of the provisions of this section shall be punished
9 as provided in Section 1289.17 of this title.

10 Any person convicted of a violation of the provisions of this
11 section after having been issued a ~~concealed~~ handgun license
12 pursuant to the Oklahoma Self-Defense Act, ~~Sections 1 through 25 of~~
13 ~~this act~~, shall have the license revoked and shall be subject to an
14 administrative fine of One Thousand Dollars (\$1,000.00), upon a
15 hearing and determination by the Oklahoma State Bureau of
16 Investigation that the person is in violation of the provisions of
17 this section.

18 SECTION 21. AMENDATORY 21 O.S. 2011, Section 1289.23, is
19 amended to read as follows:

20 Section 1289.23

21 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

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

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

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

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

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

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

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

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

12 E. When an off-duty reserve peace officer carries a certified
13 weapon, the officer shall be wearing the law enforcement uniform
14 prescribed by the employing agency or when not wearing the
15 prescribed law enforcement uniform, the officer shall be required:

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

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

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

5 G. Nothing in this section shall be construed to limit or
6 restrict any peace officer or reserve peace officer from carrying a
7 ~~concealed~~ handgun, concealed or unconcealed, as allowed by the
8 Oklahoma Self-Defense Act after issuance of a valid license. When
9 an off-duty officer elects to carry a ~~concealed~~ handgun under the
10 authority of the Oklahoma Self-Defense Act, the person shall comply
11 with all provisions of such act and shall not be representing the
12 employing agency.

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

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

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

- 3 a. an official letter from his or her employing agency
4 confirming the officer's employment and status as a
5 full-time commissioned peace officer or an active
6 reserve peace officer,
- 7 b. a fee of Twenty-five Dollars (\$25.00) for the
8 ~~concealed~~ handgun license, and
- 9 c. two passport-size photographs of the peace officer
10 applicant.

11 2. Upon receiving the required information, CLEET shall
12 determine whether the peace officer is in good standing, has CLEET
13 certification and training, and is otherwise eligible for a
14 ~~concealed~~ handgun license. Upon verification of the officer's
15 eligibility, CLEET shall send the information to the Oklahoma State
16 Bureau of Investigation (OSBI) and OSBI shall issue a ~~concealed~~
17 handgun license in the same or similar form as other handgun
18 licenses. All other requirements in Section 1290.12 of this title
19 concerning application for a ~~concealed~~ handgun license shall be
20 waived for active duty peace officers except as provided in this
21 subsection, including but not limited to training, fingerprints and
22 criminal history records checks unless the officer does not have
23 fingerprints on file or a criminal history records background check

1 conducted prior to employment as a peace officer. The OSBI shall
2 not be required to conduct any further investigation into the
3 eligibility of the peace officer applicant and shall not deny a
4 ~~concealed~~ handgun license except when preclusions are found to
5 exist.

6 3. The term of the ~~concealed~~ handgun ~~permit~~ license for an
7 active duty reserve or full-time commissioned peace officer pursuant
8 to this section shall be as provided in Section 1290.5 of this
9 title, renewable in the same manner provided in this subsection for
10 an original application by a peace officer. The ~~concealed~~ handgun
11 license shall be valid when the peace officer is in possession of a
12 valid driver license and law enforcement commission card.

13 4. If the commission card of a law enforcement ~~officer's~~
14 ~~commission card~~ officer is terminated, revoked or suspended, the
15 ~~concealed~~ handgun license shall be immediately returned to CLEET.
16 When a peace officer in possession of a ~~concealed~~ handgun license
17 pursuant to this subsection changes employment, the person must
18 notify CLEET within ninety (90) days and send a new letter verifying
19 employment and status as a full-time commissioned or reserve peace
20 officer.

21 5. There shall be no refund of any fee for any unexpired term
22 of any ~~concealed~~ handgun license that is suspended, revoked, or
23
24

1 voluntarily returned to CLEET, or that is denied, suspended or
2 revoked by the OSBI.

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

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

10 SECTION 22. AMENDATORY 21 O.S. 2011, Section 1289.24, is
11 amended to read as follows:

12 Section 1289.24

13 FIREARM REGULATION - STATE PREEMPTION

14 A. 1. The State Legislature hereby occupies and preempts the
15 entire field of legislation in this state touching in any way
16 firearms, components, ammunition, and supplies to the complete
17 exclusion of any order, ordinance, or regulation by any municipality
18 or other political subdivision of this state. Any existing or
19 future orders, ordinances, or regulations in this field, except as
20 provided for in paragraph 2 of this subsection and subsection C of
21 this section, are null and void.

22 2. A municipality may adopt any ordinance:
23
24

- 1 a. relating to the discharge of firearms within the
2 jurisdiction of the municipality, and
- 3 b. allowing the municipality to issue a traffic citation
4 for transporting a firearm improperly as provided for
5 in Section 1289.13A of this title, provided however,
6 that penalties contained for violation of any
7 ordinance enacted pursuant to the provisions of this
8 subparagraph shall not exceed the penalties
9 established in the Oklahoma Self-Defense Act.

10 3. As provided in the preemption provisions of this section,
11 the otherwise lawful open carrying of a handgun under the provisions
12 of the Oklahoma Self-Defense Act shall not be punishable by any
13 municipality or other political subdivision of this state as
14 disorderly conduct, disturbing the peace or similar offense against
15 public order.

16 B. No municipality or other political subdivision of this state
17 shall adopt any order, ordinance, or regulation concerning in any
18 way the sale, purchase, purchase delay, transfer, ownership, use,
19 keeping, possession, carrying, bearing, transportation, licensing,
20 permit, registration, taxation other than sales and compensating use
21 taxes, or other controls on firearms, components, ammunition, and
22 supplies.

1 C. Except as hereinafter provided, this section shall not
2 prohibit any order, ordinance, or regulation by any municipality
3 concerning the confiscation of property used in violation of the
4 ordinances of the municipality as provided for in Section 28-121 of
5 Title 11 of the Oklahoma Statutes. Provided, however, no municipal
6 ordinance relating to transporting a firearm improperly may include
7 a provision for confiscation of property.

8 D. When a person's rights pursuant to the protection of the
9 preemption provisions of this section have been violated, the person
10 shall have the right to bring a civil action against the persons,
11 municipality, and political subdivision jointly and severally for
12 injunctive relief or monetary damages or both.

13 SECTION 23. AMENDATORY 21 O.S. 2011, Section 1290.2, is
14 amended to read as follows:

15 Section 1290.2

16 DEFINITIONS

17 A. As used in Sections ~~4~~ 1290.1 through ~~25~~ 1290.26 of this ~~act~~
18 title:

19 1. "Concealed handgun" means a loaded or unloaded pistol
20 carried hidden from the detection and view of another person either
21 upon or about the person, in a purse or other container belonging to
22 the person, or in a vehicle which is operated by the person or in
23 which the person is riding as a passenger; ~~and~~

1 2. "Unconcealed handgun" means a loaded or unloaded pistol
2 carried upon the person in a belt or shoulder holster that is wholly
3 or partially visible, or carried upon the person in a scabbard or
4 case designed for carrying firearms that is wholly or partially
5 visible; and

6 3. "Pistol" means any derringer, revolver or semiautomatic
7 firearm which:

- 8 a. has an overall length of less than sixteen (16) inches
9 ~~and is able to be fully concealed from detection and~~
10 ~~view,~~
11 b. is capable of discharging a projectile composed of any
12 material which may reasonably be expected to be able
13 to cause lethal injury,
14 c. is designed to be held and fired by the use of a
15 single hand, and
16 d. uses either gunpowder, gas or any means of rocket
17 propulsion to discharge the projectile.

18 B. The definition of pistol for purposes of the Oklahoma Self-
19 Defense Act shall not apply to homemade or imitation pistols, flare
20 guns, underwater fishing guns or blank pistols.

21 SECTION 24. AMENDATORY 21 O.S. 2011, Section 1290.3, is
22 amended to read as follows:

23 Section 1290.3
24

1 AUTHORITY TO ISSUE LICENSE

2 The Oklahoma State Bureau of Investigation is hereby authorized
3 to license an eligible person to carry a concealed or unconcealed
4 handgun as provided by the provisions of the Oklahoma Self-Defense
5 Act, ~~Sections 1 through 25 of this act.~~ The ~~Bureau's~~ authority of of
6 the Bureau shall be limited to the provisions specifically provided
7 in the Oklahoma Self-Defense Act. The Bureau shall promulgate
8 rules, forms and procedures necessary to implement the provisions of
9 the Oklahoma Self-Defense Act.

10 SECTION 25. AMENDATORY 21 O.S. 2011, Section 1290.4, is
11 amended to read as follows:

12 Section 1290.4

13 UNLAWFUL CARRY

14 As provided by Section 1272 of ~~Title 21 of the Oklahoma Statutes~~
15 this title, it is unlawful for any person to carry a concealed or
16 unconcealed handgun in this state, except as hereby authorized by
17 the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through~~
18 ~~25 of this act,~~ or as may otherwise be provided by law.

19 SECTION 26. AMENDATORY 21 O.S. 2011, Section 1290.5, is
20 amended to read as follows:

21 Section 1290.5

22 TERM OF LICENSE AND RENEWAL

1 A. A ~~concealed~~ handgun license when issued shall authorize the
2 person to whom the license is issued to carry a loaded or unloaded
3 ~~concealed~~ handgun, concealed or unconcealed, as authorized by the
4 provisions of the Oklahoma Self-Defense Act, and any future
5 modifications thereto. The license shall be valid in this state for
6 a period of five (5) or ten (10) years, unless subsequently
7 surrendered, suspended or revoked as provided by law. The person
8 shall have no authority to continue to carry a concealed or
9 unconcealed handgun in this state pursuant to the Oklahoma Self-
10 Defense Act when a license is expired or when a license has been
11 voluntarily surrendered or suspended or revoked for any reason.

12 B. A license may be renewed any time within ninety (90) days
13 prior to the expiration date as provided in this subsection. The
14 Bureau shall send a renewal application to each eligible licensee
15 with a return address requested. There shall be a thirty-day grace
16 period on license renewals beginning on the date of expiration,
17 thereafter the license is considered expired. However, any
18 applicant shall have three (3) years from the expiration of the
19 license to comply with the renewal requirements of this section.

20 1. To renew a handgun license, the licensee must first obtain a
21 renewal form from the Oklahoma State Bureau of Investigation.

22 2. The applicant must complete the renewal form, attach two
23 current passport size photographs of the applicant, and submit a
24

1 renewal fee in the amount of Eighty-five Dollars (\$85.00) to the
2 Bureau. The renewal fee may be paid with a nationally recognized
3 credit card as provided in subparagraph b of paragraph 4 of
4 subsection A of Section 1290.12 of this title, or by a cashier's
5 check or money order made payable to the Oklahoma State Bureau of
6 Investigation.

7 3. Upon receipt of the renewal application, photographs and
8 fee, the Bureau will conduct a criminal history records name search,
9 an investigation of medical records or other records or information
10 deemed by the Bureau to be relevant to the renewal application. If
11 the applicant appears not to have any prohibition to renewing the
12 handgun license, the Bureau shall issue the renewed license for a
13 period of five (5) or ten (10) years.

14 C. Beginning November 1, 2007, any person making application
15 for a ~~concealed~~ handgun license or any licensee seeking to renew a
16 ~~concealed~~ handgun license shall have the option to request that said
17 license be valid for a period of ten (10) years. The fee for any
18 ~~concealed~~ handgun license issued for a period of ten (10) years
19 shall be double the amount of the fee provided for in paragraph 4 of
20 subsection A of Section 1290.12 of this title. The renewal fee for
21 a ~~concealed~~ handgun license issued for a period of ten (10) years
22 shall be double the amount of the fee provided for in paragraph 2 of
23 subsection B of this section.

1 SECTION 27. AMENDATORY 21 O.S. 2011, Section 1290.6, is
2 amended to read as follows:

3 Section 1290.6

4 PROHIBITED AMMUNITION

5 Any concealed or unconcealed handgun when carried in a manner
6 authorized by the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through 25 of this act,~~ and when loaded with any
7 ammunition which is either a restricted bullet as defined by Section
8 1289.19 of ~~Title 21 of the Oklahoma Statutes~~ this title or is larger
9 than .45 caliber or is otherwise prohibited by law shall be deemed a
10 prohibited weapon for purposes of the Oklahoma Self-Defense Act.

11 Any person violating the provisions of this section shall be
12 punished for a criminal offense as provided by Section 1272 of ~~Title~~
13 ~~21 of the Oklahoma Statutes~~ this title or any other applicable
14 provision of law. In addition to any criminal prosecution for a
15 violation of the provisions of this section, the licensee shall be
16 subject to an administrative fine of Five Hundred Dollars (\$500.00),
17 upon a hearing and determination by the Oklahoma State Bureau of
18 Investigation that the person is in violation of the provisions of
19 this section.

20
21 SECTION 28. AMENDATORY 21 O.S. 2011, Section 1290.7, is
22 amended to read as follows:

23 Section 1290.7

1 CONSTRUING AUTHORITY OF LICENSE

2 The authority to carry a concealed or unconcealed handgun
3 pursuant to a valid handgun license as authorized by the provisions
4 of the Oklahoma Self-Defense Act, ~~Sections 1 through 25 of this act,~~
5 shall not be construed to authorize any person to:

6 1. Carry or possess any weapon other than an authorized pistol
7 as defined by the provisions of Section ~~2~~ 1290.2 of this ~~act~~ title;

8 2. Carry or possess any pistol in any manner or in any place
9 otherwise prohibited by law;

10 3. Carry or possess any prohibited ammunition or any illegal,
11 imitation or homemade pistol;

12 4. Carry or possess any pistol when the person is prohibited by
13 state or federal law from carrying or possessing any firearm; or

14 5. Point, discharge, intentionally display the pistol, or use
15 the pistol in any manner not otherwise authorized by law.

16 SECTION 29. AMENDATORY 21 O.S. 2011, Section 1290.8, is
17 amended to read as follows:

18 Section 1290.8

19 POSSESSION OF LICENSE REQUIRED -

20 NOTIFICATION TO POLICE OF GUN

21 A. Except as otherwise prohibited by law, an eligible person
22 shall have authority to carry a concealed or unconcealed handgun in
23 this state when the person has been issued a handgun license from

1 the Oklahoma State Bureau of Investigation pursuant to the
2 provisions of the Oklahoma Self-Defense Act, provided the person is
3 in compliance with the provisions of the Oklahoma Self-Defense Act,
4 and the license has not expired or been subsequently suspended or
5 revoked. A person in possession of a valid handgun license and in
6 compliance with the provisions of the Oklahoma Self-Defense Act
7 shall be authorized to carry such concealed or unconcealed handgun
8 while bow hunting or fishing.

9 B. The person shall be required to have possession of his or
10 her valid handgun license and a valid Oklahoma driver license or an
11 Oklahoma State photo identification at all times when in possession
12 of an authorized pistol. The person shall display the handgun
13 license on demand of a law enforcement officer; provided, however,
14 that in the absence of reasonable and articulable suspicion of other
15 criminal activity, an individual carrying an unconcealed handgun
16 shall not be disarmed or physically restrained unless the individual
17 fails to display a valid handgun license in response to that demand.

18 Any violation of the provisions of this subsection may be punishable
19 as a criminal offense as authorized by Section 1272 of this title or
20 pursuant to any other applicable provision of law. In addition to
21 any criminal prosecution which may result from not carrying the
22 handgun license and the required identification with the authorized
23 pistol as required by the provisions of this subsection, the person

1 may be subject to an administrative fine for violation of the
2 provisions of this subsection. The administrative fine shall be
3 Fifty Dollars (\$50.00) and shall be assessed by the Oklahoma State
4 Bureau of Investigation after a hearing and determination that the
5 licensee is in violation of the provisions of this subsection. Any
6 second or subsequent violation of the provisions of this subsection
7 shall be grounds for the Bureau to suspend the handgun license for a
8 period of six (6) months, in addition to any other penalty imposed.

9 Upon the arrest of any person for a violation of the provisions
10 of this subsection, the person may show proof to the court that a
11 valid handgun license and the other required identification has been
12 issued to such person and the person may state any reason why the
13 handgun license or the other required identification was not carried
14 by the person as required by the Oklahoma Self-Defense Act. The
15 court shall dismiss an alleged violation of Section 1272 of this
16 title upon payment of court costs, if proof of a valid handgun
17 license and other required identification is shown to the court
18 within ten (10) days of the arrest of the person. The court shall
19 report a dismissal of a charge to the Bureau for consideration of
20 administrative proceedings against the licensee.

21 C. It shall be unlawful for any person to fail or refuse to
22 identify the fact that the person is in actual possession of a
23 concealed or unconcealed handgun pursuant to the authority of the
24

1 Oklahoma Self-Defense Act when the person ~~first~~ comes into contact
2 with any law enforcement officer of this state or its political
3 subdivisions or a federal law enforcement officer during the course
4 of any arrest, detainment, or routine traffic stop. Said
5 identification to the law enforcement officer shall be made at the
6 first opportunity. No person shall be required to identify himself
7 or herself as a ~~concealed~~ handgun licensee when no handgun is in the
8 ~~person's~~ possession of the person or in any vehicle in which the
9 person is driving or is a passenger. Any violation of the
10 provisions of this subsection shall, upon conviction, be a
11 misdemeanor punishable by a fine not exceeding ~~Five Hundred Dollars~~
12 ~~(\$500.00), by imprisonment in the county jail for a period not to~~
13 ~~exceed ninety (90) days, or by both such fine and imprisonment. In~~
14 ~~addition to any criminal prosecution for a violation of the~~
15 ~~provisions of this subsection, the licensee shall be subject to a~~
16 ~~six-month suspension of the license and an administrative fine of~~
17 ~~Fifty Dollars (\$50.00), upon a hearing and determination by the~~
18 ~~Bureau that the person is in violation of the provisions of this~~
19 ~~subsection~~ One Hundred Dollars (\$100.00).

20 D. Any law enforcement officer coming in contact with a person
21 whose handgun license is suspended, revoked, or expired, or who is
22 in possession of a handgun license which has not been lawfully
23 issued to that person, shall confiscate the license and return it to
24

1 the Oklahoma State Bureau of Investigation for appropriate
2 administrative proceedings against the licensee when the license is
3 no longer needed as evidence in any criminal proceeding.

4 E. Nothing in this section shall be construed to authorize a
5 law enforcement officer to inspect any weapon properly concealed or
6 unconcealed without probable cause that a crime has been committed.

7 SECTION 30. AMENDATORY 21 O.S. 2011, Section 1290.9, is
8 amended to read as follows:

9 Section 1290.9

10 ELIGIBILITY

11 The following requirements shall apply to any person making
12 application to the Oklahoma State Bureau of Investigation for a
13 ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma
14 Self-Defense Act. The person must:

15 1. Be a citizen of the United States;

16 2. Establish a residency in the State of Oklahoma. For
17 purposes of the Oklahoma Self-Defense Act, the term "residency"
18 shall apply to any person who either possesses a valid Oklahoma
19 driver license or state photo identification card, and physically
20 ~~resides~~ maintains a residence in this state or has permanent
21 military orders within this state and possesses a valid driver
22 license from another state where such person claims residency;

23 3. Be at least twenty-one (21) years of age;

1 4. Complete a firearms safety and training course and
2 demonstrate competence and qualifications with the type of pistol to
3 be carried by the person as provided in Section 1290.14 of this
4 title, and submit proof of training and qualification or an
5 exemption for training and qualification as authorized by Section
6 1290.14 of this title;

7 5. Submit the required fee and complete the application process
8 as provided in Section 1290.12 of this title; and

9 6. Comply in good faith with the provisions of the Oklahoma
10 Self-Defense Act.

11 SECTION 31. AMENDATORY 21 O.S. 2011, Section 1290.11, is
12 amended to read as follows:

13 Section 1290.11

14 OTHER PRECLUSIONS

15 A. The following conditions shall preclude a person from being
16 eligible for a ~~concealed~~ handgun license pursuant to the provisions
17 of the Oklahoma Self-Defense Act for a period of time as prescribed
18 in each of the following paragraphs:

19 1. An arrest for an alleged commission of a felony offense or a
20 felony charge pending in this state, another state or pursuant to
21 the United States Code. The preclusive period shall be until the
22 final determination of the matter;

1 2. The person is subject to the provisions of a deferred
2 sentence or deferred prosecution in this state or another state or
3 pursuant to federal authority for the commission of a felony
4 offense. The preclusive period shall be three (3) years and shall
5 begin upon the final determination of the matter;

6 3. Any involuntary commitment for a mental illness, condition,
7 or disorder pursuant to the provisions of Section 5-410 of Title 43A
8 of the Oklahoma Statutes or any involuntary commitment in another
9 state pursuant to any provisions of law of that state. The
10 preclusive period shall be permanent as provided by Title 18 of the
11 United States Code Section 922(g)(4);

12 4. The person has previously undergone treatment for a mental
13 illness, condition, or disorder which required medication or
14 supervision as defined by paragraph 7 of Section 1290.10 of this
15 title. The preclusive period shall be three (3) years from the last
16 date of treatment or upon presentation of a certified statement from
17 a licensed physician stating that the person is either no longer
18 disabled by any mental or psychiatric illness, condition, or
19 disorder or that the person has been stabilized on medication for
20 ten (10) years or more;

21 5. Inpatient treatment for substance abuse. The preclusive
22 period shall be three (3) years from the last date of treatment or
23 upon presentation of a certified statement from a licensed physician
24

1 stating that the person has been free from substance use for twelve
2 (12) months or more preceding the filing of an application for a
3 handgun license;

4 6. Two or more convictions of public intoxication pursuant to
5 Section 8 of Title 37 of the Oklahoma Statutes, or a similar law of
6 another state. The preclusive period shall be three (3) years from
7 the date of the completion of the last sentence;

8 7. Two or more misdemeanor convictions relating to intoxication
9 or driving under the influence of an intoxicating substance or
10 alcohol. The preclusive period shall be three (3) years from the
11 date of the completion of the last sentence or shall require a
12 certified statement from a licensed physician stating that the
13 person is not in need of substance abuse treatment;

14 8. A court order for a final Victim Protection Order against
15 the applicant, as authorized by Section 60 et seq. of Title 22 of
16 the Oklahoma Statutes, or any court order granting a final victim
17 protection order against the applicant from another state. The
18 preclusive period shall be three (3) years from the date of the
19 entry of the final court order, or sixty (60) days from the date an
20 order was vacated, canceled or withdrawn;

21 9. An adjudicated delinquent or convicted felon residing in the
22 residence of the applicant which may be a violation of Section 1283
23 of this title. The preclusive period shall be thirty (30) days from
24

1 the date the person no longer resides in the same residence as the
2 applicant; or

3 10. An arrest for an alleged commission of, a charge pending
4 for, or the person is subject to the provisions of a deferred
5 sentence or a deferred prosecution for any one or more of the
6 following misdemeanor offenses in this state or another state:

- 7 a. any assault and battery which caused serious physical
8 injury to the victim or any second or subsequent
9 assault and battery,
- 10 b. any aggravated assault and battery,
- 11 c. any stalking pursuant to Section 1173 of this title,
12 or a similar law of another state,
- 13 d. any violation of the Protection from Domestic Abuse
14 Act, Section 60 et seq. of Title 22 of the Oklahoma
15 Statutes, or any violation of a victim protection
16 order of another state,
- 17 e. any violation relating to illegal drug use or
18 possession, or
- 19 f. an act of domestic abuse as defined by Section 644 of
20 this title or an act of domestic assault and battery
21 or any comparable acts under the law of another state.

22 The preclusive period for this paragraph shall be three (3) years
23 and shall begin upon the final determination of the matter.

1 B. Nothing in this section shall be construed to require a full
2 investigation of the applicant by the Oklahoma State Bureau of
3 Investigation.

4 SECTION 32. AMENDATORY 21 O.S. 2011, Section 1290.12, is
5 amended to read as follows:

6 Section 1290.12

7 PROCEDURE FOR APPLICATION

8 A. The procedure for applying for a ~~concealed~~ handgun license
9 and processing the application shall be as follows:

10 1. An eligible person may request an application packet for a
11 ~~concealed~~ handgun license from the Oklahoma State Bureau of
12 Investigation or the county sheriff's office either in person or by
13 mail. The Bureau may provide application packets to each sheriff
14 not exceeding two hundred packets per request. The Bureau shall
15 provide the following information in the application packet:

- 16 a. an application form,
17 b. procedures to follow to process the application form,
18 and
19 c. a copy of the Oklahoma Self-Defense Act with any
20 modifications thereto;

21 2. The person shall be required to successfully complete a
22 firearms safety and training course from a firearms instructor who
23 is approved and registered in this state as provided in Section
24

1 1290.14 of this title, and the person shall be required to
2 demonstrate competency and qualification with a pistol authorized
3 for concealed or unconcealed carry by the Oklahoma Self-Defense Act.
4 The original certificate of training shall be submitted with the
5 application for a handgun license. No duplicate, copy, facsimile or
6 other reproduction of the certificate of training or exemption from
7 training shall be acceptable as proof of training as required by the
8 provisions of the Oklahoma Self-Defense Act. A person exempt from
9 the training requirements as provided in Section 1290.15 of this
10 title must show the required proof of such exemption to the firearms
11 instructor to receive an exemption certificate. The original
12 exemption certificate must be submitted with the application for a
13 handgun license when the person claims an exemption from training
14 and qualification;

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

18 4. The person shall deliver to the sheriff at the time of
19 delivery of the completed application form a fee of One Hundred
20 Dollars (\$100.00) for processing the application through the
21 Oklahoma State Bureau of Investigation and processing the required
22 fingerprints through the Federal Bureau of Investigation. The
23 processing fee shall be in the form of:

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

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

21 5. The completed application form shall be signed by the
22 applicant in person before the sheriff. The signature shall be
23 given voluntarily upon a sworn oath that the person knows the
24

1 contents of the application and that the information contained in
2 the application is true and correct. Any person making any false or
3 misleading statement on an application for a handgun license shall,
4 upon conviction, be guilty of perjury as defined by Section 491 of
5 this title. Any conviction shall be punished as provided in Section
6 500 of this title. In addition to a criminal conviction, the person
7 shall be denied the right to have a ~~concealed~~ handgun license
8 pursuant to the provisions of Section 1290.10 of this title and the
9 Oklahoma State Bureau of Investigation shall revoke the handgun
10 license, if issued;

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

21 7. The sheriff shall witness the signature of the applicant and
22 review or take the photographs of the applicant and shall verify
23 that the person making application for a handgun license is the same
24

1 person in the photographs submitted and the same person who signed
2 the application form. Proof of a valid Oklahoma driver license with
3 a photograph of the applicant or an Oklahoma State photo
4 identification for the applicant shall be required to be presented
5 by the applicant to the sheriff for verification of the person's
6 identity;

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

19 9. The sheriff shall submit to the Oklahoma State Bureau of
20 Investigation within the fourteen-day period, together with the
21 completed application, including the certificate of training or
22 exemption certificate, photographs, processing fee and legible
23 fingerprints meeting the Oklahoma State Bureau of Investigation's
24

1 Automated Fingerprint Identification System (AFIS) submission
2 standards, and a report of information deemed pertinent to an
3 investigation of the applicant for a handgun license. The sheriff
4 shall make a preliminary investigation of pertinent information
5 about the applicant and the court clerk shall assist the sheriff in
6 locating pertinent information in court records for this purpose.
7 If no pertinent information is found to exist either for or against
8 the applicant, the sheriff shall so indicate in the report;

9 10. The Oklahoma State Bureau of Investigation, upon receipt of
10 the application and required information from the sheriff, shall
11 forward one full set of fingerprints of the applicant to the Federal
12 Bureau of Investigation for a national criminal history records
13 search. The cost of processing the fingerprints nationally shall be
14 paid from the processing fee collected by the Oklahoma State Bureau
15 of Investigation;

16 11. The Oklahoma State Bureau of Investigation shall make a
17 reasonable effort to investigate the information submitted by the
18 applicant and the sheriff, to ascertain whether or not the issuance
19 of a handgun license would be in violation of the provisions of the
20 Oklahoma Self-Defense Act. The ~~Bureau's~~ investigation by the Bureau
21 of an applicant shall include, but shall not be limited to: a
22 statewide criminal history records search, a national criminal
23 history records search, a Federal Bureau of Investigation

1 fingerprint search, and if applicable, an investigation of medical
2 records or other records or information deemed by the Bureau to be
3 relevant to the application.

4 a. In the course of the ~~Bureau's~~ investigation by the
5 Bureau, it shall present the name of the applicant
6 along with any known aliases, the address of the
7 applicant and the social security number of the
8 applicant to the Department of Mental Health and
9 Substance Abuse Services. The Department of Mental
10 Health and Substance Abuse Services shall respond
11 within ten (10) days of receiving such information to
12 the Bureau as follows:

13 (1) with a "Yes" answer, if the ~~Department's~~ records
14 of the Department indicate that the person was
15 involuntarily committed to a mental institution
16 in Oklahoma, ~~or~~

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

21 (3) with an "Inconclusive" answer if the ~~Department's~~
22 records of the Department suggest the applicant
23 may be a formerly committed person. In the case
24

1 of an inconclusive answer, the Bureau shall ask
2 the applicant whether he or she was involuntarily
3 committed. If the applicant states under penalty
4 of perjury that he or she has not been
5 involuntarily committed, the Bureau shall
6 continue processing the application for a
7 license.

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

18 (1) If the Bureau finds a record on the JOLTS that
19 indicates the person was adjudicated a delinquent
20 for an offense that would constitute a felony
21 offense if committed by an adult within the last
22 ten (10) years the Bureau shall deny the license,
23
24

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

18 12. If the background check set forth in ~~subsection~~ paragraph
19 11 of this ~~section~~ subsection reveals no records pertaining to the
20 applicant, the Oklahoma State Bureau of Investigation shall either
21 issue a ~~concealed~~ handgun license or deny the application within
22 sixty (60) days of the date of receipt of the applicant's completed
23 application and the required information from the sheriff. In all
24

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

(60) calendar days from the date of mailing a denial of application to an applicant, the applicant shall notify the Bureau in writing of the intent to appeal the decision of denial or the ~~applicant's~~ right of the applicant to appeal shall be deemed waived. Any administrative hearing on a denial which may be provided shall be conducted by a hearing examiner appointed by the Bureau. The ~~hearing examiner's~~ decision of the hearing examiner shall be a final decision appealable to a district court in accordance with the Administrative Procedures Act. When an application is approved, the Bureau shall issue the license and shall mail it the license by first class mail to the ~~sheriff of the county wherein~~ address of the applicant resides listed in the application. ~~The applicant may pick up the concealed handgun license from the sheriff's office.~~

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

SECTION 33. AMENDATORY 21 O.S. 2011, Section 1290.13, is amended to read as follows:

Section 1290.13

1 AUTOMATIC LISTING OF LICENSES

2 The Oklahoma State Bureau of Investigation shall maintain an
3 automated listing of all persons issued a ~~concealed~~ handgun license
4 in this state pursuant to the provisions of the Oklahoma Self-
5 Defense Act, ~~Section 1290.1 et seq. of this title,~~ and all
6 subsequent suspended or revoked licenses. Information from the
7 automated listing shall only be available to a law enforcement
8 officer or law enforcement agency upon request for law enforcement
9 purposes. The Bureau shall also maintain for each applicant the
10 original application or a copy of the original application form and
11 any subsequent renewal application forms together with the
12 photographs, fingerprints and other pertinent information on the
13 applicant which shall be confidential, except to law enforcement
14 officers or law enforcement agencies in the performance of their
15 duties. To facilitate the Bureau's administration of the Oklahoma
16 Self-Defense Act, all licensees shall maintain a current mailing
17 address where the licensee may receive certified mail. The licensee
18 shall within thirty (30) days of a change of name or address inform
19 the Bureau of such change.

20 SECTION 34. AMENDATORY 21 O.S. 2011, Section 1290.14, is
21 amended to read as follows:

22 Section 1290.14

23 SAFETY AND TRAINING COURSE

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

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

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

- 21 a. Council on Law Enforcement Education and Training,
- 22 b. National Rifle Association,
- 23 c. Oklahoma Rifle Association,

24

1 d. federal law enforcement agencies, or

2 e. other professionally recognized organizations;

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

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

7 4. Receive a course completion certificate.

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

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

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

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

11 2. On ~~the effective date of this act~~ or after July 1, 2003, the
12 registered instructors listed in subparagraphs a and b of this
13 paragraph shall not be required to renew the firearms instructor
14 registration certificate with the Oklahoma State Bureau of
15 Investigation at the expiration of the registration term, provided
16 the instructor is not subject to any suspension or revocation of the
17 firearm instructor certificate. The firearms instructor
18 registration with the Oklahoma State Bureau of Investigation shall
19 automatically renew together with the handgun license authorized in
20 paragraph 1 of this subsection for an additional five-year term and
21 no additional cost or fee may be charged for the following
22 individuals:
23
24

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

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

21 E. The required firearms safety and training course and the
22 actual demonstration of competency and qualification required of the
23 applicant shall be designed and conducted in such a manner that the
24

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

1 of said fund are hereby appropriated and may be budgeted and
2 expended by the Council on Law Enforcement Education and Training,
3 for implementation of the training and qualification course
4 contents, approval of firearms instructors and any other CLEET
5 requirement pursuant to the provisions of the Oklahoma Self-Defense
6 Act or as may otherwise be deemed appropriate by CLEET.
7 Expenditures from said fund shall be made upon warrants issued by
8 the State Treasurer against claims filed as prescribed by law with
9 the Director of State Finance for approval and payment.

10 SECTION 35. AMENDATORY 21 O.S. 2011, Section 1290.15, is
11 amended to read as follows:

12 Section 1290.15

13 PERSONS EXEMPT FROM TRAINING COURSE

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

17 1. A firearms instructor registered with the Oklahoma State
18 Bureau of Investigation for purposes of the Oklahoma Self-Defense
19 Act;

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

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

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

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

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

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

17 8. Any person who is otherwise deemed qualified for a training
18 exemption by CLEET.

19 Provided, however, persons applying for an exemption pursuant to
20 paragraph 3, 4, 5, 6 or 7 of this subsection may be required to
21 successfully complete the classroom portion of the training course.
22 The classroom portion of the training course shall not exceed a fee
23 of Thirty Dollars (\$30.00).

1 B. The Council on Law Enforcement Education and Training
2 (CLEET) shall establish criteria for providing proof of an
3 exemption. Before any person shall be considered exempt from all or
4 part of the required training and qualification pursuant to the
5 provisions of the Oklahoma Self-Defense Act, ~~Section 1290.1 et seq.~~
6 ~~of this title~~, the person shall present the required proof of
7 exemption to a registered firearms instructor. Each person
8 determined to be exempt from training or qualification as provided
9 in this subsection shall receive an exemption certificate from the
10 registered firearms instructor. The rules promulgated by CLEET to
11 implement the provisions of this section and Section 1290.14 of this
12 title may require that a fee not to exceed Five Dollars (\$5.00) be
13 charged for processing an exemption certificate. The original
14 exemption certificate must be submitted with an application for a
15 handgun license as provided in paragraph 2 of Section 1290.12 of
16 this title. No person who is determined to be exempt from training
17 or qualification may carry a concealed or unconcealed firearm
18 pursuant to the authority of the Oklahoma Self-Defense Act until
19 issued a valid handgun license.

20 C. Nothing contained in any provision of the Oklahoma Self-
21 Defense Act shall be construed to alter, amend, or modify the
22 authority of any active duty law enforcement officer, or any person
23 certified by the Council on Law Enforcement Education and Training
24

1 to carry a pistol during the course of their employment, ~~from~~
2 ~~carrying~~ to carry any pistol in any manner authorized by law or
3 authorized by the employing agency.

4 SECTION 36. AMENDATORY 21 O.S. 2011, Section 1290.17, is
5 amended to read as follows:

6 Section 1290.17

7 SUSPENSION AND REVOCATION OF LICENSE

8 A. The Oklahoma State Bureau of Investigation shall have
9 authority pursuant to the provisions of the Oklahoma Self-Defense
10 Act and any other provision of law to suspend or revoke any
11 ~~concealed~~ handgun license issued pursuant to the provisions of the
12 Oklahoma Self-Defense Act. A person whose license has been
13 suspended or revoked or against whom a fine has been assessed shall
14 be entitled to an appeal through a hearing in accordance with the
15 Administrative Procedures Act. Any administrative hearing on
16 suspensions, revocations or fines shall be conducted by a hearing
17 examiner appointed by the Bureau. The hearing examiner's decision
18 shall be a final decision appealable to a district court in
19 accordance with the Administrative Procedures Act. After a
20 ~~concealed~~ handgun license has been issued, the discovery of or the
21 occurrence of any condition which directly affects a person's
22 eligibility for a handgun license as provided by the provisions of
23 Section 1290.9 or 1290.10 of this title shall require a revocation

1 of the license by the Bureau. The discovery of or the occurrence of
2 any condition pursuant to Section 1290.11 of this title, after a
3 license has been issued, shall cause a suspension of the handgun
4 license for a period of time as prescribed for the condition. Any
5 provision of law that requires a revocation of a ~~concealed~~ handgun
6 license upon a conviction shall cause the Bureau to suspend the
7 ~~concealed~~ handgun license upon the discovery of the arrest of the
8 person for such offense until a determination of the criminal case
9 at which time the Bureau shall proceed with the appropriate
10 administrative action. A licensee may voluntarily surrender a
11 license to the Oklahoma State Bureau of Investigation at any time.
12 Such surrender of a handgun license will render the license invalid.
13 Nothing in this section may be interpreted to prevent a subsequent
14 new application for a license. The licensee shall be informed and
15 acknowledge in writing as follows:

16 1. The licensee understands that the voluntary surrender of the
17 license will not be deemed a suspension or revocation by the Bureau;

18 2. A voluntary surrender of a license will not be reviewable by
19 a hearing examiner or subject to judicial review under the
20 Administrative Procedures Act; and

21 3. By surrendering the license, the licensee shall forfeit all
22 fees paid to date.

23

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1 B. Any ~~concealed~~ handgun license which is subsequently
2 suspended or revoked shall be immediately returned to the Oklahoma
3 State Bureau of Investigation upon notification. Any person
4 refusing or failing to return a license after notification of its
5 suspension or revocation shall, upon conviction, be guilty of a
6 misdemeanor punishable by a fine of not exceeding Five Hundred
7 Dollars (\$500.00), by imprisonment in the county jail for not
8 exceeding six (6) months, or by both such fine and imprisonment. In
9 addition, the person shall be subject to an administrative fine of
10 Five Hundred Dollars (\$500.00), upon a hearing and determination by
11 the Bureau that the person is in violation of the provisions of this
12 subsection.

13 C. Any law enforcement officer of this state shall confiscate a
14 ~~concealed~~ handgun license in the possession of any person and return
15 it to the Oklahoma State Bureau of Investigation for appropriate
16 administrative proceedings against the licensee when the license is
17 no longer needed as evidence in any criminal proceeding, as follows:

- 18 1. Upon the arrest of the person for any felony offense;
- 19 2. Upon the arrest of the person for any misdemeanor offense
20 enumerated as a preclusion to a handgun license;
- 21 3. For any violation of the provisions of the Oklahoma Self-
22 Defense Act;

23

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1 4. When the officer has been called to assist or is
2 investigating any situation which would be a preclusion to having a
3 handgun license; or

4 5. As provided in subsection D of Section 1290.8 of this title.

5 D. Any administrative fine assessed in accordance with the
6 provisions of the Oklahoma Self-Defense Act shall be paid in full
7 within thirty (30) days of assessment. The Oklahoma State Bureau of
8 Investigation shall, without a hearing, suspend the ~~concealed-carry~~
9 handgun license of any person who fails to pay in full any
10 administrative fine assessed against the person in accordance with
11 the provisions of this subsection. The suspension of any ~~concealed~~
12 ~~carry~~ handgun license shall be automatic and shall begin thirty (30)
13 days from the date of the assessment of the administrative fine.
14 The suspension shall be removed and the ~~concealed-carry~~ handgun
15 license returned to its prior standing upon payment of the
16 administrative fine being paid in full to the Bureau.

17 E. Whenever a ~~concealed-carry~~ handgun license has been
18 suspended in accordance with the provisions of this act or the
19 administrative rules of the Bureau promulgated for purposes of this
20 act, the license shall remain under suspension and shall not be
21 reinstated until:

22 1. The person whose license has been suspended applies for
23 reinstatement in accordance with the administrative rules of the

1 Bureau. The Bureau shall not charge any fee in conjunction with an
2 application for a license reinstatement. The person whose license
3 has been suspended must demonstrate that the condition or preclusion
4 which was the basis for the suspension has lapsed and is no longer
5 in effect; and

6 2. Any and all administrative fines assessed against the person
7 have been paid in full.

8 In the event a ~~concealed-carry~~ handgun license expires during
9 the term of the suspension, the person shall be required to apply
10 for renewal of the license in accordance with Section 1290.5 of this
11 title.

12 SECTION 37. AMENDATORY 21 O.S. 2011, Section 1290.18, is
13 amended to read as follows:

14 Section 1290.18

15 APPLICATION FORM CONTENTS

16 The application shall be completed upon the sworn oath of the
17 applicant as provided in paragraph 5 of Section ~~12~~ 1290.12 of this
18 ~~act~~ title. The application form shall be provided by the Oklahoma
19 State Bureau of Investigation and shall contain the following
20 information in addition to any other information deemed relevant by
21 the Bureau:

- 22 1. Applicant's full legal name;
23 2. Applicant's birth name, alias names or nicknames;

- 1 3. Maiden name, if applicable;
- 2 4. County of residence;
- 3 5. Length of residency at the current address;
- 4 6. Previous addresses for the preceding three (3) years;
- 5 7. Place of birth;
- 6 8. Date of birth;
- 7 9. Declaration of citizenship and date United States
- 8 citizenship was acquired, if applicable;
- 9 10. Race;
- 10 11. Weight;
- 11 12. Height;
- 12 13. Sex;
- 13 14. Color of eyes;
- 14 15. Social Security number;
- 15 16. Current driver license number;
- 16 17. Military service number, if applicable;
- 17 18. Law enforcement identification numbers, if applicable;
- 18 19. Current occupation;
- 19 20. Authorized type or types of pistol for which the applicant
- 20 qualified as stated on the certificate of training or exemption of
- 21 training which shall be stated as either derringer, revolver,
- 22 semiautomatic pistol, or some combination of derringer, revolver and
- 23
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1 semiautomatic pistol and the maximum ammunition capacity of the
2 firearm shall be .45 caliber;

3 21. An acknowledgment that the applicant desires a ~~concealed~~
4 handgun license as a means of lawful self-defense and self-
5 protection and for no other intent or purpose;

6 22. A statement that the applicant has never been convicted of
7 any felony offense in this state, another state or pursuant to any
8 federal offense;

9 23. A statement that the applicant has none of the conditions
10 which would preclude the issuing of a ~~concealed~~ handgun license
11 pursuant to any of the provisions of Sections ~~10~~ 1290.10 and ~~11~~
12 1290.11 of this ~~act~~ title and that the applicant further meets all
13 of the eligibility criteria required by Section ~~9~~ 1290.9 of this ~~act~~
14 title;

15 24. An authorization for the Oklahoma State Bureau of
16 Investigation to investigate the applicant and any or all records
17 relating to the applicant for purposes of approving or denying a
18 ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma
19 Self-Defense Act;

20 25. An acknowledgment that the applicant has been furnished a
21 copy of the Oklahoma Self-Defense Act and is knowledgeable about its
22 provisions;

1 26. A statement that the applicant is the identical person who
2 completed the firearms training course for which the original
3 training certificate is submitted as part of the application or a
4 statement that the applicant is the identical person who is exempt
5 from firearms training for which the original exemption certificate
6 is submitted as part of the application, whichever is applicable to
7 the applicant;

8 27. A conspicuous warning that the application is executed upon
9 the sworn oath of the applicant and that any false or misleading
10 answer to any question or the submission of any false information or
11 documentation by the applicant is punishable by criminal penalty as
12 provided in paragraph 5 of Section ~~42~~ 1290.12 of this ~~act~~ title;

13 28. A signed verification that the contents of the application
14 are known to the applicant and are true and correct;

15 29. Two separate places for the original signature of the
16 applicant;

17 30. A place for attachment of a passport size photograph of the
18 applicant; and

19 31. A place for the signature and verification of the identity
20 of the applicant by the sheriff or the sheriff's designee.

21 Information provided by the person on an application for a
22 ~~concealed~~ handgun license shall be confidential except to law
23 enforcement officers or law enforcement agencies.

SECTION 38. AMENDATORY 21 O.S. 2011, Section 1290.19, is amended to read as follows:

Section 1290.19

LICENSE FORM

The ~~concealed~~ handgun license shall be on a form prescribed by the Oklahoma State Bureau of Investigation and shall contain the following information in addition to any other information deemed relevant by the Bureau:

1. The ~~person's~~ full name of the person;
2. Current address;
3. County of residence;
4. Date of birth;
5. Weight;
6. Height;
7. Sex;
8. Race;
9. Color of eyes;
10. Handgun license identification number;
11. Expiration date of the handgun license; and
12. Authorized pistol to be either: (D) derringer, (R) revolver, (S) semiautomatic pistol, or some combination of derringer, revolver and semiautomatic pistol as may be authorized by the Oklahoma Self-Defense Act for which the person demonstrated

1 qualification pursuant to the certificate of training or an
2 exemption certificate.

3 SECTION 39. AMENDATORY 21 O.S. 2011, Section 1290.20, is
4 amended to read as follows:

5 Section 1290.20

6 PENALTY FOR REFUSAL TO SUBMIT OR FALSIFICATION

7 It shall be unlawful for any sheriff or designee to fail or
8 refuse to accept an application for a ~~concealed~~ handgun license as
9 authorized by the provisions of the Oklahoma Self-Defense Act,
10 ~~Sections 1 through 25 of this act,~~ or to fail or refuse to process
11 or submit the completed application to the Oklahoma State Bureau of
12 Investigation within the time prescribed by paragraph 8 of Section
13 ~~12~~ 1290.12 of this ~~act~~ title, or to falsify or knowingly allow any
14 person to falsify any information, documentation, fingerprint or
15 photograph submitted with a ~~concealed~~ handgun application. Any
16 violation shall, upon conviction, be a misdemeanor. There is a
17 presumption that the sheriff has acted in good faith to comply with
18 the provisions of the Oklahoma Self-Defense Act and any alleged
19 violation of the provisions of this section shall require proof
20 beyond a reasonable doubt.

21 SECTION 40. AMENDATORY 21 O.S. 2011, Section 1290.21, is
22 amended to read as follows:

23 Section 1290.21

REPLACEMENT LICENSE

A. In the event a ~~concealed~~ handgun license becomes missing, lost, stolen or destroyed, the license shall be invalid, and the person to whom the license was issued shall notify the Oklahoma State Bureau of Investigation within thirty (30) days of the discovery of the fact that the license is not in the possession of the licensee. The person may obtain a substitute license upon furnishing a notarized statement to the Bureau that the license is missing, lost, stolen or destroyed and paying a fifteen-dollar replacement fee. During any period when a license is missing, lost, stolen or destroyed, the person shall have no authority to carry a concealed or unconcealed handgun pursuant to the provisions of the Oklahoma Self-Defense Act. The Bureau shall, upon receipt of the notarized statement and fee from the licensee, issue a substitute license with the same expiration date within ten (10) days of the receipt of the notarized statement and fee.

B. Any person who knowingly or intentionally carries a concealed or unconcealed handgun pursuant to a ~~concealed~~ handgun license authorized and issued pursuant to the provisions of the Oklahoma Self-Defense Act which is either stolen or belongs to another person shall, upon conviction, be guilty of a felony punishable by a fine of Five Thousand Dollars (\$5,000.00).

1 C. Any person having a valid ~~concealed~~ handgun license pursuant
2 to the Oklahoma Self-Defense Act may carry any make or model of an
3 authorized pistol listed on the license, provided the type of pistol
4 shall not be other than the type or types listed on the license. A
5 person may complete additional firearms training for an additional
6 type of pistol during any license period and upon successful
7 completion of the training may request the additional type of pistol
8 be included on the license. The person shall submit to the Bureau a
9 fifteen-dollar replacement fee, the original certificate of training
10 and qualification for the additional type of firearm, and a
11 statement requesting the license be updated to include the
12 additional type of pistol. The Bureau shall issue an updated
13 license with the same expiration date within ten (10) days of the
14 receipt of the request. The person shall have no authority to carry
15 any additional type of pistol pursuant to the provisions of the
16 Oklahoma Self-Defense Act until the updated license has been
17 received by the licensee. The original license shall be destroyed
18 upon receipt of an updated handgun license.

19 D. A person may request during any license period an update for
20 a change of address or change of name by submitting to the Bureau a
21 fifteen-dollar replacement fee, and a notarized statement that the
22 address or name of the licensee has changed. The Bureau shall issue
23 an updated license with the same expiration date within ten (10)

1 days of receipt of the request. The original license shall be
2 destroyed upon the receipt of the updated handgun license.

3 SECTION 41. AMENDATORY 21 O.S. 2011, Section 1290.23, is
4 amended to read as follows:

5 Section 1290.23

6 DEPOSIT OF FEES BY OSBI

7 All money submitted by the sheriffs to the Oklahoma State Bureau
8 of Investigation as processing fees for applications submitted for
9 ~~concealed~~ handgun licenses shall be deposited in the Oklahoma State
10 Bureau of Investigation Revolving Fund and shall be expended for
11 purposes of implementing the provisions of the Oklahoma Self-Defense
12 act or as otherwise provided by law.

13 SECTION 42. AMENDATORY 21 O.S. 2011, Section 1290.24, is
14 amended to read as follows:

15 Section 1290.24

16 IMMUNITY

17 A. The state, its officers, agents and employees shall be
18 immune from liability resulting or arising from:

19 1. Failure to prevent the licensing of an individual for whom
20 the receipt of the license is unlawful pursuant to the provisions of
21 the Oklahoma Self-Defense Act or any other provision of law of this
22 state;

1 2. Any action or misconduct with a pistol committed by a person
2 to whom a license to carry a concealed or unconcealed handgun has
3 been issued or by any person who obtains a pistol from a licensee;

4 3. Any injury to any person during a handgun training course
5 conducted by a firearms instructor certified by the Council on Law
6 Enforcement Education and Training to conduct training under the
7 Oklahoma Self-Defense Act, or injury from any misfire or malfunction
8 of any handgun on a training course firing range supervised by a
9 certified firearms instructor under the provisions of the Oklahoma
10 Self-Defense Act, or any injury resulting from carrying a concealed
11 or unconcealed handgun pursuant to a ~~concealed~~ handgun license; and

12 4. Any action or finding pursuant to a hearing conducted in
13 accordance with the Administrative Procedures Act as required in the
14 Oklahoma Self-Defense Act.

15 B. Firearms instructors certified by the Council on Law
16 Enforcement Education and Training to conduct training for the
17 Oklahoma Self-Defense Act shall be immune from liability to third
18 persons resulting or arising from any claim based on an act or
19 omission of a trainee.

20 SECTION 43. AMENDATORY 21 O.S. 2011, Section 1290.25, is
21 amended to read as follows:

22 Section 1290.25

23 LEGISLATIVE INTENT

1 The Legislature finds as a matter of public policy and fact that
2 it is necessary to provide statewide uniform standards for issuing
3 licenses to carry concealed or unconcealed handguns for lawful self-
4 defense and self-protection, and further finds it necessary to
5 occupy the field of regulation of the bearing of concealed or
6 unconcealed handguns to ensure that no honest, law-abiding citizen
7 who qualifies pursuant to the provisions of the Oklahoma Self-
8 Defense Act, ~~Section 1290.1 et seq. of this title,~~ is subjectively
9 or arbitrarily denied his or her rights. The Legislature does not
10 delegate to the Oklahoma State Bureau of Investigation any authority
11 to regulate or restrict the issuing of handgun licenses except as
12 provided by the provisions of this act. Subjective or arbitrary
13 actions or rules which encumber the issuing process by placing
14 burdens on the applicant beyond those requirements detailed in the
15 provisions of the Oklahoma Self-Defense Act or which create
16 restrictions beyond those specified in this act are deemed to be in
17 conflict with the intent of this act and are hereby prohibited. The
18 Oklahoma Self-Defense Act shall be liberally construed to carry out
19 the constitutional right to bear arms for self-defense and self-
20 protection. The provisions of the Oklahoma Self-Defense Act are
21 cumulative to existing rights to bear arms and nothing in Section
22 1290.1 et seq. of this title shall impair or diminish those rights.

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1 However, the conditions that mandate the administrative actions
2 of license denial, suspension, revocation or an administrative fine
3 are intended to protect the health, safety and public welfare of the
4 citizens of this state. The restricting conditions specified in the
5 Oklahoma Self-Defense Act generally involve the criminal history,
6 mental state, alcohol or substance abuse of the applicant or
7 licensee, a hazard of domestic violence, a danger to police
8 officers, or the ability of the Oklahoma State Bureau of
9 Investigation to properly administer the Oklahoma Self-Defense Act.
10 The restricting conditions that establish a risk of injury or harm
11 to the public are tailored to reduce the risks to the benefit of the
12 citizens of this state.

13 SECTION 44. AMENDATORY 21 O.S. 2011, Section 1290.26, is
14 amended to read as follows:

15 Section 1290.26

16 RECIPROCAL AGREEMENT AUTHORITY

17 The State of Oklahoma hereby recognizes any valid concealed or
18 unconcealed carry weapons permit or license issued by another state.

19 Any person entering this state in possession of a firearm
20 authorized for concealed or unconcealed carry upon the authority and
21 license of another state is authorized to continue to carry a
22 concealed or unconcealed firearm and license in this state; provided
23 the license from the other state remains valid. The firearm must

1 either be carried ~~fully~~ unconcealed or concealed from detection and
2 view, and upon coming in contact with any peace officer of this
3 state, the person must disclose the fact that he or she is in
4 possession of a concealed or unconcealed firearm pursuant to a valid
5 concealed or unconcealed carry weapons permit or license issued in
6 another state. Any person who is twenty-one (21) years of age or
7 older having a valid firearm license from another state may apply
8 for a ~~concealed~~ handgun license in this state immediately upon
9 establishing a residence in this state.

10 SECTION 45. AMENDATORY 21 O.S. 2011, Section 1364, is
11 amended to read as follows:

12 Section 1364.

13 DISCHARGING FIREARM

14 Every person who willfully discharges any pistol, rifle,
15 shotgun, airgun or other weapon, or throws any other missile in any
16 public place, or in any place where there is any person to be
17 endangered thereby, although no injury to any person shall ensue, is
18 guilty of a misdemeanor. Any person convicted of a violation of the
19 provisions of this section after having been issued a ~~concealed~~
20 handgun license pursuant to the provisions of the Oklahoma Self-
21 Defense Act, ~~Sections 1 through 25 of this act,~~ shall have the
22 license suspended for a period of six (6) months and shall be
23 subject to an administrative fine of Fifty Dollars (\$50.00), upon a
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1 hearing and determination by the Oklahoma State Bureau of
2 Investigation that the person is in violation of the provisions of
3 this section.

4 SECTION 46. AMENDATORY 63 O.S. 2011, Section 2-110, is
5 amended to read as follows:

6 Section 2-110. The Director of the Oklahoma State Bureau of
7 Narcotics and Dangerous Drugs Control may employ attorneys, who
8 shall be unclassified employees of the state, or contract with
9 attorneys, as needed. These attorneys may advise the Director, the
10 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
11 Commission and Bureau personnel on all legal matters and shall
12 appear for and represent the Director, the Commission and Bureau
13 personnel in all administrative hearings and all litigation or other
14 proceedings which may arise in the discharge of their duties. At
15 the request of the Oklahoma State Bureau of Narcotics and Dangerous
16 Drugs Control Commission, such attorney shall assist the district
17 attorney in prosecuting charges of violators of the Uniform
18 Controlled Dangerous Substances Act or any felony relating to or
19 arising from a violation of the Uniform Controlled Dangerous
20 Substances Act. Attorneys for the Bureau who have been certified by
21 the Council on Law Enforcement Education and Training to carry a
22 ~~concealed~~ weapon or have been issued a ~~concealed~~ handgun license
23 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
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1 allowed to carry weapons pursuant to paragraph 3 of subsection A of
2 Section 1272 of Title 21 of the Oklahoma Statutes. These attorneys,
3 pursuant to this provision, shall not be considered eligible to
4 participate in the Oklahoma Law Enforcement Retirement System. If a
5 conflict of interest would be created by such attorney representing
6 the Director, the Commission or Bureau personnel, additional counsel
7 may be hired upon approval of the Oklahoma State Bureau of Narcotics
8 and Dangerous Drugs Control Commission.

9 SECTION 47. AMENDATORY 63 O.S. 2011, Section 4210.3, is
10 amended to read as follows:

11 Section 4210.3 It shall be unlawful to transport a shotgun,
12 rifle or pistol in or to discharge such weapons from a vessel,
13 except for the purposes of hunting animals or fowl, and in
14 compliance with existing state and federal laws. Anyone violating
15 the provisions of this section, upon conviction, shall be guilty of
16 a misdemeanor and shall be punished by a fine of not less than Fifty
17 Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00), or
18 by imprisonment in the county jail for not less than ten (10) days
19 and not more than six (6) months, or by both such fine and
20 imprisonment. Any person in possession of a valid ~~concealed~~ handgun
21 license from this state or a reciprocal state authorized by the
22 Oklahoma Self-Defense Act shall not be deemed guilty of transporting
23 a pistol in violation of this section when a handgun is carried
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1 concealed or unconcealed upon or about their person in compliance
2 with the provisions of the Oklahoma Self-Defense Act.

3 SECTION 48. This act shall become effective November 1, 2012.

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5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/04/2012 -
6 DO PASS, As Amended and Coauthored.

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