

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

HOUSE BILL 3414

By: Shelton

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1290.17, as amended by Section 36, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2013, Section 1290.17), which relates to the Oklahoma Self-Defense Act; authorizing revocation of license under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.17, as amended by Section 36, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2013, Section 1290.17), is amended to read as follows:

Section 1290.17

SUSPENSION AND REVOCATION OF LICENSE

A. The Oklahoma State Bureau of Investigation shall have authority pursuant to the provisions of the Oklahoma Self-Defense Act and any other provision of law to suspend or revoke any handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act. A person whose license has been suspended or revoked or against whom a fine has been assessed shall be entitled to an

1 appeal through a hearing in accordance with the Administrative
2 Procedures Act. Any administrative hearing on suspensions,
3 revocations or fines shall be conducted by a hearing examiner
4 appointed by the Bureau. The hearing examiner's decision shall be a
5 final decision appealable to a district court in accordance with the
6 Administrative Procedures Act. After a handgun license has been
7 issued, the discovery of or the occurrence of any condition which
8 directly affects a person's eligibility for a handgun license as
9 provided by the provisions of Section 1290.9 or 1290.10 of this
10 title or information furnished to the Bureau from family members of
11 the licensee establishes that the licensee is afflicted with a
12 physical or mental disease that impairs the ability of the licensee
13 to safely carry a concealed or unconcealed handgun shall require a
14 revocation of the license by the Bureau. The discovery of or the
15 occurrence of any condition pursuant to Section 1290.11 of this
16 title, after a license has been issued, shall cause a suspension of
17 the handgun license for a period of time as prescribed for the
18 condition. Any provision of law that requires a revocation of a
19 handgun license upon a conviction shall cause the Bureau to suspend
20 the handgun license upon the discovery of the arrest of the person
21 for such offense until a determination of the criminal case at which
22 time the Bureau shall proceed with the appropriate administrative
23 action. A licensee may voluntarily surrender a license to the
24 Oklahoma State Bureau of Investigation at any time. Such surrender

1 of a handgun license will render the license invalid. Nothing in
2 this section may be interpreted to prevent a subsequent new
3 application for a license. The licensee shall be informed and
4 acknowledge in writing as follows:

5 1. The licensee understands that the voluntary surrender of the
6 license will not be deemed a suspension or revocation by the Bureau;

7 2. A voluntary surrender of a license will not be reviewable by
8 a hearing examiner or subject to judicial review under the
9 Administrative Procedures Act; and

10 3. By surrendering the license, the licensee shall forfeit all
11 fees paid to date.

12 B. Any handgun license which is subsequently suspended or
13 revoked shall be immediately returned to the Oklahoma State Bureau
14 of Investigation upon notification. Any person refusing or failing
15 to return a license after notification of its suspension or
16 revocation shall, upon conviction, be guilty of a misdemeanor
17 punishable by a fine of not exceeding Five Hundred Dollars
18 (\$500.00), by imprisonment in the county jail for not exceeding six
19 (6) months, or by both such fine and imprisonment. In addition, the
20 person shall be subject to an administrative fine of Five Hundred
21 Dollars (\$500.00), upon a hearing and determination by the Bureau
22 that the person is in violation of the provisions of this
23 subsection.

1 C. Any law enforcement officer of this state shall confiscate a
2 handgun license in the possession of any person and return it to the
3 Oklahoma State Bureau of Investigation for appropriate
4 administrative proceedings against the licensee when the license is
5 no longer needed as evidence in any criminal proceeding, as follows:

6 1. Upon the arrest of the person for any felony offense;

7 2. Upon the arrest of the person for any misdemeanor offense
8 enumerated as a preclusion to a handgun license;

9 3. For any violation of the provisions of the Oklahoma Self-
10 Defense Act;

11 4. When the officer has been called to assist or is
12 investigating any situation which would be a preclusion to having a
13 handgun license; or

14 5. As provided in subsection D of Section 1290.8 of this title.

15 D. Any administrative fine assessed in accordance with the
16 provisions of the Oklahoma Self-Defense Act shall be paid in full
17 within thirty (30) days of assessment. The Oklahoma State Bureau of
18 Investigation shall, without a hearing, suspend the handgun license
19 of any person who fails to pay in full any administrative fine
20 assessed against the person in accordance with the provisions of
21 this subsection. The suspension of any handgun license shall be
22 automatic and shall begin thirty (30) days from the date of the
23 assessment of the administrative fine. The suspension shall be
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1 removed and the handgun license returned to its prior standing upon
2 payment of the administrative fine being paid in full to the Bureau.

3 E. Whenever a handgun license has been suspended in accordance
4 with the provisions of this act or the administrative rules of the
5 Bureau promulgated for purposes of this act, the license shall
6 remain under suspension and shall not be reinstated until:

7 1. The person whose license has been suspended applies for
8 reinstatement in accordance with the administrative rules of the
9 Bureau. The Bureau shall not charge any fee in conjunction with an
10 application for a license reinstatement. The person whose license
11 has been suspended must demonstrate that the condition or preclusion
12 which was the basis for the suspension has lapsed and is no longer
13 in effect; and

14 2. Any and all administrative fines assessed against the person
15 have been paid in full.

16 In the event a handgun license expires during the term of the
17 suspension, the person shall be required to apply for renewal of the
18 license in accordance with Section 1290.5 of this title.

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