

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 13, 2016

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 1185

By: David of the Senate and Derby et al of the House

Title: Firearms; modifying reciprocal agreement. Effective date.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

SENATE CONFEREES:


David


Fields

Barrington

Bass

Brooks

Dahm

Wyrick

HOUSE CONFEREES:

Conference Committee on Public Safety

Senate Action _____ Date _____ House Action _____ Date _____

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STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 1185

By: David of the Senate

and

Derby, Ritze and Kern of
the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to firearms; amending 21 O.S. 2011, Section 1289.3, which relates to definitions for Firearms Act; modifying language; amending 21 O.S. 2011, Section 1289.16, as amended by Section 20, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015, Section 1290.16), which relates to felony pointing firearms; modifying inclusions; 21 O.S. 2011, Section 1289.25, which relates to physical or deadly force against intruder; defining terms; modifying certain action; amending 21 O.S. 2011, Section 1290.2, as last amended by Section 2, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015, Section 1290.2), which relates to definitions; modifying language; amending 21 O.S. 2011, Section 1290.5, as last amended by Section 1, Chapter 122, O.S.L. 2014 (21 O.S. Supp. 2015, Section 1290.5), which relates to term of license and renewal; modifying terms of license; modifying fees; modifying certain action for issuance; amending 21 O.S. 2011, Section 1290.8, as last amended by Section 4, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015, Section 1290.8), which relates to possession of license required; authorizing certain identification for certain purpose; amending 21 O.S. 2011, Section 1290.9, as last amended by Section 1, Chapter 85, O.S.L. 2014 (21 O.S. Supp. 2015, Section 1290.9), which relates to eligibility; modifying certain requirements; amending 21 O.S. 2011, Section 1290.12, as last amended by Section 7 of Enrolled House Bill No. 3201 of the 2nd Session of the 55th Legislature,

1 which relates to procedure for application; modifying
2 application procedures; modifying fees; amending 21
3 O.S. 2011, Section 1290.14, as last amended by
4 Section 2, Chapter 207, O.S.L. 2015 (21 O.S. Supp.
5 2015, Section 1290.14), which relates to safety and
6 training course; modifying inclusions; modifying
7 procedures; requiring certain notification on
8 licenses; amending 21 O.S. 2011, Section 1290.15, as
9 last amended by Section 2, Chapter 86, O.S.L. 2013
10 (21 O.S. Supp. 2015, Section 1290.15), which relates
11 to exemptions from training courses; modifying
12 certain exemption requirements and documentation;
13 amending 21 O.S. 2011, Section 1290.18, as last
14 amended by Section 1, Chapter 200, O.S.L. 2015 (21
15 O.S. Supp. 2015, Section 1290.18), which relates to
16 application form contents; modifying inclusions;
17 amending 21 O.S. 2011, Section 1290.19, as amended by
18 Section 38, Chapter 259, O.S.L. 2012 (21 O.S. Supp.
19 2015, Section 1290.19), which relates to license
20 form; modifying certain requirements; amending 21
21 O.S. 2011, Section 1290.20, as amended by Section 39,
22 Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015, Section
23 1290.20), which relates to penalty for falsification;
24 conforming language; amending 21 O.S. 2011, Section
1290.26, as last amended by Section 18, Chapter 15,
O.S.L. 2013 (21 O.S. Supp. 2015, Section 1290.26),
which relates to reciprocal agreement authority;
modifying requirements; and providing an effective
date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.3, is
amended to read as follows:

Section 1289.3.

DEFINITIONS FOR FIREARMS ACT

"Pistols" or "handguns" as used in the Oklahoma Firearms Act of
1971, ~~Sections 1289.1 through 1289.17 of this title,~~ shall mean any
firearm capable of discharging ~~a projectile~~ single or multiple

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

7 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.16, as
8 amended by Section 20, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
9 Section 1289.16), is amended to read as follows:

10 Section 1289.16.

11 FELONY POINTING FIREARMS

12 ~~It~~ Except for an act of self-defense, it shall be unlawful for
13 any person to willfully or without lawful cause point a shotgun,
14 rifle or pistol, or any deadly weapon, whether loaded or not, at any
15 person or persons for the purpose of threatening or with the
16 intention of discharging the firearm or with any malice or for any
17 purpose of injuring, either through physical injury or mental or
18 emotional intimidation or for purposes of whimsy, humor or prank, or
19 in anger or otherwise, but not to include the pointing of shotguns,
20 rifles or pistols by law enforcement authorities in the performance
21 of their duties, armed security guards or armed private
22 investigators licensed by the Council on Law Enforcement Education
23 and Training pursuant to the Oklahoma Security Guard and Private
24 Investigator Act in the performance of their duties, members of the

1 state military forces in the performance of their duties, members of
2 the federal military reserve and active military components in the
3 performance of their duties, or any federal government law
4 enforcement officer in the performance of any duty, or in the
5 performance of a play on stage, rodeo, television or on film, or in
6 defense of any person, one's home or property. Any person convicted
7 of a violation of the provisions of this section shall be punished
8 as provided in Section 1289.17 of this title.

9 Any person convicted of a violation of the provisions of this
10 section after having been issued a handgun license pursuant to the
11 Oklahoma Self-Defense Act shall have the license revoked and shall
12 be subject to an administrative fine of One Thousand Dollars
13 (\$1,000.00), upon a hearing and determination by the Oklahoma State
14 Bureau of Investigation that the person is in violation of the
15 provisions of this section.

16 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1289.25, is
17 amended to read as follows:

18 Section 1289.25.

19 PHYSICAL OR DEADLY FORCE AGAINST INTRUDER

20 A. The Legislature hereby recognizes that the citizens of the
21 State of Oklahoma have a right to expect absolute safety within
22 their own homes or places of business.

23 B. A person or an owner, manager or employee of a business is
24 presumed to have held a reasonable fear of imminent peril of death

1 or great bodily harm to himself or herself or another when using
2 defensive force that is intended or likely to cause death or great
3 bodily harm to another if:

4 1. The person against whom the defensive force was used was in
5 the process of unlawfully and forcefully entering, or had unlawfully
6 and forcibly entered, a dwelling, residence, occupied vehicle, or a
7 place of business, or if that person had removed or was attempting
8 to remove another against the will of that person from the dwelling,
9 residence, occupied vehicle, or place of business; and

10 2. The person who uses defensive force knew or had reason to
11 believe that an unlawful and forcible entry or unlawful and forcible
12 act was occurring or had occurred.

13 C. The presumption set forth in subsection B of this section
14 does not apply if:

15 1. The person against whom the defensive force is used has the
16 right to be in or is a lawful resident of the dwelling, residence,
17 or vehicle, such as an owner, lessee, or titleholder, and there is
18 not a protective order from domestic violence in effect or a written
19 pretrial supervision order of no contact against that person;

20 2. The person or persons sought to be removed are children or
21 grandchildren, or are otherwise in the lawful custody or under the
22 lawful guardianship of, the person against whom the defensive force
23 is used; or
24

1 3. The person who uses defensive force is engaged in an
2 unlawful activity or is using the dwelling, residence, occupied
3 vehicle, or place of business to further an unlawful activity.

4 D. A person who is not engaged in an unlawful activity and who
5 is attacked in any other place where he or she has a right to be has
6 no duty to retreat and has the right to stand his or her ground and
7 meet force with force, including deadly force, if he or she
8 reasonably believes it is necessary to do so to prevent death or
9 great bodily harm to himself or herself or another or to prevent the
10 commission of a forcible felony.

11 E. A person who unlawfully and by force enters or attempts to
12 enter the dwelling, residence, occupied vehicle of another person,
13 or a place of business is presumed to be doing so with the intent to
14 commit an unlawful act involving force or violence.

15 F. A person who uses defensive force, as permitted pursuant to
16 the provisions of subsections B and D of this section, is justified
17 in using such defensive force and is immune from criminal
18 prosecution and civil action for the use of such defensive force.
19 As used in this subsection, the term "criminal prosecution" includes
20 charging or prosecuting the defendant.

21 G. A law enforcement agency may use standard procedures for
22 investigating the use of defensive force, but the law enforcement
23 agency may not arrest the person for using defensive force unless it
24

1 determines that there is probable cause that the defensive force
2 that was used was unlawful.

3 H. The court shall award reasonable attorney fees, court costs,
4 compensation for loss of income, and all expenses incurred by the
5 defendant in defense of any civil action brought by a plaintiff if
6 the court finds that the defendant is immune from prosecution as
7 provided in subsection F of this section.

8 I. The provisions of this section and the provisions of the
9 Oklahoma Self-Defense Act shall not be construed to require any
10 person using a ~~pistol~~ weapon pursuant to the provisions of this
11 section to be licensed in any manner.

12 J. A person pointing a weapon at a perpetrator in self-defense
13 or in order to thwart, stop or deter a forcible felony or attempted
14 forcible felony shall not be deemed guilty of committing a criminal
15 act.

16 K. As used in this section:

17 1. "Defensive force" includes, but shall not be limited to,
18 pointing a weapon at a perpetrator in self-defense or in order to
19 thwart, stop or deter a forcible felony or attempted forcible
20 felony;

21 2. "Dwelling" means a building or conveyance of any kind,
22 including any attached porch, whether the building or conveyance is
23 temporary or permanent, mobile or immobile, which has a roof over
24 it, including a tent, and is designed to be occupied by people;

- 1 b. is capable of discharging ~~a projectile~~ single or
2 multiple projectiles from a single round of ammunition
3 composed of any material which may reasonably be
4 expected to be able to cause lethal injury,
- 5 c. ~~is designed to~~ can be held and fired by the use of ~~a~~
6 ~~single hand~~ one or both hands, and
- 7 d. uses ~~either gunpowder, gas or any means of rocket~~
8 ~~propulsion~~ a combustible propellant charge to
9 ~~discharge~~ propel the projectile or projectiles.

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

13 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1290.5, as
14 last amended by Section 1, Chapter 122, O.S.L. 2014 (21 O.S. Supp.
15 2015, Section 1290.5), is amended to read as follows:

16 Section 1290.5.

17 TERM OF LICENSE AND RENEWAL

18 A. A handgun license when issued shall authorize the person to
19 whom the license is issued to carry a loaded or unloaded handgun,
20 concealed or unconcealed, as authorized by the provisions of the
21 Oklahoma Self-Defense Act, and any future modifications thereto.
22 The license shall be valid in this state for a period of five (5) ~~or~~
23 ~~ten (10)~~ years, unless subsequently surrendered, suspended or
24 revoked as provided by law. The person shall have no authority to

1 continue to carry a concealed or unconcealed handgun in this state
2 pursuant to the Oklahoma Self-Defense Act when a license is expired
3 or when a license has been voluntarily surrendered or suspended or
4 revoked for any reason.

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

13 1. ~~To renew a handgun license, the licensee must first obtain a~~
14 Oklahoma residents and nonresidents of Oklahoma may submit renewal
15 form from applications to the Oklahoma State Bureau of Investigation
16 at its headquarters or any other facility designated by the Bureau
17 for receiving applications.

18 2. The applicant must ~~complete the renewal form~~ submit either a
19 completed paper application, in person or by mail or complete an
20 online application, attach or upload two current ~~passport-size~~
21 passport-size photographs of the applicant, and submit a renewal fee
22 in the amount of ~~Eighty-five Dollars (\$85.00)~~ Twenty-five Dollars
23 (\$25.00) to the Bureau. The renewal fee may be paid with a
24 nationally recognized credit card as provided in subparagraph b of

1 paragraph ~~4~~ 6 of subsection A of Section 1290.12 of this title, by
2 electronic funds transfer, or by a cashier's check or money order
3 made payable to the Oklahoma State Bureau of Investigation.

4 3. Upon receipt of the renewal application, photographs and
5 fee, the Bureau will conduct a ~~criminal history records name search,~~
6 ~~an investigation of medical records or other records or information~~
7 ~~deemed by the Bureau to be relevant to the renewal application~~
8 background check of the applicant using the National Instant
9 Criminal Background Check System (NICS) of the Federal Bureau of
10 Investigation. Approval or denial of the renewal application,
11 notification of the denial and appeals process of the renewal
12 application shall be subject to the same procedures for new
13 applicants. If the NICS background check provides a "proceed"
14 response pertaining to the applicant ~~appears not to have any~~
15 ~~prohibition to renewing the handgun license,~~ the Oklahoma State
16 Bureau of Investigation shall issue the renewed license for a period
17 of five (5) ~~or ten (10)~~ years.

18 ~~C. Beginning November 1, 2007, any person making application~~
19 ~~for a handgun license or any licensee seeking to renew a handgun~~
20 ~~license shall have the option to request that said license be valid~~
21 ~~for a period of ten (10) years. The fee for any handgun license~~
22 ~~issued for a period of ten (10) years shall be double the amount of~~
23 ~~the fee provided for in paragraph 4 of subsection A of Section~~
24 ~~1290.12 of this title. The renewal fee for a handgun license issued~~

1 ~~for a period of ten (10) years shall be double the amount of the fee~~
2 ~~provided for in paragraph 2 of subsection B of this section.~~

3 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1290.8, as
4 last amended by Section 4, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
5 2015, Section 1290.8), is amended to read as follows:

6 Section 1290.8.

7 POSSESSION OF LICENSE REQUIRED

8 NOTIFICATION TO POLICE OF GUN

9 A. Except as otherwise prohibited by law, an eligible person
10 shall have authority to carry a concealed or unconcealed handgun in
11 this state when ~~the~~:

12 1. The person has been issued a handgun license from the
13 Oklahoma State Bureau of Investigation pursuant to the provisions of
14 the Oklahoma Self-Defense Act, provided the person is in compliance
15 with the provisions of the Oklahoma Self-Defense Act, and the
16 license has not expired or been subsequently suspended or revoked;

17 2. The person, twenty-one (21) years of age or older, is on
18 active military duty, National Guard duty or regular military
19 reserve duty or has been honorably discharged from military service
20 and presents a valid military identification card in lieu of a
21 handgun license; or

22 3. A person in possession of a valid handgun license or a valid
23 military identification card and in compliance with the provisions
24

1 of the Oklahoma Self-Defense Act shall be authorized to carry such
2 concealed or unconcealed handgun while bow hunting or fishing.

3 B. The person shall be required to have possession of his or
4 her valid handgun license or valid military identification card and
5 a valid Oklahoma driver license or an Oklahoma State photo
6 identification at all times when in possession of an authorized
7 pistol. The person shall display the handgun license or a valid
8 military identification card on demand of a law enforcement officer;
9 provided, however, that in the absence of reasonable and articulable
10 suspicion of other criminal activity, an individual carrying an
11 unconcealed or concealed handgun shall not be disarmed or physically
12 restrained unless the individual fails to display a valid handgun
13 license or valid military identification card in response to that
14 demand. Any violation of the provisions of this subsection may be
15 punishable as a criminal offense as authorized by Section 1272 of
16 this title or pursuant to any other applicable provision of law.
17 Any second or subsequent violation of the provisions of this
18 subsection shall be grounds for the Bureau to suspend the handgun
19 license for a period of six (6) months, in addition to any other
20 penalty imposed.

21 Upon the arrest of any person for a violation of the provisions
22 of this subsection, the person may show proof to the court that a
23 valid handgun license and the other required identification has been
24 issued to such person and the person may state any reason why the

1 handgun license or the other required identification was not carried
2 by the person as required by the Oklahoma Self-Defense Act. The
3 court shall dismiss an alleged violation of Section 1272 of this
4 title upon payment of court costs, if proof of a valid handgun
5 license, a valid military identification card and other required
6 identification is shown to the court within ten (10) days of the
7 arrest of the person. The court shall report a dismissal of a
8 charge to the Bureau for consideration of administrative proceedings
9 against the licensee.

10 C. It shall be unlawful for any person to fail or refuse to
11 identify the fact that the person is in actual possession of a
12 concealed or unconcealed handgun pursuant to the authority of the
13 Oklahoma Self-Defense Act when the person comes into contact with
14 any law enforcement officer of this state or its political
15 subdivisions or a federal law enforcement officer during the course
16 of any arrest, detainment, or routine traffic stop. Said
17 identification to the law enforcement officer shall be made at the
18 first opportunity. No person shall be required to identify himself
19 or herself as a handgun licensee when no handgun is in the
20 possession of the person or in any vehicle in which the person is
21 driving or is a passenger. Any violation of the provisions of this
22 subsection shall, upon conviction, be a misdemeanor punishable by a
23 fine not exceeding One Hundred Dollars (\$100.00).
24

1 D. Any law enforcement officer coming in contact with a person
2 whose handgun license is suspended, revoked, or expired, or who is
3 in possession of a handgun license which has not been lawfully
4 issued to that person, shall confiscate the license and return it to
5 the Oklahoma State Bureau of Investigation for appropriate
6 administrative proceedings against the licensee when the license is
7 no longer needed as evidence in any criminal proceeding.

8 E. Nothing in this section shall be construed to authorize a
9 law enforcement officer to inspect any weapon properly concealed or
10 unconcealed without probable cause that a crime has been committed.

11 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1290.9, as
12 last amended by Section 1, Chapter 85, O.S.L. 2014 (21 O.S. Supp.
13 2015, Section 1290.9), is amended to read as follows:

14 Section 1290.9.

15 ELIGIBILITY

16 The following requirements shall apply to any person making
17 application to the Oklahoma State Bureau of Investigation for a
18 handgun license pursuant to the provisions of the Oklahoma Self-
19 Defense Act. The person must:

20 1. Be a citizen of the United States;

21 2. ~~Establish a residency in the State of Oklahoma. For~~
22 ~~purposes of the Oklahoma Self-Defense Act, the term "residency"~~
23 ~~shall apply to any person who either possesses a valid Oklahoma~~
24 ~~driver license or state photo identification card, and physically~~

~~maintains a residence in this state or to any person, including the spouse of such person, who has permanent military orders within this state and possesses a valid driver license from another state where such person and spouse of such person claim residency;~~

~~3.~~ Be at least twenty-one (21) years of age;

~~4.~~ 3. Complete a firearms safety and training course and demonstrate competence and qualifications with the type of pistol to be carried by the person as provided in Section 1290.14 of this title, and submit proof of training and qualification or an exemption for training and qualification as authorized by Section 1290.14 of this title;

~~5.~~ 4. Submit the required fee and complete the application process as provided in Section 1290.12 of this title; and

~~6.~~ 5. Comply in good faith with the provisions of the Oklahoma Self-Defense Act.

SECTION 8. AMENDATORY 21 O.S. 2011, Section 1290.12, as amended by Section 7 of Enrolled House Bill No. 3201 of the 2nd Session of the 55th Oklahoma Legislature, is amended to read as follows:

Section 1290.12.

PROCEDURE FOR APPLICATION

A. Except as provided in paragraph ~~11~~ 10 of this subsection, the procedure for applying for a handgun license and processing the application shall be as follows:

1 1. Applications shall be submitted to the Oklahoma State Bureau
2 of Investigation at its headquarters or any other location
3 designated by the Bureau for receiving applications;

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

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

15 ~~2.~~ 3. The person shall be required to successfully complete a
16 firearms safety and training course from a firearms instructor who
17 is approved and registered in this state as provided in Section
18 1290.14 of this title or from an interactive online firearms safety
19 and training course available electronically via the Internet
20 approved and certified by the Council on Law Enforcement Education
21 and Training, and the person shall be required to demonstrate
22 competency and qualification with a pistol authorized for concealed
23 or unconcealed carry by the Oklahoma Self-Defense Act. The original
24 certificate of successful completion of a firearms safety and

1 training course and an original certificate of successful
2 demonstration of competency and qualification to carry and handle a
3 pistol shall be submitted with the application for a handgun
4 license. No duplicate, copy, facsimile or other reproduction of the
5 certificate of training, certificate of competency and qualification
6 or exemption from training shall be acceptable as proof of training
7 as required by the provisions of the Oklahoma Self-Defense Act.—A
8 ~~person exempt from the training requirements as provided in Section~~
9 ~~1290.15 of this title must show the required proof of such exemption~~
10 ~~to the firearms instructor to receive an exemption certificate. The~~
11 ~~original exemption certificate must be submitted with the~~
12 ~~application for a handgun license when the person claims an~~
13 ~~exemption from training and qualification;~~

14 ~~3.~~ 4. The application form shall be completed and delivered by
15 the applicant, in person or by mail, to ~~the sheriff of the county~~
16 ~~wherein the applicant resides~~ a facility designated by the Bureau
17 for receiving applications;

18 ~~4.~~ 5. The person shall deliver to the ~~sheriff~~ Bureau at the
19 time of delivery of the completed application form a fee ~~of One~~
20 ~~Hundred Dollars (\$100.00)~~ for processing the application ~~through the~~
21 ~~Oklahoma State Bureau of Investigation and processing the required~~
22 ~~fingerprints through the Federal Bureau of Investigation.~~ Fees for
23 processing the application are as follows:
24

- a. beginning January 1, 2017, the fee shall be One
Hundred Dollars (\$100.00),
- b. beginning January 1, 2018, the fee shall be Seventy-
Five Dollars (\$75.00),
- c. beginning January 1, 2019, the fee shall be Fifty
Dollars (\$50.00), and
- d. beginning January 1, 2020, the fee shall be Twenty-
five Dollars (\$25.00);

6. The processing fee shall be in the form of:

- a. a money order or a cashier's check made payable to the
Oklahoma State Bureau of Investigation,
- b. ~~by~~ a nationally recognized credit card issued to the
applicant. For purposes of this paragraph,
"nationally recognized credit card" means any
instrument or device, whether known as a credit card,
credit plate, charge plate, or by any other name,
issued with or without fee by the issuer for the use
of the cardholder in obtaining goods, services, or
anything else of value on credit which is accepted by
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.

1 Any person paying application fees to the Oklahoma State Bureau
2 of Investigation by means of a nationally recognized credit card or
3 by means of an electronic funds transfer shall be required to
4 complete and submit his or her application through the online
5 application process of the Bureau.

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

13 ~~5. The completed application form shall be signed by the~~
14 ~~applicant in person before the sheriff.~~

15 7. The signature of the applicant on the application shall be
16 given voluntarily upon a sworn oath that the person knows the
17 contents of the application ~~and~~ that the information contained in
18 the application is true and correct and that the applicant is the
19 same person named on the application. Any person making any false
20 or misleading statement on an application for a handgun license
21 shall, upon conviction, be guilty of perjury as defined by Section
22 491 of this title. ~~Any conviction shall be punished as provided in~~
23 ~~Section 500 of this title. In addition to a criminal conviction,~~
24 ~~the person shall be denied the right to have a handgun license~~

1 ~~pursuant to the provisions of Section 1290.10 of this title and the~~
2 ~~Oklahoma State Bureau of Investigation shall revoke the handgun~~
3 ~~license, if issued;~~

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

16 ~~7. The sheriff shall witness the signature of the applicant and~~
17 ~~review or take the photographs of the applicant and shall verify~~
18 ~~that the person making application for a handgun license is the same~~
19 ~~person in the photographs submitted and the same person who signed~~
20 ~~the application form. Proof~~

21 9. A photocopy of a valid ~~Oklahoma~~ driver license with a
22 photograph of the applicant or an ~~Oklahoma state~~ state-issued photo
23 identification card for the applicant shall be required to be
24

1 presented by the applicant ~~to the sheriff~~ with the application for
2 verification of the ~~person's~~ identity of the person;

3 ~~8. Upon verification of the identity of the applicant, the~~
4 ~~sheriff shall take two complete sets of fingerprints of the~~
5 ~~applicant. Both sets of fingerprints shall be submitted by the~~
6 ~~sheriff with the completed application, certificate of training or~~
7 ~~an exemption certificate, photographs and processing fee to the~~
8 ~~Oklahoma State Bureau of Investigation within fourteen (14) days of~~
9 ~~taking the fingerprints. The cost of the fingerprints shall be paid~~
10 ~~by the applicant and shall not exceed Twenty-five Dollars (\$25.00)~~
11 ~~for the two sets. All fees collected by the sheriff from taking~~
12 ~~fingerprints pursuant to the provisions of this paragraph shall be~~
13 ~~retained by the sheriff and deposited into the Sheriff's Service Fee~~
14 ~~Account;~~

15 ~~9. The sheriff shall submit to the Oklahoma State Bureau of~~
16 ~~Investigation within the fourteen-day period, together with the~~
17 ~~completed application, including the certificate of training,~~
18 ~~certificate of competency and qualification or exemption~~
19 ~~certificate, photographs, processing fee and legible fingerprints~~
20 ~~meeting the Oklahoma State Bureau of Investigation's Automated~~
21 ~~Fingerprint Identification System (AFIS) submission standards, and a~~
22 ~~report of information deemed pertinent to an investigation of the~~
23 ~~applicant for a handgun license. The sheriff shall make a~~
24 ~~preliminary investigation of pertinent information about the~~

1 ~~applicant and the court clerk shall assist the sheriff in locating~~
2 ~~pertinent information in court records for this purpose. If no~~
3 ~~pertinent information is found to exist either for or against the~~
4 ~~applicant, the sheriff shall so indicate in the report;~~

5 10. ~~The Oklahoma State Bureau of Investigation, upon receipt of~~
6 ~~the application and required information from the sheriff, shall~~
7 ~~forward one full set of fingerprints of the applicant to the Federal~~
8 ~~Bureau of Investigation for a national criminal history records~~
9 ~~search. The cost of processing the fingerprints nationally shall be~~
10 ~~paid from the processing fee collected by the Oklahoma State Bureau~~
11 ~~of Investigation;~~

12 ~~11.~~ Notwithstanding the provisions of the Oklahoma Self-Defense
13 Act, or any other provisions of law, any person who has been granted
14 a permanent ~~victim's~~ protective order by the court, as provided for
15 in the Protection from Domestic Abuse Act, may be issued a temporary
16 handgun license for a period not to exceed six (6) months. A
17 temporary handgun license may be issued if the person has
18 successfully passed the required weapons course, completed the
19 application process for the handgun license, ~~passed the preliminary~~
20 ~~investigation of the person by the sheriff and court clerk, and~~
21 provided the ~~sheriff~~ Bureau proof of a certified permanent victim
22 protection order and a valid ~~Oklahoma state~~ state-issued photo
23 identification card or driver license. The ~~sheriff~~ Bureau shall
24 issue a temporary handgun license on a form approved by the Oklahoma

1 State Bureau of Investigation, at no cost. Any person who has been
2 issued a temporary license shall carry the temporary handgun license
3 and a valid ~~Oklahoma state~~ state-issued photo identification on his
4 or her person at all times, and shall be subject to all the
5 requirements of the Oklahoma Self-Defense Act when carrying a
6 handgun. The person may proceed with the handgun licensing process.
7 In the event the ~~victim's protection~~ protective order is no longer
8 enforceable, the temporary handgun license shall cease to be valid;

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

19 a. ~~In the course of the investigation by the Bureau, it~~
20 ~~shall present the name of the applicant along with any~~
21 ~~known aliases, the address of the applicant and the~~
22 ~~social security number of the applicant to the~~
23 ~~Department of Mental Health and Substance Abuse~~
24 ~~Services. The Department of Mental Health and~~

~~Substance Abuse Services shall respond within ten (10) days of receiving such information to the Bureau as follows:~~

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

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

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

~~b. In the course of the investigation by the Bureau, it shall check the name of any applicant who is twenty-eight (28) years of age or younger along with any~~

1 ~~known aliases, the address of the applicant and the~~
2 ~~social security number of the applicant against the~~
3 ~~records in the Juvenile Online Tracking System (JOLTS)~~
4 ~~of the Office of Juvenile Affairs. The Office of~~
5 ~~Juvenile Affairs shall provide the Bureau direct~~
6 ~~access to check the applicant against the records~~
7 ~~available on JOLTS.~~

8 ~~(1) If the Bureau finds a record on the JOLTS that~~
9 ~~indicates the person was adjudicated a delinquent~~
10 ~~for an offense that would constitute a felony~~
11 ~~offense if committed by an adult within the last~~
12 ~~ten (10) years the Bureau shall deny the license,~~

13 ~~(2) If the Bureau finds no record on the JOLTS~~
14 ~~indicating the named person was adjudicated~~
15 ~~delinquent for an offense that would constitute a~~
16 ~~felony offense if committed by an adult within~~
17 ~~the last ten (10) years, or~~

18 ~~(3) If the records suggest the applicant may have~~
19 ~~been adjudicated delinquent for an offense that~~
20 ~~would constitute a felony offense if committed by~~
21 ~~an adult but such record is inconclusive, the~~
22 ~~Bureau shall ask the applicant whether he or she~~
23 ~~was adjudicated a delinquent for an offense that~~
24 ~~would constitute a felony offense if committed by~~

~~an adult within the last ten (10) years. If the applicant states under penalty of perjury that he or she was not adjudicated a delinquent within ten (10) years, the Bureau shall continue processing the application for a license~~ conduct a background check of the applicant using the National Instant Criminal Background Check System (NICS) of the Federal Bureau of Investigation;
and

~~13. 12. If the NICS background check set forth in paragraph 12 of this subsection reveals no records~~ provides a "proceed" response pertaining to the applicant, the Oklahoma State Bureau of Investigation shall ~~either~~ issue a handgun license ~~or deny the application~~ within sixty (60) days of the date of receipt of the applicant's completed application ~~and the required information from the sheriff. In all other cases, the Oklahoma State Bureau of Investigation shall either issue a handgun license or deny the application within ninety (90) days of the date of the receipt of the applicant's completed application and the required information from the sheriff. The Bureau shall approve an applicant who appears to be in full compliance with the provisions of the Oklahoma Self-Defense Act, if completion of the federal fingerprint search is the only reason for delay of the issuance of the handgun license to that applicant. Upon receipt of the federal fingerprint search~~

~~information, if the Bureau receives information which precludes the~~
~~person from having a handgun license, the Bureau shall revoke the~~
~~handgun license previously issued to the applicant. The Bureau~~
~~shall deny a license when the applicant fails to properly complete~~
~~the application form or application process or is determined not to~~
~~be eligible as specified by the provisions of Section 1290.9,~~
~~1290.10 or 1290.11 of this title. The Bureau shall approve an~~
~~application in all other cases. If an application is denied the~~
NICS background check provides a "denied" response pertaining to the
applicant, the Bureau shall notify the applicant in writing of its
decision that the application has been denied and provide
information from the NICS background check as to why the application
has been denied. The notification shall ~~state the grounds for the~~
~~denial and~~ inform the applicant of the right to an appeal as may be
provided by the provisions of the Administrative Procedures Act and
the procedures by which the applicant may appeal the denial. If the
NICS background check provides a "delayed" response pertaining to
the applicant and the Bureau does not receive a "proceed" response
within sixty (60) days of the date of receipt of the application,
the application shall be denied. All notices of denial shall be
mailed by first-class mail to the address of the applicant listed in
the application. Within sixty (60) calendar days from the date of
mailing a denial of application to an applicant, the applicant shall
notify the Bureau in writing of the intent to appeal the decision of

1 denial or the right of the applicant to appeal shall be deemed
2 waived. Any administrative hearing on a denial which may be
3 provided shall be conducted by a hearing examiner appointed by the
4 Bureau. If the applicant has eliminated all causes of prohibiting
5 information pertaining to the NICS background check, the hearing
6 examiner shall approve the application. The decision of the hearing
7 examiner shall be a final decision appealable to a district court in
8 accordance with the Administrative Procedures Act. When an
9 application is approved, the Bureau shall issue the license and
10 shall mail the license by first-class mail to the address of the
11 applicant listed in the application.

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

18 C. Nothing herein contained shall be construed to prohibit an
19 Oklahoma resident from obtaining or possessing a nonresident weapons
20 or handgun license issued by another state.

21 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1290.14, as
22 last amended by Section 2, Chapter 207, O.S.L. 2015 (21 O.S. Supp.
23 2015, Section 1290.14), is amended to read as follows:

24 Section 1290.14.

1 SAFETY AND TRAINING COURSE

2 A. Each applicant who applies for a license to carry a
3 concealed or unconcealed handgun pursuant to the Oklahoma Self-
4 Defense Act must successfully complete a firearms safety and
5 training course in this state conducted by a registered and approved
6 firearms instructor as provided by the provisions of this section or
7 from an interactive online firearms safety and training course
8 available electronically via the Internet approved and certified by
9 the Council on Law Enforcement Education and Training. The
10 applicant must further demonstrate competence and qualification with
11 an authorized pistol of the type or types that the applicant desires
12 to carry as a concealed or unconcealed handgun pursuant to the
13 provisions of the Oklahoma Self-Defense Act, except certain persons
14 may be exempt from such training requirement as provided by the
15 provisions of Section 1290.15 of this title.

16 B. The Council on Law Enforcement Education and Training
17 (CLEET) shall establish criteria for approving firearms instructors
18 and interactive online firearms safety and training courses
19 available electronically via the Internet for purposes of training
20 and qualifying individuals for a handgun license pursuant to the
21 provisions of the Oklahoma Self-Defense Act. Prior to submitting an
22 application for CLEET approval as a firearms instructor, applicants
23 shall attend a firearms instructor school, meeting the following
24 minimum requirements:

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

- 3 a. Council on Law Enforcement Education and Training,
- 4 b. National Rifle Association,
- 5 c. Oklahoma Rifle Association,
- 6 d. federal law enforcement agencies, or
- 7 e. other professionally recognized organizations;

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

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

12 4. Receive a course completion certificate.

13 All firearms instructors shall be required to meet the
14 eligibility requirements for a handgun license as provided in
15 ~~Sections~~ Section 1290.9, ~~1290.10, and 1290.11~~ of this title and the
16 application shall be processed as provided for applicants in Section
17 1290.12 of this title, including the ~~state and national criminal~~
18 ~~history records search and fingerprint search~~ background check
19 through the National Instant Criminal Background Check System (NICS)
20 of the Federal Bureau of Investigation. A firearms instructor shall
21 be required to pay a fee of One Hundred Dollars (\$100.00) to the
22 Council on Law Enforcement Education and Training (CLEET) each time
23 the person makes application for CLEET approval as a firearms
24 instructor pursuant to the provisions of the Oklahoma Self-Defense

1 Act. The fee shall be retained by CLEET and shall be deposited into
2 the Firearms Instructors Revolving Fund. CLEET shall promulgate the
3 rules, forms and procedures necessary to implement the approval of
4 firearms instructors as authorized by the provisions of this
5 subsection. CLEET shall periodically review each approved
6 instructor during a training and qualification course to ~~assure~~
7 ensure compliance with the rules and course contents. Any violation
8 of the rules may result in the revocation or suspension of CLEET and
9 Oklahoma State Bureau of Investigation approval. Unless the
10 approval has been revoked or suspended, a firearms instructor's
11 CLEET approval shall be for a term of five (5) years. Beginning on
12 July 1, 2003, any firearms instructor who has been issued a four-
13 year CLEET approval shall not be eligible for the five-year approval
14 until the expiration of the approval previously issued. CLEET shall
15 be responsible for notifying all approved firearms instructors of
16 statutory and policy changes related to the Oklahoma Self-Defense
17 Act. A firearms instructor shall not be required to submit his or
18 her fingerprints for a fingerprint search when applying for or
19 renewing a firearms instructor's CLEET approval.

20 C. 1. All firearms instructors approved by CLEET to train and
21 qualify individuals for a handgun license shall be required to apply
22 for registration with the Oklahoma State Bureau of Investigation
23 after receiving CLEET approval. All firearms instructors teaching
24 the approved course for a handgun license must display their

1 registration certificate during each training and qualification
2 course. Each approved firearms instructor shall complete a
3 registration form provided by the Bureau and shall ~~have the option~~
4 ~~to~~ pay a registration fee of ~~either~~ One Hundred Dollars (\$100.00)
5 for a five-year registration certificate ~~or Two Hundred Dollars~~
6 ~~(\$200.00) for a ten-year registration certificate~~ to the Bureau at
7 the time of each application for registration, except as provided in
8 paragraph 2 of this subsection. Registration certificates issued by
9 the Bureau shall be valid for a period of five (5) years ~~or ten (10)~~
10 ~~years~~ from the date of issuance. The Bureau shall issue a five-year
11 ~~or ten-year~~ handgun license to an approved firearms instructor at
12 the time of issuance of a registration certificate and no additional
13 fee shall be required or charged. The handgun license issued shall
14 reflect that the licensee is a firearms instructor. The Bureau
15 shall maintain a current listing of all registered firearms
16 instructors in this state. Nothing in this paragraph shall be
17 construed to eliminate the requirement for registration and training
18 with CLEET as provided in subsection B of this section. Failure to
19 register or be trained as required shall result in a revocation or
20 suspension of the instructor certificate by the Bureau.

21 2. On or after July 1, 2003, the registered instructors listed
22 in subparagraphs a and b of this paragraph shall not be required to
23 renew the firearms instructor registration certificate with the
24 Oklahoma State Bureau of Investigation at the expiration of the

1 registration term, provided the instructor is not subject to any
2 suspension or revocation of the firearms instructor certificate.

3 The firearms instructor registration with the Oklahoma State Bureau
4 of Investigation shall automatically renew together with the handgun
5 license authorized in paragraph 1 of this subsection for an
6 additional five-year term and no additional cost or fee may be
7 charged for the following individuals:

8 a. an active duty law enforcement officer of this state
9 or any of its political subdivisions or of the federal
10 government who has a valid CLEET approval as a
11 firearms instructor pursuant to the Oklahoma Self-
12 Defense Act, and

13 b. a retired law enforcement officer authorized to carry
14 a firearm pursuant to Section 1289.8 of this title who
15 has a valid CLEET approval as a firearms instructor
16 pursuant to the Oklahoma Self-Defense Act.

17 D. The Oklahoma State Bureau of Investigation shall approve
18 registration for a firearms instructor applicant who is in full
19 compliance with CLEET rules regarding firearms instructors and the
20 provisions of subsection B of this section, ~~if completion of the~~
21 ~~federal fingerprint search is the only reason for delay of~~
22 ~~registration of that firearms instructor applicant. Upon receipt of~~
23 ~~the federal fingerprint search information, if the Bureau receives~~
24 ~~information which precludes the person from having a handgun~~

1 ~~license, the Bureau shall revoke both the registration and the~~
2 ~~handgun license previously issued to the firearms instructor.~~

3 E. The required firearms safety and training course and the
4 actual demonstration of competency and qualification required of the
5 applicant shall be designed and conducted in such a manner that the
6 course can be reasonably completed by the applicant within an eight-
7 hour period. CLEET shall establish the course content and
8 promulgate rules, procedures and forms necessary to implement the
9 provisions of this subsection. ~~For the training and qualification~~
10 ~~course, an~~ An applicant may be charged a fee which shall be
11 determined by the instructor or entity that is conducting the
12 course. The maximum class size shall be determined by the
13 instructor conducting the course; provided, however, practice
14 shooting sessions shall not have more than ten participating
15 students at one time. CLEET may establish criteria for assistant
16 instructors and any other requirements deemed necessary to conduct a
17 safe and effective training and qualification course. The course
18 content shall include a safety inspection of the firearm to be used
19 by the applicant in the training course; instruction on pistol
20 handling, safety and storage; dynamics of ammunition and firing;
21 methods or positions for firing a pistol; information about the
22 criminal provisions of the Oklahoma law relating to firearms; the
23 requirements of the Oklahoma Self-Defense Act as it relates to the
24 applicant; self-defense and the use of appropriate force; a practice

1 shooting session; and a familiarization course. The firearms
2 instructor shall refuse to train or qualify any person when the
3 pistol to be used or carried by the person is either deemed unsafe
4 or unfit for firing or is a weapon not authorized by the Oklahoma
5 Self-Defense Act. The course shall provide an opportunity for the
6 applicant to qualify ~~himself or herself~~ on either a derringer, a
7 revolver, a semiautomatic pistol or any combination of a derringer,
8 a revolver and a semiautomatic pistol, provided no pistol shall be
9 capable of firing larger than .45 caliber ammunition. Any applicant
10 who successfully trains and qualifies ~~himself or herself~~ with a
11 semiautomatic pistol may be approved by the firearms instructor on
12 the training certificate for a semiautomatic pistol, a revolver and
13 a derringer upon request of the applicant. Any person who qualifies
14 on a derringer or revolver shall not be eligible for a semiautomatic
15 rating until the person has demonstrated competence and
16 qualifications on a semiautomatic pistol. Upon successful
17 completion of the training and qualification course, a certificate
18 of training and a certificate of competency and qualification shall
19 be issued to each applicant who successfully completes the course.
20 The firearms instructor shall require each applicant to present a
21 photocopy or digital copy of the state-issued identification card or
22 driver license of the applicant to verify the identity of the
23 applicant and shall record the identification card number or driver
24 license number on the class roster with the name of the applicant

1 before providing a course completion certificate. The certificate
2 of training and certificate of competency and qualification shall
3 comply with the forms established by CLEET and shall be submitted
4 with an application for a handgun license pursuant to the provisions
5 of paragraph ~~2~~ 3 of subsection A of Section 1290.12 of this title.
6 The certificate of training and certificate of competency and
7 qualification issued to an applicant shall be valid for a period of
8 three (3) years.

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

1 with the Director of the Office of Management and Enterprise
2 Services for 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 including
5 the driver license number or state-issued identification card number
6 of each individual, the safety test score of each individual, the
7 caliber and type of weapon each individual used when qualifying and
8 whether or not each individual successfully completed the training
9 course. Firearms instructors shall be authorized to destroy all
10 training documents and records upon expiration of the three-year
11 time period.

12 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.15, as
13 last amended by Section 2, Chapter 86, O.S.L. 2013 (21 O.S. Supp.
14 2015, Section 1290.15), is amended to read as follows:

15 Section 1290.15.

16 PERSONS EXEMPT FROM TRAINING COURSE

17 A. The following individuals may be exempt from all or part of
18 the required training and qualification course established pursuant
19 to the provisions of Section 1290.14 of this title:

20 1. A firearms instructor registered with the Oklahoma State
21 Bureau of Investigation for purposes of the Oklahoma Self-Defense
22 Act;

23

24

1 2. An active duty or reserve duty law enforcement officer of
2 this state or any of its political subdivisions or of the federal
3 government;

4 3. A retired law enforcement officer authorized by this state
5 pursuant to Section 1289.8 of this title to carry a firearm;

6 4. A CLEET-certified armed security officer, armed guard,
7 correctional officer, or any other person having a CLEET
8 certification to carry a firearm in the course of their employment;

9 5. A person on active military duty, National Guard duty or
10 regular military reserve duty who is a legal resident of this state
11 and who is trained and qualified in the use of handguns;

12 6. A person honorably discharged from active military duty,
13 National Guard duty or military reserves within twenty (20) years
14 preceding the date of the application for a handgun license pursuant
15 to the provisions of the Oklahoma Self-Defense Act, who is a legal
16 resident of this state, and who has been trained and qualified in
17 the use of handguns;

18 7. A person retired as a peace officer in good standing from a
19 law enforcement agency located in another state, who is a legal
20 resident of this state, and who has received training equivalent to
21 the training required for CLEET certification in this state; and

22 8. Any person who is otherwise deemed qualified for a training
23 exemption by ~~CLEET~~ the Council on Law Enforcement Education and
24 Training.

1 ~~Provided, however, persons applying for an exemption pursuant to~~
2 ~~paragraph 3, 4, 5, 6 or 7 of this subsection may be required to~~
3 ~~successfully complete the classroom portion of the training course.~~
4 ~~The fee for the classroom portion of the training course shall be~~
5 ~~determined by the instructor or entity that is conducting the~~
6 ~~course.~~

7 ~~B. The Council on Law Enforcement Education and Training~~
8 ~~(CLEET) shall establish criteria for providing proof of an~~
9 ~~exemption. Before any person shall be considered exempt from all or~~
10 ~~part of the required training and qualification pursuant to the~~
11 ~~provisions of the Oklahoma Self-Defense Act, the person shall~~
12 ~~present the required proof of exemption to a registered firearms~~
13 ~~instructor. Each person determined to be exempt from training or~~
14 ~~qualification as provided in this subsection shall receive an~~
15 ~~exemption certificate from the registered firearms instructor. The~~
16 ~~rules promulgated by CLEET to implement the provisions of this~~
17 ~~section and Section 1290.14 of this title may require that a fee not~~
18 ~~to exceed Five Dollars (\$5.00) be charged for processing an~~
19 ~~exemption certificate.~~

20 ~~The original exemption certificate must be submitted with an~~
21 ~~application for a handgun license as provided in paragraph 2 of~~
22 ~~Section 1290.12 of this title. No person who is determined to be~~
23 ~~exempt from training or qualification may carry a concealed or~~
24 ~~unconcealed firearm pursuant to the authority of the Oklahoma Self-~~

1 Defense Act until issued a valid handgun license or possesses a
2 valid military identification card as provided for in Section 1290.8
3 of this title.

4 C. Nothing contained in any provision of the Oklahoma Self-
5 Defense Act shall be construed to alter, amend, or modify the
6 authority of any active duty law enforcement officer, or any person
7 certified by the Council on Law Enforcement Education and Training
8 to carry a pistol during the course of their employment, to carry
9 any pistol in any manner authorized by law or authorized by the
10 employing agency.

11 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1290.18, as
12 last amended by Section 1, Chapter 200, O.S.L. 2015 (21 O.S. Supp.
13 2015, Section 1290.18), is amended to read as follows:

14 Section 1290.18.

15 APPLICATION FORM CONTENTS

16 The application shall be completed upon the sworn oath of the
17 applicant as provided in paragraph ~~5~~ 7 of subsection A of Section
18 1290.12 of this title. The application form shall be provided by
19 the Oklahoma State Bureau of Investigation and shall contain the
20 following information ~~in addition to any other information deemed~~
21 ~~relevant by the Bureau:~~

- 22 1. Applicant's full legal name;
- 23 2. Applicant's birth name, alias names or nicknames;
- 24 3. Maiden name, if applicable;

- 1 4. County of residence;
- 2 5. Length of residency at the current address;
- 3 6. Previous addresses for the preceding three (3) years;
- 4 7. Place of birth;
- 5 8. Date of birth;
- 6 9. Declaration of citizenship and date United States
- 7 citizenship was acquired, if applicable;
- 8 10. Race;
- 9 11. Weight;
- 10 12. Height;
- 11 13. Sex;
- 12 14. Color of eyes;
- 13 15. ~~Current~~ Valid state-issued identification card number or
- 14 driver license number and the state issuing the card;
- 15 16. Military service number, if applicable;
- 16 17. Law enforcement identification numbers, if applicable;
- 17 18. Current occupation;
- 18 19. Authorized type or types of pistol for which the applicant
- 19 qualified as stated on the certificate of training or exemption of
- 20 training which shall be stated as either derringer, revolver,
- 21 semiautomatic pistol, or some combination of derringer, revolver and
- 22 semiautomatic pistol and the maximum ammunition capacity of the
- 23 firearm shall be .45 caliber;
- 24

1 20. An acknowledgment that the applicant desires a handgun
2 license as a means of lawful self-defense and self-protection and
3 for no other intent or purpose;

4 21. A statement that the applicant has never been convicted of
5 any felony offense in this state, another state or pursuant to any
6 federal offense;

7 22. A statement that the applicant ~~has none of the conditions~~
8 ~~which would preclude the issuing of a handgun license pursuant to~~
9 ~~any of the provisions of Sections 1290.10 and 1290.11 of this title~~
10 ~~and that the applicant further~~ meets all of the eligibility criteria
11 required by Section 1290.9 of this title;

12 23. An authorization for the Oklahoma State Bureau of
13 Investigation to investigate the applicant and any or all records
14 relating to the applicant for purposes of approving or denying a
15 handgun license pursuant to the provisions of the Oklahoma Self-
16 Defense Act;

17 24. An acknowledgment that the applicant has been furnished a
18 copy of the Oklahoma Self-Defense Act and is knowledgeable about its
19 provisions;

20 25. A statement that the applicant is the identical person who
21 completed the firearms training course for which the original
22 training certificate is submitted as part of the application or a
23 statement that the applicant is the identical person who is exempt
24 from firearms training for which the original exemption certificate

1 is submitted as part of the application, whichever is applicable to
2 the applicant;

3 26. A conspicuous warning that the application is executed upon
4 the sworn oath of the applicant and that any false or misleading
5 answer to any question or the submission of any false information or
6 documentation by the applicant is punishable by criminal penalty as
7 provided in paragraph 5 7 of subsection A of Section 1290.12 of this
8 title;

9 27. A signed verification that the contents of the application
10 are known to the applicant and are true and correct;

11 28. Two separate places for the original signature of the
12 applicant;

13 29. A place for attachment of a passport size photograph of the
14 applicant; and

15 30. ~~A place for the signature and verification of the identity~~
16 ~~of the applicant by the sheriff or the sheriff's designee~~ Any other
17 information required by the Bureau of Alcohol, Tobacco, Firearms and
18 Explosives (BAFTE) to be provided on forms BATFE requires for the
19 transfer of a firearm from a federally licensed firearms dealer to
20 the public.

21 Information provided by the person on an application for a
22 handgun license shall be confidential except to law enforcement
23 officers or law enforcement agencies.
24

SECTION 12. AMENDATORY 21 O.S. 2011, Section 1290.19, as amended by Section 38, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015, Section 1290.19), is amended to read as follows:

Section 1290.19.

LICENSE FORM

The handgun license shall be on a form prescribed by the Oklahoma State Bureau of Investigation and shall contain the following information in addition to any other information deemed relevant by the Oklahoma State Bureau of Investigation:

1. The full name of the person;
2. Current address;
3. County of residence;
4. Date of birth;
5. Weight;
6. Height;
7. Sex;
8. Race;
9. Color of eyes;
10. Handgun license identification number;
11. Expiration date of the handgun license; ~~and~~
12. Authorized pistol to be either: (D) derringer, (R) revolver, (S) semiautomatic pistol, or some combination of derringer, revolver and semiautomatic pistol as may be authorized by the Oklahoma Self-Defense Act for which the person demonstrated

1 qualification pursuant to the certificate of training or an
2 exemption certificate; and

3 13. Whether the license is issued to a resident or nonresident
4 of Oklahoma.

5 Licenses issued to instructors under Section 1290.14 of this
6 title shall reflect that the licensee is a firearms instructor.

7 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1290.20, as
8 amended by Section 39, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
9 Section 1290.20), is amended to read as follows:

10 Section 1290.20.

11 PENALTY FOR REFUSAL TO SUBMIT OR FALSIFICATION

12 It shall be unlawful for ~~any sheriff~~ the Oklahoma State Bureau
13 of Investigation or designee to fail or refuse to accept an
14 application for a handgun license as authorized by the provisions of
15 the Oklahoma Self-Defense Act or to fail or refuse to process or
16 submit the completed application to the Oklahoma State Bureau of
17 Investigation within the time prescribed by paragraph 8 of Section
18 1290.12 of this title, or to falsify or knowingly allow any person
19 to falsify any information, documentation, ~~fingerprint~~ or photograph
20 submitted with a handgun application. Any violation shall, upon
21 conviction, be a misdemeanor. There is a presumption that the
22 ~~sheriff~~ Oklahoma State Bureau of Investigation has acted in good
23 faith to comply with the provisions of the Oklahoma Self-Defense Act
24

1 and any alleged violation of the provisions of this section shall
2 require proof beyond a reasonable doubt.

3 SECTION 14. AMENDATORY 21 O.S. 2011, Section 1290.26, as
4 last amended by Section 18, Chapter 15, O.S.L. 2013 (21 O.S. Supp.
5 2015, Section 1290.26), is amended to read as follows:

6 Section 1290.26.

7 RECIPROCAL AGREEMENT AUTHORITY

8 The State of Oklahoma hereby recognizes any valid concealed or
9 unconcealed carry weapons permit, valid military identification card
10 or license issued by another state, or if the state is a
11 nonpermitting carry state, this state shall reciprocate under the
12 permitting law of that state.

13 A. Any person entering this state in possession of a firearm
14 authorized for concealed or unconcealed carry upon the authority and
15 license of another state, or a valid military identification card is
16 authorized to continue to carry a concealed or unconcealed firearm
17 and license in this state; provided, the license from the other
18 state or military identification card remains valid. The firearm
19 must either be carried unconcealed or concealed ~~from detection and~~
20 ~~view,~~ and upon coming in contact with any peace officer of this
21 state, the person must disclose the fact that he or she is in
22 possession of a concealed or unconcealed firearm pursuant to a valid
23 concealed or unconcealed carry weapons permit ~~or,~~ license or valid
24 military identification card issued in another state.

1 B. Any person entering this state in possession of a firearm
2 authorized for concealed carry upon the authority of a state that is
3 a nonpermitted carry state and the person is in compliance with the
4 Oklahoma Self-Defense Act, the person is authorized to carry a
5 concealed or unconcealed firearm in this state. The firearm must be
6 carried fully concealed ~~from detection and view,~~ or unconcealed and
7 upon coming in contact with any peace officer of this state, the
8 person must disclose the fact that he or she is in possession of a
9 concealed or unconcealed firearm pursuant to the nonpermitting laws
10 of the state in which he or she is a legal resident. The person
11 shall present proper identification by a valid photo ID as proof
12 that he or she is a legal resident in such a non-permitting state.
13 The Department of Public Safety shall keep a current list of non-
14 permitting states for law enforcement officers to confirm that a
15 state is nonpermitting.

16 C. Any person who is twenty-one (21) years of age or older
17 having a valid firearm license from another state may apply for a
18 handgun license in this state immediately upon establishing a
19 residence in this state.

20 SECTION 15. This act shall become effective November 1, 2016.

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