

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2461 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

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

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Mike Turner

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 2461

By: Turner

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; requiring law enforcement officials to execute certain certification requests; providing exceptions; requiring written notification of denial; authorizing appeals to district court; defining terms; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1289.30 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. When certification by a chief law enforcement officer is required by federal law or regulation for the transfer or making of a firearm, the chief law enforcement officer shall, within fifteen (15) days of receipt of a request for certification, provide such certification if the applicant is not prohibited by law from receiving the firearm or the applicant is not the subject of a proceeding that could result in the applicant being prohibited by law from receiving the firearm. If the applicant is prohibited by

1 law from receiving the firearm or the applicant is the subject of a
2 proceeding that could result in such prohibition, the chief law
3 enforcement officer shall provide written notification to the
4 applicant that certification has been denied and state the reasons
5 for such findings.

6 B. An applicant whose request for certification is denied may
7 appeal the decision of the chief law enforcement officer to the
8 district court that is located in the county in which the applicant
9 resides. The court shall review the decision of the chief law
10 enforcement officer to deny the certification de novo. If the court
11 finds that the applicant is not prohibited by law from receiving the
12 firearm or the applicant is not the subject of a proceeding that
13 could result in such prohibition, the court shall order the chief
14 law enforcement officer to issue the certification and shall award
15 court costs and reasonable attorney fees to the applicant.

16 C. For purposes of this section:

17 1. "Certification" means the participation and assent of the
18 chief law enforcement officer necessary under federal law for the
19 approval of the application to transfer or make a firearm;

20 2. "Chief law enforcement officer" means any official that the
21 Bureau of Alcohol, Tobacco, Firearms and Explosives, or any
22 successor agency, identifies by regulation or otherwise as eligible
23 to provide any required certification for applications to transfer
24 or make a firearm; and

1 3. "Firearm" means:

- 2 a. a shotgun having a barrel or barrels of less than
3 eighteen (18) inches in length,
- 4 b. a weapon made from a shotgun if such weapon as
5 modified has an overall length of less than twenty-six
6 (26) inches or a barrel or barrels of less than
7 eighteen (18) inches in length,
- 8 c. a rifle having a barrel or barrels of less than
9 sixteen (16) inches in length,
- 10 d. a weapon made from a rifle if such weapon as modified
11 has an overall length of less than twenty-six (26)
12 inches or a barrel or barrels of less than sixteen
13 (16) inches in length,
- 14 e. a weapon or device capable of being concealed on the
15 person from which a shot can be discharged through the
16 energy of an explosive, a pistol or revolver having a
17 barrel with a smooth bore designed or redesigned to
18 fire a fixed shotgun shell, weapons with an overall
19 length of less than eighteen (18) inches with
20 combination shotgun and rifle barrels of twelve (12)
21 inches or more in length, from which only a single
22 discharge can be made from either barrel without
23 manual reloading, and shall include any such weapon
24 which may be readily restored to fire. Weapons or

1 devices specifically excluded include pistols or
2 revolvers having a rifled bore or rifled bores or
3 weapons designed, made, or intended to be fired from
4 the shoulder and not capable of firing fixed
5 ammunition,

6 f. a machinegun,

7 g. any silencer, and

8 h. a destructive device.

9 The term "firearm" shall not include an antique firearm or any
10 device which, although designed as a weapon, is primarily a
11 collector's item and is not likely to be used as a weapon by reason
12 of the date of its manufacture, value, design and other
13 characteristics.

14 SECTION 2. This act shall become effective November 1, 2014.

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16 54-2-9988 GRS 02/12/14
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