

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2461

By: Turner

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" shall have the same meaning as provided for in the
2 National Firearms Act, subsection a of Section 5845 of Title 26 of
3 the United States Code.

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