

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 HOUSE BILL 2874

 By: Newell of the House

5 and

6 Brecheen of the Senate

7
8 AS INTRODUCED

9
10 An Act relating to crimes and punishments; amending
11 21 O.S. 2011, Section 1290.14, as last amended by
12 Section 1, Chapter 139, O.S.L. 2013 (21 O.S. Supp.
13 2013, Section 1290.14), which relates to the Oklahoma
14 Self-Defense Act; making completion certificates
15 valid for certain period of time; requiring firearms
16 instructors to retain records for certain period of
17 time; authorizing the destruction of certain records;
18 and providing an effective date.

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

20 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.14, as
21 last amended by Section 1, Chapter 139, O.S.L. 2013 (21 O.S. Supp.
22 2013, Section 1290.14), is amended to read as follows:

23 Section 1290.14

24 SAFETY AND TRAINING COURSE

 A. Each applicant for a license to carry a concealed or
unconcealed handgun pursuant to the Oklahoma Self-Defense Act must
successfully complete a firearms safety and training course in this

1 state conducted by a registered and approved firearms instructor as
2 provided by the provisions of this section. The applicant must
3 further demonstrate competence and qualification with an authorized
4 pistol of the type or types that the applicant desires to carry as a
5 concealed or unconcealed handgun pursuant to the provisions of the
6 Oklahoma Self-Defense Act, except certain persons may be exempt from
7 such training requirement as provided by the provisions of Section
8 1290.15 of this title.

9 B. The Council on Law Enforcement Education and Training
10 (CLEET) shall establish criteria for approving firearms instructors
11 for purposes of training and qualifying individuals for a handgun
12 license pursuant to the provisions of the Oklahoma Self-Defense Act.
13 Prior to submitting an application for CLEET approval as a firearms
14 instructor, applicants shall attend a firearms instructor school,
15 meeting the following minimum requirements:

16 1. Firearms instructor training conducted by one of the
17 following entities:

- 18 a. Council on Law Enforcement Education and Training,
- 19 b. National Rifle Association,
- 20 c. Oklahoma Rifle Association,
- 21 d. federal law enforcement agencies, or
- 22 e. other professionally recognized organizations;

23 2. The course shall be at least sixteen (16) hours in length;

24

1 3. Upon completion of the course, the applicant shall be
2 qualified to provide instruction on revolvers, semiautomatic
3 pistols, or both; and

4 4. Receive a course completion certificate.

5 All firearms instructors shall be required to meet the
6 eligibility requirements for a handgun license as provided in
7 Sections 1290.9, 1290.10, and 1290.11 of this title, and the
8 application shall be processed as provided for applicants in Section
9 1290.12 of this title, including the state and national criminal
10 history records search and fingerprint search. A firearms
11 instructor shall be required to pay a fee of One Hundred Dollars
12 (\$100.00) to the Council on Law Enforcement Education and Training
13 (CLEET) each time the person makes application for CLEET approval as
14 a firearms instructor pursuant to the provisions of the Oklahoma
15 Self-Defense Act. The fee shall be retained by CLEET and shall be
16 deposited into the Firearms Instructors Revolving Fund. CLEET shall
17 promulgate the rules, forms and procedures necessary to implement
18 the approval of firearms instructors as authorized by the provisions
19 of this subsection. CLEET shall periodically review each approved
20 instructor during a training and qualification course to assure
21 compliance with the rules and course contents. Any violation of the
22 rules may result in the revocation or suspension of CLEET and
23 Oklahoma State Bureau of Investigation approval. Unless the
24 approval has been revoked or suspended, a firearms instructor's

1 CLEET approval shall be for a term of five (5) years. Beginning on
2 July 1, 2003, any firearms instructor who has been issued a four-
3 year CLEET approval shall not be eligible for the five-year approval
4 until the expiration of the approval previously issued. CLEET shall
5 be responsible for notifying all approved firearms instructors of
6 statutory and policy changes related to the Oklahoma Self-Defense
7 Act.

8 C. 1. All firearms instructors approved by CLEET to train and
9 qualify individuals for a handgun license shall be required to apply
10 for registration with the Oklahoma State Bureau of Investigation
11 after receiving CLEET approval. All firearms instructors teaching
12 the approved course for a handgun license must display their
13 registration certificate during each training and qualification
14 course. Each approved firearms instructor shall complete a
15 registration form provided by the Bureau and shall pay a
16 registration fee of One Hundred Dollars (\$100.00) to the Bureau at
17 the time of each application for registration, except as provided in
18 paragraph 2 of this subsection. Registration certificates issued by
19 the Bureau shall be valid for five (5) years from the date of
20 issuance. The Bureau shall issue a five-year handgun license to an
21 approved firearms instructor at the time of issuance of a
22 registration certificate and no additional fee shall be required or
23 charged. The Bureau shall maintain a current listing of all
24 registered firearms instructors in this state. Nothing in this

1 paragraph shall be construed to eliminate the requirement for
2 registration and training with CLEET as provided in subsection B of
3 this section. Failure to register or be trained as required shall
4 result in a revocation or suspension of the instructor certificate
5 by the Bureau.

6 2. On or after July 1, 2003, the registered instructors listed
7 in subparagraphs a and b of this paragraph shall not be required to
8 renew the firearms instructor registration certificate with the
9 Oklahoma State Bureau of Investigation at the expiration of the
10 registration term, provided the instructor is not subject to any
11 suspension or revocation of the firearms instructor certificate.
12 The firearms instructor registration with the Oklahoma State Bureau
13 of Investigation shall automatically renew together with the handgun
14 license authorized in paragraph 1 of this subsection for an
15 additional five-year term and no additional cost or fee may be
16 charged for the following individuals:

- 17 a. an active duty law enforcement officer of this state
18 or any of its political subdivisions or of the federal
19 government who has a valid CLEET approval as a
20 firearms instructor pursuant to the Oklahoma Self-
21 Defense Act, and
22 b. a retired law enforcement officer authorized to carry
23 a firearm pursuant to Section 1289.8 of this title who
24

1 has a valid CLEET approval as a firearms instructor
2 pursuant to the Oklahoma Self-Defense Act.

3 D. The Oklahoma State Bureau of Investigation shall approve
4 registration for a firearms instructor applicant who is in full
5 compliance with CLEET rules regarding firearms instructors and the
6 provisions of subsection B of this section, if completion of the
7 federal fingerprint search is the only reason for delay of
8 registration of that firearms instructor applicant. Upon receipt of
9 the federal fingerprint search information, if the Bureau receives
10 information which precludes the person from having a handgun
11 license, the Bureau shall revoke both the registration and the
12 handgun license previously issued to the firearms instructor.

13 E. The required firearms safety and training course and the
14 actual demonstration of competency and qualification required of the
15 applicant shall be designed and conducted in such a manner that the
16 course can be reasonably completed by the applicant within an eight-
17 hour period. CLEET shall establish the course content and
18 promulgate rules, procedures and forms necessary to implement the
19 provisions of this subsection. For the training and qualification
20 course, an applicant may be charged a fee that shall be determined
21 by the instructor conducting the course. The maximum class size
22 shall be determined by the instructor conducting the course;
23 provided, however, practice shooting sessions shall not have more
24 than ten participating students at one time. CLEET may establish

1 criteria for assistant instructors and any other requirements deemed
2 necessary to conduct a safe and effective training and qualification
3 course. The course content shall include a safety inspection of the
4 firearm to be used by the applicant in the training course;
5 instruction on pistol handling, safety and storage; dynamics of
6 ammunition and firing; methods or positions for firing a pistol;
7 information about the criminal provisions of the Oklahoma law
8 relating to firearms; the requirements of the Oklahoma Self-Defense
9 Act as it relates to the applicant; self-defense and the use of
10 appropriate force; a practice shooting session; and a
11 familiarization course. The firearms instructor shall refuse to
12 train or qualify any person when the pistol to be used or carried by
13 the person is either deemed unsafe or unfit for firing or is a
14 weapon not authorized by the Oklahoma Self-Defense Act. The course
15 shall provide an opportunity for the applicant to qualify himself or
16 herself on either a derringer, a revolver, a semiautomatic pistol or
17 any combination of a derringer, a revolver and a semiautomatic
18 pistol, provided no pistol shall be capable of firing larger than
19 .45 caliber ammunition. Any applicant who successfully trains and
20 qualifies himself or herself with a semiautomatic pistol may be
21 approved by the firearms instructor on the training certificate for
22 a semiautomatic pistol, a revolver and a derringer upon request of
23 the applicant. Any person who qualifies on a derringer or revolver
24 shall not be eligible for a semiautomatic rating until the person

1 has demonstrated competence and qualifications on a semiautomatic
2 pistol. Upon successful completion of the training and
3 qualification course, a certificate shall be issued to each
4 applicant who successfully completes the course. The certificate of
5 training shall comply with the form established by CLEET and shall
6 be submitted with an application for a handgun license pursuant to
7 the provisions of paragraph 2 of subsection A of Section 1290.12 of
8 this title. The certificate of completion issued to an applicant
9 shall be valid for a period of three (3) years.

10 F. There is hereby created a revolving fund for the Council on
11 Law Enforcement Education and Training (CLEET), to be designated the
12 "Firearms Instructors Revolving Fund". The fund shall be a
13 continuing fund, not subject to fiscal year limitations, and shall
14 consist of all funds received for approval of firearms instructors
15 for purposes of the Oklahoma Self-Defense Act. All funds received
16 shall be deposited to the fund. All monies accruing to the credit
17 of said fund are hereby appropriated and may be budgeted and
18 expended by the Council on Law Enforcement Education and Training,
19 for implementation of the training and qualification course
20 contents, approval of firearms instructors and any other CLEET
21 requirement pursuant to the provisions of the Oklahoma Self-Defense
22 Act or as may otherwise be deemed appropriate by CLEET.
23 Expenditures from said fund shall be made upon warrants issued by
24 the State Treasurer against claims filed as prescribed by law with

1 the Director of the Office of Management and Enterprise Services for
2 approval and payment.

3 G. Firearms instructors shall keep on file for a period of not
4 less than three (3) years a roster of each training class, the
5 safety test score of each individual, the caliber and type of weapon
6 each individual used when qualifying and whether or not each
7 individual successfully completed the training course. Firearms
8 instructors shall be authorized to destroy all training documents
9 and records upon expiration of the three-year time period.

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

11
12 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/12/2014 -
13 DO PASS, As Coauthored.