

1 ENGROSSED HOUSE
2 BILL NO. 2461

By: Turner and Bennett of the
House

3 and

4 Dahm of the Senate

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

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

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

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

1 proceeding that could result in such prohibition, the chief law
2 enforcement officer shall provide written notification to the
3 applicant that certification has been denied and state the reasons
4 for such findings.

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

15 C. For purposes of this section:

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

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

5 Passed the House of Representatives the 11th day of March, 2014.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2014.

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Presiding Officer of the Senate

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