

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 HOUSE BILL 2594

By: Walker

6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Sections 1290.5, as amended by Section
9 26, Chapter 259, O.S.L. 2012 and 1290.12, as last
10 amended by Section 5, Chapter 366, O.S.L. 2013 (21
11 O.S. Supp. 2013, Sections 1290.5 and 1290.12), which
12 relate to the Oklahoma Self-Defense Act; providing
13 alternate form of payment for handgun license
14 applications and renewals; and providing an effective
15 date.

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

17 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.5, as
18 amended by Section 26, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2013,
19 Section 1290.5), is amended to read as follows:

20 Section 1290.5

21 TERM OF LICENSE AND RENEWAL

22 A. A handgun license when issued shall authorize the person to
23 whom the license is issued to carry a loaded or unloaded handgun,
24 concealed or unconcealed, as authorized by the provisions of the
25 Oklahoma Self-Defense Act, and any future modifications thereto.

26 The license shall be valid in this state for a period of five (5) or

1 ten (10) years, unless subsequently surrendered, suspended or
2 revoked as provided by law. The person shall have no authority to
3 continue to carry a concealed or unconcealed handgun in this state
4 pursuant to the Oklahoma Self-Defense Act when a license is expired
5 or when a license has been voluntarily surrendered or suspended or
6 revoked for any reason.

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

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

17 2. The applicant must complete the renewal form, attach two
18 current passport size photographs of the applicant, and submit a
19 renewal fee in the amount of Eighty-five Dollars (\$85.00) to the
20 Bureau. The renewal fee may be paid with a nationally recognized
21 credit card as provided in subparagraph b of paragraph 4 of
22 subsection A of Section 1290.12 of this title, by electronic funds
23 transfer, or by a cashier's check or money order made payable to the
24 Oklahoma State Bureau of Investigation.

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

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

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.12, as last amended by Section 5, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2013, Section 1290.12), is amended to read as follows:

Section 1290.12

PROCEDURE FOR APPLICATION

A. Except as provided in paragraph 11 of this subsection, the procedure for applying for a handgun license and processing the application shall be as follows:

1 1. An eligible person may request an application packet for a
2 handgun license from the Oklahoma State Bureau of Investigation or
3 the county sheriff's office either in person or by mail. The Bureau
4 may provide application packets to each sheriff not exceeding two
5 hundred packets per request. The Bureau shall provide the following
6 information in the application packet:

- 7 a. an application form,
- 8 b. procedures to follow to process the application form,
- 9 and
- 10 c. a copy of the Oklahoma Self-Defense Act with any
- 11 modifications thereto;

12 2. The person shall be required to successfully complete a
13 firearms safety and training course from a firearms instructor who
14 is approved and registered in this state as provided in Section
15 1290.14 of this title, and the person shall be required to
16 demonstrate competency and qualification with a pistol authorized
17 for concealed or unconcealed carry by the Oklahoma Self-Defense Act.
18 The original certificate of training shall be submitted with the
19 application for a handgun license. No duplicate, copy, facsimile or
20 other reproduction of the certificate of training or exemption from
21 training shall be acceptable as proof of training as required by the
22 provisions of the Oklahoma Self-Defense Act. A person exempt from
23 the training requirements as provided in Section 1290.15 of this
24 title must show the required proof of such exemption to the firearms

1 instructor to receive an exemption certificate. The original
2 exemption certificate must be submitted with the application for a
3 handgun license when the person claims an exemption from training
4 and qualification;

5 3. The application form shall be completed and delivered by the
6 applicant, in person, to the sheriff of the county wherein the
7 applicant resides;

8 4. The person shall deliver to the sheriff at the time of
9 delivery of the completed application form a fee of One Hundred
10 Dollars (\$100.00) for processing the application through the
11 Oklahoma State Bureau of Investigation and processing the required
12 fingerprints through the Federal Bureau of Investigation. The
13 processing fee shall be in the form of:

- 14 a. a money order or a cashier's check made payable to the
15 Oklahoma State Bureau of Investigation, ~~or~~
16 b. by a nationally recognized credit card issued to the
17 applicant. For purposes of this paragraph,
18 "nationally recognized credit card" means any
19 instrument or device, whether known as a credit card,
20 credit plate, charge plate, or by any other name,
21 issued with or without fee by the issuer for the use
22 of the cardholder in obtaining goods, services, or
23 anything else of value on credit which is accepted by
24 over one thousand merchants in the state. The

Oklahoma State Bureau of Investigation shall determine which nationally recognized credit cards will be accepted by the Bureau, or
c. by electronic funds transfer.

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

5. The completed application form shall be signed by the applicant in person before the sheriff. The signature shall be given voluntarily upon a sworn oath that the person knows the contents of the application and that the information contained in the application is true and correct. Any person making any false or misleading statement on an application for a handgun license shall, upon conviction, be guilty of perjury as defined by Section 491 of this title. Any conviction shall be punished as provided in Section 500 of this title. In addition to a criminal conviction, the person shall be denied the right to have a handgun license pursuant to the provisions of Section 1290.10 of this title and the Oklahoma State Bureau of Investigation shall revoke the handgun license, if issued;

6. Two passport size photographs of the applicant shall be submitted with the completed application. The cost of the

1 photographs shall be the responsibility of the applicant. The
2 sheriff is authorized to take the photograph of the applicant for
3 purposes of the Oklahoma Self-Defense Act and, if such photographs
4 are taken by the sheriff the cost of the photographs shall not
5 exceed Ten Dollars (\$10.00) for the two photos. All money received
6 by the sheriff from photographing applicants pursuant to the
7 provisions of this paragraph shall be retained by the sheriff and
8 deposited into the Sheriff's Service Fee Account;

9 7. The sheriff shall witness the signature of the applicant and
10 review or take the photographs of the applicant and shall verify
11 that the person making application for a handgun license is the same
12 person in the photographs submitted and the same person who signed
13 the application form. Proof of a valid Oklahoma driver license with
14 a photograph of the applicant or an Oklahoma State photo
15 identification for the applicant shall be required to be presented
16 by the applicant to the sheriff for verification of the person's
17 identity;

18 8. Upon verification of the identity of the applicant, the
19 sheriff shall take two complete sets of fingerprints of the
20 applicant. Both sets of fingerprints shall be submitted by the
21 sheriff with the completed application, certificate of training or
22 an exemption certificate, photographs and processing fee to the
23 Oklahoma State Bureau of Investigation within fourteen (14) days of
24 taking the fingerprints. The cost of the fingerprints shall be paid

1 by the applicant and shall not exceed Twenty-five Dollars (\$25.00)
2 for the two sets. All fees collected by the sheriff from taking
3 fingerprints pursuant to the provisions of this paragraph shall be
4 retained by the sheriff and deposited into the Sheriff's Service Fee
5 Account;

6 9. The sheriff shall submit to the Oklahoma State Bureau of
7 Investigation within the fourteen-day period, together with the
8 completed application, including the certificate of training or
9 exemption certificate, photographs, processing fee and legible
10 fingerprints meeting the Oklahoma State Bureau of Investigation's
11 Automated Fingerprint Identification System (AFIS) submission
12 standards, and a report of information deemed pertinent to an
13 investigation of the applicant for a handgun license. The sheriff
14 shall make a preliminary investigation of pertinent information
15 about the applicant and the court clerk shall assist the sheriff in
16 locating pertinent information in court records for this purpose.
17 If no pertinent information is found to exist either for or against
18 the applicant, the sheriff shall so indicate in the report;

19 10. The Oklahoma State Bureau of Investigation, upon receipt of
20 the application and required information from the sheriff, shall
21 forward one full set of fingerprints of the applicant to the Federal
22 Bureau of Investigation for a national criminal history records
23 search. The cost of processing the fingerprints nationally shall be
24

1 paid from the processing fee collected by the Oklahoma State Bureau
2 of Investigation;

3 11. Notwithstanding the provisions of the Oklahoma Self-Defense
4 Act, or any other provisions of law, any person who has been granted
5 a permanent victim's protective order by the court, as provided for
6 in the Protection from Domestic Abuse Act, may be issued a temporary
7 handgun license for a period not to exceed six (6) months. A
8 temporary handgun license may be issued if the person has
9 successfully passed the required weapons course, completed the
10 application process for the handgun license, passed the preliminary
11 investigation of the person by the sheriff and court clerk, and
12 provided the sheriff proof of a certified permanent victim
13 protection order and a valid Oklahoma state photo identification
14 card or driver license. The sheriff shall issue a temporary handgun
15 license on a form approved by the Oklahoma State Bureau of
16 Investigation, at no cost. Any person who has been issued a
17 temporary license shall carry the temporary handgun license and a
18 valid Oklahoma state photo identification on his or her person at
19 all times, and shall be subject to all the requirements of the
20 Oklahoma Self-Defense Act when carrying a handgun. The person may
21 proceed with the handgun licensing process. In the event the
22 victim's protection order is no longer enforceable, the temporary
23 handgun license shall cease to be valid;

1 12. The Oklahoma State Bureau of Investigation shall make a
2 reasonable effort to investigate the information submitted by the
3 applicant and the sheriff, to ascertain whether or not the issuance
4 of a handgun license would be in violation of the provisions of the
5 Oklahoma Self-Defense Act. The investigation by the Bureau of an
6 applicant shall include, but shall not be limited to: a statewide
7 criminal history records search, a national criminal history records
8 search, a Federal Bureau of Investigation fingerprint search, and if
9 applicable, an investigation of medical records or other records or
10 information deemed by the Bureau to be relevant to the application.

11 a. In the course of the investigation by the Bureau, it
12 shall present the name of the applicant along with any
13 known aliases, the address of the applicant and the
14 social security number of the applicant to the
15 Department of Mental Health and Substance Abuse
16 Services. The Department of Mental Health and
17 Substance Abuse Services shall respond within ten (10)
18 days of receiving such information to the Bureau as
19 follows:

20 (1) with a "Yes" answer, if the records of the
21 Department indicate that the person was
22 involuntarily committed to a mental institution
23 in Oklahoma,
24

1 (2) with a "No" answer, if there are no records
2 indicating the name of the person as a person
3 involuntarily committed to a mental institution
4 in Oklahoma, or
5 (3) with an "Inconclusive" answer if the records of
6 the Department suggest the applicant may be a
7 formerly committed person. In the case of an
8 inconclusive answer, the Bureau shall ask the
9 applicant whether he or she was involuntarily
10 committed. If the applicant states under penalty
11 of perjury that he or she has not been
12 involuntarily committed, the Bureau shall
13 continue processing the application for a
14 license.

15 b. In the course of the investigation by the Bureau, it
16 shall check the name of any applicant who is twenty-
17 eight (28) years of age or younger along with any
18 known aliases, the address of the applicant and the
19 social security number of the applicant against the
20 records in the Juvenile Online Tracking System (JOLTS)
21 of the Office of Juvenile Affairs. The Office of
22 Juvenile Affairs shall provide the Bureau direct
23 access to check the applicant against the records
24 available on JOLTS.

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

23 13. If the background check set forth in paragraph 11 of this
24 subsection reveals no records pertaining to the applicant, the

1 Oklahoma State Bureau of Investigation shall either issue a handgun
2 license or deny the application within sixty (60) days of the date
3 of receipt of the applicant's completed application and the required
4 information from the sheriff. In all other cases, the Oklahoma
5 State Bureau of Investigation shall either issue a handgun license
6 or deny the application within ninety (90) days of the date of the
7 receipt of the applicant's completed application and the required
8 information from the sheriff. The Bureau shall approve an applicant
9 who appears to be in full compliance with the provisions of the
10 Oklahoma Self-Defense Act, if completion of the federal fingerprint
11 search is the only reason for delay of the issuance of the handgun
12 license to that applicant. Upon receipt of the federal fingerprint
13 search information, if the Bureau receives information which
14 precludes the person from having a handgun license, the Bureau shall
15 revoke the handgun license previously issued to the applicant. The
16 Bureau shall deny a license when the applicant fails to properly
17 complete the application form or application process or is
18 determined not to be eligible as specified by the provisions of
19 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall
20 approve an application in all other cases. If an application is
21 denied, the Bureau shall notify the applicant in writing of its
22 decision. The notification shall state the grounds for the denial
23 and inform the applicant of the right to an appeal as may be
24 provided by the provisions of the Administrative Procedures Act.

1 All notices of denial shall be mailed by first class mail to the
2 address of the applicant listed in the application. Within sixty
3 (60) calendar days from the date of mailing a denial of application
4 to an applicant, the applicant shall notify the Bureau in writing of
5 the intent to appeal the decision of denial or the right of the
6 applicant to appeal shall be deemed waived. Any administrative
7 hearing on a denial which may be provided shall be conducted by a
8 hearing examiner appointed by the Bureau. The decision of the
9 hearing examiner shall be a final decision appealable to a district
10 court in accordance with the Administrative Procedures Act. When an
11 application is approved, the Bureau shall issue the license and
12 shall mail the license by first-class mail to the address of the
13 applicant listed in the application.

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

20 SECTION 3. This act shall become effective November 1, 2014.

21
22 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION, dated
23 02/06/2014 - DO PASS.

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