

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 54th Legislature (2014)

4   COMMITTEE SUBSTITUTE  
5   FOR  
6   HOUSE BILL NO. 2461

By: Turner of the House

and

Dahm of the Senate

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10                               COMMITTEE SUBSTITUTE

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

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

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

21           A.   When certification by a chief law enforcement officer is  
22           required by federal law or regulation for the transfer or making of  
23           a firearm, the chief law enforcement officer shall, within fifteen  
24           (15) days of receipt of a request for certification, provide such  
            certification if the applicant is not prohibited by law from

1 receiving the firearm or the applicant is not the subject of a  
2 proceeding that could result in the applicant being prohibited by  
3 law from receiving the firearm. If the applicant is prohibited by  
4 law from receiving the firearm or the applicant is the subject of a  
5 proceeding that could result in such prohibition, the chief law  
6 enforcement officer shall provide written notification to the  
7 applicant that certification has been denied and state the reasons  
8 for such findings.

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

19 C. For purposes of this section:

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

23 2. "Chief law enforcement officer" means any official that the  
24 Bureau of Alcohol, Tobacco, Firearms and Explosives, or any

1 successor agency, identifies by regulation or otherwise as eligible  
2 to provide any required certification for applications to transfer  
3 or make a firearm; and

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

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

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9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/19/2014 - DO  
10 PASS, As Amended and Coauthored.