

## FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3098

			Of the printed Bill
Page	<u>4</u>	Section	<u>1</u>
		Lines	<u>19</u>
			Of the Engrossed Bill

By removing Sections 1 through 44 of the bill and inserting in lieu thereof, Sections 1 through 9:

(see attached)

and by renumbering the subsequent section of the bill.

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Jeff Coody

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 "SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as  
2 last amended by Section 1, Chapter 197, O.S.L. 2015 (21 O.S. Supp.  
3 2015, Section 1272), is amended to read as follows:

4 Section 1272.

5 UNLAWFUL CARRY

6 A. It shall be unlawful for any person to carry upon or about  
7 his or her person, or in a purse or other container belonging to the  
8 person, any pistol, revolver, shotgun or rifle whether loaded or  
9 unloaded or any dagger, bowie knife, dirk knife, sword cane,  
10 blackjack, loaded cane, billy, hand chain, metal knuckles, or any  
11 other offensive weapon, whether such weapon be concealed or  
12 unconcealed, except this section shall not prohibit:

13 1. The proper use of guns and knives for hunting, fishing,  
14 educational or recreational purposes;

15 2. The carrying or use of weapons in a manner otherwise  
16 permitted by statute or authorized by the Oklahoma Self-Defense Act;

17 3. The carrying, possession and use of any weapon by a peace  
18 officer or other person authorized by law to carry a weapon in the  
19 performance of official duties and in compliance with the rules of  
20 the employing agency;

21 4. The carrying or use of weapons in a courthouse by a district  
22 judge, associate district judge or special district judge within  
23 this state, who is in possession of a valid handgun license issued  
24 pursuant to the provisions of the Oklahoma Self-Defense Act and

1 whose name appears on a list maintained by the Administrative  
2 Director of the Courts; ~~or~~

3 5. The carrying and use of firearms and other weapons provided  
4 in this subsection when used for the purpose of living history  
5 reenactment. For purposes of this paragraph, "living history  
6 reenactment" means depiction of historical characters, scenes,  
7 historical life or events for entertainment, education, or  
8 historical documentation through the wearing or use of period,  
9 historical, antique or vintage clothing, accessories, firearms,  
10 weapons, and other implements of the historical period; or

11 6. The carrying of firearms in compliance under the definitions  
12 provided for in Sections 1289.3, 1289.4 and 1290.2 of this title by  
13 a person who is a legal resident, twenty-one (21) years of age or  
14 older, not a convicted felon and is not involved in a crime. Any  
15 person who carries a firearm in the manner provided for in this  
16 paragraph shall be prohibited from carrying the firearm into any of  
17 the places prescribed in subsection A of Section 1277 of this title.

18 B. Any person convicted of violating the foregoing provision  
19 shall be guilty of a misdemeanor punishable as provided in Section  
20 1276 of this title.

21 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as  
22 last amended by Section 1, Chapter 310, O.S.L. 2015 (21 O.S. Supp.  
23 2015, Section 1277), is amended to read as follows:

24 Section 1277.

1 UNLAWFUL CARRY IN CERTAIN PLACES

2 A. It shall be unlawful for any person in possession of a valid  
3 handgun license issued pursuant to the provisions of the Oklahoma  
4 Self-Defense Act to carry ~~any concealed or unconcealed~~ a handgun  
5 into any of the following places:

6 1. Any structure, building, or office space which is owned or  
7 leased by a city, town, county, state, or federal governmental  
8 authority for the purpose of conducting business with the public;

9 2. Any prison, jail, detention facility or any facility used to  
10 process, hold, or house arrested persons, prisoners or persons  
11 alleged delinquent or adjudicated delinquent;

12 3. Any public or private elementary or public or private  
13 secondary school, except as provided in subsections C and D of this  
14 section;

15 4. Any sports arena during a professional sporting event;

16 5. Any place where pari-mutuel wagering is authorized by law;  
17 and

18 6. Any other place specifically prohibited by law.

19 B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A  
20 of this section, the prohibited place does not include and  
21 specifically excludes the following property:

22 1. Any property set aside for the use or parking of any  
23 vehicle, whether attended or unattended, by a city, town, county,  
24 state, or federal governmental authority;

1        2. Any property set aside for the use or parking of any  
2 vehicle, whether attended or unattended, by any entity offering any  
3 professional sporting event which is open to the public for  
4 admission, or by any entity engaged in pari-mutuel wagering  
5 authorized by law;

6        3. Any property adjacent to a structure, building, or office  
7 space in which concealed or unconcealed weapons are prohibited by  
8 the provisions of this section;

9        4. Any property designated by a city, town, county, or state  
10 governmental authority as a park, recreational area, or fairgrounds;  
11 provided, nothing in this paragraph shall be construed to authorize  
12 any entry by a person in possession of a concealed or unconcealed  
13 handgun into any structure, building, or office space which is  
14 specifically prohibited by the provisions of subsection A of this  
15 section; and

16        5. Any property set aside by a public or private elementary or  
17 secondary school for the use or parking of any vehicle, whether  
18 attended or unattended; provided, however, said handgun shall be  
19 stored and hidden from view in a locked motor vehicle when the motor  
20 vehicle is left unattended on school property.

21        Nothing contained in any provision of this subsection or  
22 subsection C of this section shall be construed to authorize or  
23 allow any person in control of any place described in paragraph 1,  
24 2, 3, 4 or 5 of subsection A of this section to establish any policy

1 or rule that has the effect of prohibiting any person in lawful  
2 possession of a handgun license from possession of a handgun  
3 allowable under such license in places described in paragraph 1, 2,  
4 3, 4 or 5 of this subsection.

5 C. A concealed or unconcealed weapon may be carried onto  
6 private school property or in any school bus or vehicle used by any  
7 private school for transportation of students or teachers by a  
8 person who is licensed pursuant to the Oklahoma Self-Defense Act,  
9 provided a policy has been adopted by the governing entity of the  
10 private school that authorizes the carrying and possession of a  
11 weapon on private school property or in any school bus or vehicle  
12 used by a private school. Except for acts of gross negligence or  
13 willful or wanton misconduct, a governing entity of a private school  
14 that adopts a policy which authorizes the possession of a weapon on  
15 private school property, a school bus or vehicle used by the private  
16 school shall be immune from liability for any injuries arising from  
17 the adoption of the policy. The provisions of this subsection shall  
18 not apply to claims pursuant to the Workers' Compensation Code.

19 D. Notwithstanding paragraph 3 of subsection A of this section,  
20 a board of education of a school district may adopt a policy  
21 pursuant to Section ~~3~~ 5-149.2 of ~~this act~~ Title 70 of the Oklahoma  
22 Statutes to authorize the carrying of a handgun onto school property  
23 by school personnel specifically designated by the board of  
24 education, provided such personnel either:

1        1. Possess a valid armed security guard license as provided for  
2 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

3        2. Hold a valid reserve peace officer certification as provided  
4 for in Section 3311 of Title 70 of the Oklahoma Statutes.

5 Nothing in this subsection shall be construed to restrict authority  
6 granted elsewhere in law to carry firearms.

7        E. Any person violating the provisions of subsection A of this  
8 section shall, upon conviction, be guilty of a misdemeanor  
9 punishable by a fine not to exceed Two Hundred Fifty Dollars  
10 (\$250.00).

11        F. No person in possession of a valid handgun license issued  
12 pursuant to the provisions of the Oklahoma Self-Defense Act shall be  
13 authorized to carry the handgun into or upon any college,  
14 university, or technology center school property, except as provided  
15 in this subsection. For purposes of this subsection, the following  
16 property shall not be construed as prohibited for persons having a  
17 valid handgun license:

18        1. Any property set aside for the use or parking of any  
19 vehicle, whether attended or unattended, provided the handgun is  
20 carried or stored as required by law and the handgun is not removed  
21 from the vehicle without the prior consent of the college or  
22 university president or technology center school administrator while  
23 the vehicle is on any college, university, or technology center  
24 school property;

1        2. Any property authorized for possession or use of handguns by  
2 college, university, or technology center school policy; and

3        3. Any property authorized by the written consent of the  
4 college or university president or technology center school  
5 administrator, provided the written consent is carried with the  
6 handgun and the valid handgun license while on college, university,  
7 or technology center school property.

8        The college, university, or technology center school may notify  
9 the Oklahoma State Bureau of Investigation within ten (10) days of a  
10 violation of any provision of this subsection by a licensee. Upon  
11 receipt of a written notification of violation, the Bureau shall  
12 give a reasonable notice to the licensee and hold a hearing. At the  
13 hearing, upon a determination that the licensee has violated any  
14 provision of this subsection, the licensee may be subject to an  
15 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may  
16 have the handgun license suspended for three (3) months.

17        Nothing contained in any provision of this subsection shall be  
18 construed to authorize or allow any college, university, or  
19 technology center school to establish any policy or rule that has  
20 the effect of prohibiting any person in lawful possession of a  
21 handgun license from possession of a handgun allowable under such  
22 license in places described in paragraphs 1, 2 and 3 of this  
23 subsection. Nothing contained in any provision of this subsection  
24 shall be construed to limit the authority of any college, university



1 or technology center school in this state from taking administrative  
2 action against any student for any violation of any provision of  
3 this subsection.

4 G. The provisions of this section shall not apply to any peace  
5 officer or to any person authorized by law to carry a pistol in the  
6 course of employment. District judges, associate district judges  
7 and special district judges, who are in possession of a valid  
8 handgun license issued pursuant to the provisions of the Oklahoma  
9 Self-Defense Act and whose names appear on a list maintained by the  
10 Administrative Director of the Courts, shall be exempt from this  
11 section when acting in the course and scope of employment within the  
12 courthouses of this state. Private investigators with a firearms  
13 authorization shall be exempt from this section when acting in the  
14 course and scope of employment.

15 H. For the purposes of this section, "motor vehicle" means any  
16 automobile, truck, minivan or ~~sports~~ sport utility vehicle.

17 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1289.3, is  
18 amended to read as follows:

19 Section 1289.3

20 DEFINITIONS FOR FIREARMS ACT

21 "Pistols" or "handguns" as used in the Oklahoma Firearms Act of  
22 1971, ~~Sections 1289.1 through 1289.17 of this title,~~ shall mean any  
23 firearm capable of discharging a ~~projectile~~ single or multiple  
24 projectiles from a single round of ammunition composed of any

1 material which may reasonably be expected to be able to cause lethal  
2 injury, with a barrel or barrels less than sixteen (16) inches in  
3 length, and using ~~either gunpowder, gas or any means of rocket~~  
4 ~~propulsion~~ a combustible propellant charge, but not to include flare  
5 guns, underwater fishing guns or blank pistols.

6 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.6, as  
7 amended by Section 11, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,  
8 Section 1289.6), is amended to read as follows:

9 Section 1289.6

10 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

11 A. A person shall be permitted to carry loaded and unloaded  
12 shotguns, rifles and pistols, ~~open and not concealed and without a~~  
13 ~~handgun license as authorized by the Oklahoma Self-Defense Act~~  
14 pursuant to the following conditions:

- 15 1. When hunting animals or fowl, bow hunting or fishing;
- 16 2. During competition in or practicing in a safety or hunter  
17 safety class, target shooting, skeet, trap or other recognized  
18 sporting events;
- 19 3. During participation in or in preparation for a military  
20 function of the state military forces to be defined as the Oklahoma  
21 Army or Air National Guard, Federal Military Reserve and active  
22 military forces;

1 4. During participation in or in preparation for a recognized  
2 police function of either a municipal, county or state government as  
3 functioning police officials;

4 5. During a practice for or a performance for entertainment  
5 purposes;

6 6. For lawful self-defense and self-protection or any other  
7 legitimate purpose ~~in or on property that is owned, leased, rented,~~  
8 ~~or otherwise legally controlled by the person; or~~

9 7. When carried in compliance under the definitions provided  
10 for in Sections 1289.3, 1289.4, 1289.5 and 1290.2 of this title by a  
11 person who is:

12 a. a legal resident,

13 b. twenty-one (21) years of age or older,

14 c. not a convicted felon, and

15 d. not involved in a crime.

16 Any person who carries a firearm in the manner provided for in this  
17 paragraph shall be prohibited from carrying the firearm into any of  
18 the places prescribed in subsection A of Section 1277 of this title;  
19 or

20 8. For any legitimate purpose not in violation of the Oklahoma  
21 Firearms Act of 1971 or any legislative enactment regarding the use,  
22 ownership and control of firearms.

23 B. A person shall be permitted to carry unloaded shotguns,  
24 rifles and pistols, ~~open and not concealed and without a handgun~~

1 ~~license as authorized by the Oklahoma Self-Defense Act~~ pursuant to  
2 the following conditions:

3 1. When going to or from the person's private residence or  
4 vehicle or a vehicle in which the person is riding as a passenger to  
5 a place designated or authorized for firearms repairs or  
6 reconditioning, or for firearms trade, sale, or barter, or gunsmith,  
7 or hunting animals or fowl, or hunter safety course, or target  
8 shooting, or skeet or trap shooting or any recognized firearms  
9 activity or event and while in such places; or

10 2. For any legitimate purpose not in violation of the Oklahoma  
11 Firearms Act of 1971.

12 C. The provisions of this section shall not be construed to  
13 prohibit educational or recreational activities, exhibitions,  
14 displays or shows involving the use or display of rifles, shotguns  
15 or pistols or other weapons if the activity is approved by the  
16 property owner and sponsor of the activity.

17 D. Except as otherwise prohibited by law, a person shall have  
18 authority to carry a firearm in this state. In the absence of  
19 reasonable and articulable suspicion of other criminal activity, a  
20 person carrying a firearm shall not be disarmed or physically  
21 restrained. Nothing in this section shall be construed to authorize  
22 a law enforcement officer to inspect any unconcealed firearm without  
23 probable cause that a crime has been committed.  
24

1       SECTION 5.       AMENDATORY       21 O.S. 2011, Section 1289.7, as  
2 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,  
3 Section 1289.7), is amended to read as follows:

4       Section 1289.7

5                               FIREARMS IN VEHICLES

6       A. Any person twenty-one (21) years of age or older, except a  
7 convicted felon, may transport in a motor vehicle a ~~rifle, shotgun~~  
8 ~~or pistol or handgun, open and loaded or unloaded, at any time. For~~  
9 ~~purposes of this section "open" means the firearm is transported in~~  
10 ~~plain view, in a case designed for carrying firearms, which case is~~  
11 ~~wholly or partially visible, in a gun rack mounted in the vehicle,~~  
12 ~~in an exterior locked compartment or a trunk of a vehicle~~ for the  
13 purpose of self-defense, provided the person is not involved in a  
14 crime.

15       B. Any person, except a convicted felon, may transport in a  
16 motor vehicle a rifle ~~or~~, shotgun concealed, pistol or handgun  
17 behind a seat of the vehicle or within the interior of the vehicle  
18 provided the rifle or shotgun is not clip\_, magazine\_ or chamber\_  
19 loaded. The authority to transport a clip\_ or magazine\_loaded rifle  
20 or shotgun shall be pursuant to Section 1289.13 of this title.

21       C. In the absence of reasonable and articulable suspicion of  
22 other criminal activity, a person possessing a weapon in a vehicle  
23 shall not be disarmed, have the firearm inspected or be physically  
24 restrained by any law enforcement officer.



1 holster ~~that is wholly or partially~~ where the firearm is visible, or  
2 carried upon the person ~~in~~ using a scabbard, sling or case designed  
3 for carrying firearms ~~that is wholly or partially visible~~; and

4 3. "Pistol" or "handgun" means any derringer, revolver or  
5 semiautomatic firearm which:

6 a. has an overall barrel or barrels length of less than  
7 sixteen (16) inches,

8 b. is capable of discharging ~~a projectile~~ single or  
9 multiple projectiles from a single round of ammunition  
10 composed of any material which may reasonably be  
11 expected to be able to cause lethal injury,

12 c. ~~is designed to~~ can be held and fired by the use of ~~a~~  
13 ~~single hand~~ one or both hands, and

14 d. uses ~~either gunpowder, gas or any means of rocket~~  
15 ~~propulsion~~ a combustible propellant charge to  
16 ~~discharge~~ propel the projectile or projectiles.

17 B. The definition of pistol or handgun for purposes of the  
18 Oklahoma Self-Defense Act shall not apply to ~~homemade or~~ imitation  
19 pistols, flare guns, underwater fishing guns or blank pistols.

20 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1290.3, as  
21 amended by Section 24, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,  
22 Section 1290.3), is amended to read as follows:

23 Section 1290.3

24 AUTHORITY TO ISSUE LICENSE

1     ~~The~~ On or after November 1, 2016, the Oklahoma State Bureau of  
2 Investigation is hereby authorized to license an eligible person to  
3 carry a concealed ~~or unconcealed~~ handgun as provided by the  
4 provisions of the Oklahoma Self-Defense Act. The authority of the  
5 Bureau shall be limited to the provisions specifically provided in  
6 the Oklahoma Self-Defense Act. The Bureau shall promulgate rules,  
7 forms and procedures necessary to implement the provisions of the  
8 Oklahoma Self-Defense Act. Any license issued prior to November 1,  
9 2016, shall remain in full force and effect until such time as the  
10 license is subject to renewal, suspension or revocation pursuant to  
11 the provisions of Section 1290.17 of this title.

12         SECTION 9.         AMENDATORY         21 O.S. 2011, Section 1290.12, as  
13 last amended by Section 1, Chapter 207, O.S.L. 2015 (21 O.S. Supp.  
14 2015, Section 1290.12), is amended to read as follows:

15         Section 1290.12

16                         PROCEDURE FOR APPLICATION

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

20             1. An eligible person may request an application packet for a  
21 handgun license from the Oklahoma State Bureau of Investigation or  
22 the county sheriff's office either in person or by mail. The Bureau  
23 may provide application packets to each sheriff not exceeding two  
24



1 hundred packets per request. The Bureau shall provide the following  
2 information in the application packet:

- 3 a. an application form,
- 4 b. procedures to follow to process the application form,
- 5 and
- 6 c. a copy of the Oklahoma Self-Defense Act with any  
7 modifications thereto;

8 2. The person shall be required to successfully complete a  
9 firearms safety and training course from a firearms instructor who  
10 is approved and registered in this state as provided in Section  
11 1290.14 of this title or from an interactive online firearms safety  
12 and training course available electronically via the Internet  
13 approved and certified by the Council on Law Enforcement Education  
14 and Training, and the person shall be required to demonstrate  
15 competency and qualification with a pistol authorized for concealed  
16 or unconcealed carry by the Oklahoma Self-Defense Act. The original  
17 certificate of successful completion of a firearms safety and  
18 training course and an original certificate of successful  
19 demonstration of competency and qualification to carry and handle a  
20 pistol shall be submitted with the application for a handgun  
21 license. No duplicate, copy, facsimile or other reproduction of the  
22 certificate of training, certificate of competency and qualification  
23 or exemption from training shall be acceptable as proof of training  
24 as required by the provisions of the Oklahoma Self-Defense Act. A

1 person exempt from the training requirements as provided in Section  
2 1290.15 of this title must show the required proof of such exemption  
3 to the firearms instructor to receive an exemption certificate. The  
4 original exemption certificate must be submitted with the  
5 application for a handgun license when the person claims an  
6 exemption from training and qualification;

7 3. The application form shall be completed and delivered by the  
8 applicant, in person, to the sheriff of ~~the~~ any county ~~wherein the~~  
9 ~~applicant resides~~ within the State of Oklahoma;

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

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

1 anything else of value on credit which is accepted by  
2 over one thousand merchants in the state. The  
3 Oklahoma State Bureau of Investigation shall determine  
4 which nationally recognized credit cards will be  
5 accepted by the Bureau, or

6 c. by electronic funds transfer.

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

13 5. The completed application form shall be signed by the  
14 applicant in person before the sheriff. The signature shall be  
15 given voluntarily upon a sworn oath that the person knows the  
16 contents of the application and that the information contained in  
17 the application is true and correct. Any person making any false or  
18 misleading statement on an application for a handgun license shall,  
19 upon conviction, be guilty of perjury as defined by Section 491 of  
20 this title. Any conviction shall be punished as provided in Section  
21 500 of this title. In addition to a criminal conviction, the person  
22 shall be denied the right to have a handgun license pursuant to the  
23 provisions of Section 1290.10 of this title and the Oklahoma State  
24 Bureau of Investigation shall revoke the handgun license, if issued;

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

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

20       8. Upon verification of the identity of the applicant, the  
21 sheriff shall take two complete sets of fingerprints of the  
22 applicant. Both sets of fingerprints shall be submitted by the  
23 sheriff with the completed application, certificate of training or  
24 an exemption certificate, photographs and processing fee to the

1 Oklahoma State Bureau of Investigation within fourteen (14) days of  
2 taking the fingerprints. The cost of the fingerprints shall be paid  
3 by the applicant and shall not exceed Twenty-five Dollars (\$25.00)  
4 for the two sets. All fees collected by the sheriff from taking  
5 fingerprints pursuant to the provisions of this paragraph shall be  
6 retained by the sheriff and deposited into the Sheriff's Service Fee  
7 Account;

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

22 10. The Oklahoma State Bureau of Investigation, upon receipt of  
23 the application and required information from the sheriff, shall  
24 forward one full set of fingerprints of the applicant to the Federal

1 Bureau of Investigation for a national criminal history records  
2 search. The cost of processing the fingerprints nationally shall be  
3 paid from the processing fee collected by the Oklahoma State Bureau  
4 of Investigation;

5 11. Notwithstanding the provisions of the Oklahoma Self-Defense  
6 Act, or any other provisions of law, any person who has been granted  
7 a permanent victim's protective order by the court, as provided for  
8 in the Protection from Domestic Abuse Act, may be issued a temporary  
9 handgun license for a period not to exceed six (6) months. A  
10 temporary handgun license may be issued if the person has  
11 successfully passed the required weapons course, completed the  
12 application process for the handgun license, passed the preliminary  
13 investigation of the person by the sheriff and court clerk, and  
14 provided the sheriff proof of a certified permanent victim  
15 protection order and a valid Oklahoma state photo identification  
16 card or driver license. The sheriff shall issue a temporary handgun  
17 license on a form approved by the Oklahoma State Bureau of  
18 Investigation, at no cost. Any person who has been issued a  
19 temporary license shall carry the temporary handgun license and a  
20 valid Oklahoma state photo identification on his or her person at  
21 all times, and shall be subject to all the requirements of the  
22 Oklahoma Self-Defense Act when carrying a handgun. The person may  
23 proceed with the handgun licensing process. In the event the  
24

1 victim's protection order is no longer enforceable, the temporary  
2 handgun license shall cease to be valid;

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

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

22 (1) with a "Yes" answer, if the records of the  
23 Department indicate that the person was  
24

1 involuntarily committed to a mental institution  
2 in Oklahoma,

3 (2) with a "No" answer, if there are no records  
4 indicating the name of the person as a person  
5 involuntarily committed to a mental institution  
6 in Oklahoma, or

7 (3) with an "Inconclusive" answer if the records of  
8 the Department suggest the applicant may be a  
9 formerly committed person. In the case of an  
10 inconclusive answer, the Bureau shall ask the  
11 applicant whether he or she was involuntarily  
12 committed. If the applicant states under penalty  
13 of perjury that he or she has not been  
14 involuntarily committed, the Bureau shall  
15 continue processing the application for a  
16 license.

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



1 access to check the applicant against the records  
2 available on JOLTS.

3 (1) If the Bureau finds a record on the JOLTS that  
4 indicates the person was adjudicated a delinquent  
5 for an offense that would constitute a felony  
6 offense if committed by an adult within the last  
7 ten (10) years the Bureau shall deny the license,

8 (2) If the Bureau finds no record on the JOLTS  
9 indicating the named person was adjudicated  
10 delinquent for an offense that would constitute a  
11 felony offense if committed by an adult within  
12 the last ten (10) years, or

13 (3) If the records suggest the applicant may have  
14 been adjudicated delinquent for an offense that  
15 would constitute a felony offense if committed by  
16 an adult but such record is inconclusive, the  
17 Bureau shall ask the applicant whether he or she  
18 was adjudicated a delinquent for an offense that  
19 would constitute a felony offense if committed by  
20 an adult within the last ten (10) years. If the  
21 applicant states under penalty of perjury that he  
22 or she was not adjudicated a delinquent within  
23 ten (10) years, the Bureau shall continue  
24 processing the application for a license; and

1        13. If the background check set forth in paragraph 12 of this  
2 subsection reveals no records pertaining to the applicant, the  
3 Oklahoma State Bureau of Investigation shall either issue a handgun  
4 license or deny the application within sixty (60) days of the date  
5 of receipt of the applicant's completed application and the required  
6 information from the sheriff. In all other cases, the Oklahoma  
7 State Bureau of Investigation shall either issue a handgun license  
8 or deny the application within ninety (90) days of the date of the  
9 receipt of the applicant's completed application and the required  
10 information from the sheriff. The Bureau shall approve an applicant  
11 who appears to be in full compliance with the provisions of the  
12 Oklahoma Self-Defense Act, if completion of the federal fingerprint  
13 search is the only reason for delay of the issuance of the handgun  
14 license to that applicant. Upon receipt of the federal fingerprint  
15 search information, if the Bureau receives information which  
16 precludes the person from having a handgun license, the Bureau shall  
17 revoke the handgun license previously issued to the applicant. The  
18 Bureau shall deny a license when the applicant fails to properly  
19 complete the application form or application process or is  
20 determined not to be eligible as specified by the provisions of  
21 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall  
22 approve an application in all other cases. If an application is  
23 denied, the Bureau shall notify the applicant in writing of its  
24 decision. The notification shall state the grounds for the denial

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

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

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23 55-2-9485

GRS

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