

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 HOUSE BILL 3693

 By: Gann

7 AS INTRODUCED

8 An Act relating to firearms; amending 21 O.S. 2011,
9 Sections 1290.2, as last amended by Section 2,
10 Chapter 13, O.S.L. 2017, 1290.5, as last amended by
11 Section 1, Chapter 122, O.S.L. 2014, 1290.9, as last
12 amended by Section 1, Chapter 4, O.S.L. 2017,
13 1290.12, as last amended by Section 2, Chapter 298,
14 O.S.L. 2017, 1290.14, as last amended by Section 2,
15 Chapter 207, O.S.L. 2015, 1290.18, as last amended by
16 Section 1, Chapter 200, O.S.L. 2015, 1290.19, as
17 amended by Section 38, Chapter 259, O.S.L. 2012 and
18 1290.23, as amended by Section 41, Chapter 259,
19 O.S.L. 2012 (21 O.S. Supp. 2017, Sections 1290.2,
20 1290.5, 1290.9, 1290.12, 1290.14, 1290.18, 1290.19
21 and 1290.23), which relate to the Oklahoma Self-
22 Defense Act; adding definition; deleting ten-year
23 license option; modifying handgun license renewal
24 procedures; decreasing renewal fee amount for handgun
 license; modifying and deleting background check
 investigation procedures for handgun licenses;
 deleting certain eligibility requirement and
 definition; providing procedures for submitting
 handgun license applications; decreasing application
 fee amount for handgun licenses; deleting fingerprint
 submission requirements; modifying and deleting
 certain background check investigation requirements
 and procedures for handgun licenses; requiring
 nonresident applicants to complete certain safety and
 training course; deleting fingerprint requirements
 for firearms instructors; deleting ten-year
 registration certificate option; requiring
 instructors to verify identity of applicants;
 modifying contents of application and license forms;
 allocating portion of collected processing fees for

1 information technology purposes; allocating
2 percentage of collected processing fees for
3 information technology maintenance; repealing 21 O.S.
4 2011, Sections 1290.10, as last amended by Section 1,
5 Chapter 86, O.S.L. 2015, 1290.11, as last amended by
6 Section 2, Chapter 259, O.S.L. 2014 and 1290.20, as
7 amended by Section 39, Chapter 259, O.S.L. 2012 (21
8 O.S. Supp. 2017, Sections 1290.10, 1290.11 and
9 1290.20), which relate to mandatory and temporary
10 handgun license preclusions and penalties for persons
11 who refuse to submit handgun license applications;
12 and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.2, as
last amended by Section 2, Chapter 13, O.S.L. 2017 (21 O.S. Supp.
2017, Section 1290.2), is amended to read as follows:

Section 1290.2

DEFINITIONS

A. As used in the Oklahoma Self-Defense Act:

1. "Concealed handgun" means a loaded or unloaded pistol or
handgun not openly visible to the ordinary observation of a
reasonable person;

2. "Unconcealed handgun" or "open carry" means a loaded or
unloaded pistol or handgun carried upon the person in a holster
where the firearm is visible, or carried upon the person using a
scabbard, sling or case designed for carrying firearms; ~~and~~

1 3. "Pistol" or "handgun" means any derringer, revolver or
2 semiautomatic firearm which:

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

5 b. is capable of discharging single or multiple
6 projectiles from a single round of ammunition composed
7 of any material which may reasonably be expected to be
8 able to cause lethal injury,

9 c. can be held and fired by the use of one or both hands,
10 and

11 d. uses a combustible propellant charge to propel the
12 projectile or projectiles;

13 4. "Resident" means any person who either possesses a valid
14 Oklahoma driver license or state photo identification card and
15 physically maintains a residence in this state or any person,
16 including the spouse of the person, who has permanent military
17 orders within this state and possesses a valid driver license from
18 another state where such person and spouse of such person claim
19 residency; and

20 5. "Nonresident" means a person who has not resided in this
21 state.

22 B. The definition of pistol or handgun for purposes of the
23 Oklahoma Self-Defense Act shall not apply to imitation pistols,
24 flare guns, underwater fishing guns or blank pistols.

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.5, as
2 last amended by Section 1, Chapter 122, O.S.L. 2014 (21 O.S. Supp.
3 2017, Section 1290.5), is amended to read as follows:

4 Section 1290.5

5 TERM OF LICENSE AND RENEWAL

6 A. A handgun license when issued shall authorize the person to
7 whom the license is issued to carry a loaded or unloaded handgun,
8 concealed or unconcealed, as authorized by the provisions of the
9 Oklahoma Self-Defense Act, and any future modifications thereto.
10 The license shall be valid in this state for a period of five (5) ~~or~~
11 ~~ten (10)~~ years, unless subsequently surrendered, suspended or
12 revoked as provided by law. The person shall have no authority to
13 continue to carry a concealed or unconcealed handgun in this state
14 pursuant to the Oklahoma Self-Defense Act when a license is expired
15 or when a license has been voluntarily surrendered or suspended or
16 revoked for any reason.

17 B. A license may be renewed any time within ninety (90) days
18 prior to the expiration date as provided in this subsection. The
19 Bureau shall send a renewal application to each eligible licensee
20 with a return address requested. There shall be a ninety-day grace
21 period on license renewals beginning on the date of expiration,
22 thereafter the license is considered expired. However, any
23 applicant shall have three (3) years from the expiration of the
24 license to comply with the renewal requirements of this section.

1 1. ~~To renew a handgun license, the licensee must first obtain a~~
2 Oklahoma residents may submit renewal form from applications to the
3 Oklahoma State Bureau of Investigation at its headquarters or any
4 other facility designated by the Bureau for receiving applications.

5 2. The applicant must ~~complete the renewal form~~ submit either a
6 completed paper application, in person or by mail, or complete an
7 online application, attach or upload two current passport-size
8 photographs of the applicant, and submit a renewal fee in the amount
9 of ~~Eighty-five Dollars (\$85.00) to the Bureau~~ Twenty-five Dollars
10 (\$25.00) for Oklahoma residents or Fifty Dollars (\$50.00) for
11 nonresidents. The renewal fee may be paid with a nationally
12 recognized credit card as provided in subparagraph b of paragraph 4
13 5 of subsection A of Section 1290.12 of this title, by electronic
14 funds transfer, or by a cashier's check or money order made payable
15 to the Oklahoma State Bureau of Investigation.

16 3. Upon receipt of the renewal application, photographs and
17 fee, the Bureau will conduct a ~~criminal history records name search,~~
18 ~~an investigation of medical records or other records or information~~
19 ~~deemed by the Bureau to be relevant to the renewal application~~
20 background check of the applicant using the National Instant
21 Criminal Background Check System (NICS) of the Federal Bureau of
22 Investigation. Approval or denial of the renewal application,
23 notification of the denial, and the appeals process of the renewal
24 application shall be subject to the same procedures for new

1 applicants. If the NICS background check provides a "proceed"
2 response pertaining to the applicant ~~appears not to have any~~
3 ~~prohibition to renewing the handgun license,~~ the Bureau shall issue
4 the renewed license for a period of five (5) ~~or ten (10)~~ years.

5 ~~C. Beginning November 1, 2007, any person making application~~
6 ~~for a handgun license or any licensee seeking to renew a handgun~~
7 ~~license shall have the option to request that said license be valid~~
8 ~~for a period of ten (10) years. The fee for any handgun license~~
9 ~~issued for a period of ten (10) years shall be double the amount of~~
10 ~~the fee provided for in paragraph 4 of subsection A of Section~~
11 ~~1290.12 of this title. The renewal fee for a handgun license issued~~
12 ~~for a period of ten (10) years shall be double the amount of the fee~~
13 ~~provided for in paragraph 2 of subsection B of this section.~~

14 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.9, as
15 last amended by Section 1, Chapter 4, O.S.L. 2017 (21 O.S. Supp.
16 2017, Section 1290.9), is amended to read as follows:

17 Section 1290.9

18 ELIGIBILITY

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

- 23 1. Be a citizen of the United States;
- 24

1 2. ~~Establish a residency in the State of Oklahoma. For~~
2 ~~purposes of the Oklahoma Self-Defense Act, the term "residency"~~
3 ~~shall apply to any person who either possesses a valid Oklahoma~~
4 ~~driver license or state photo identification card, and physically~~
5 ~~maintains a residence in this state or to any person, including the~~
6 ~~spouse of such person, who has permanent military orders within this~~
7 ~~state and possesses a valid driver license from another state where~~
8 ~~such person and spouse of such person claim residency;~~

9 ~~3.~~ Be at least:

- 10 a. twenty-one (21) years of age, or
- 11 b. eighteen (18) years of age but not yet twenty-one (21)
- 12 years of age and the person is a member or veteran of
- 13 the United States Armed Forces, the Reserves or
- 14 National Guard, or the person was discharged under
- 15 honorable conditions from the United States Armed
- 16 Forces, Reserves or National Guard;

17 ~~4.~~ 3. Complete a firearms safety and training course and
18 demonstrate competence and qualifications with the type of pistol to
19 be carried by the person as provided in Section 1290.14 of this
20 title, and submit proof of training and qualification or an
21 exemption for training and qualification as authorized by Section
22 1290.14 of this title;

23 ~~5.~~ 4. Submit the required fee and complete the application
24 process as provided in Section 1290.12 of this title; and

1 ~~6.~~ 5. Comply in good faith with the provisions of the Oklahoma
2 Self-Defense Act.

3 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.12, as
4 last amended by Section 2, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
5 2017, Section 1290.12), is amended to read as follows:

6 Section 1290.12

7 PROCEDURE FOR APPLICATION

8 A. Except as provided in paragraph ~~11~~ 9 of this subsection, the
9 procedure for applying for a handgun license and processing the
10 application shall be as follows:

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

14 2. An eligible person may request an application packet for a
15 handgun license from the Oklahoma State Bureau of Investigation ~~or~~
16 ~~the county sheriff's office either~~ via the Internet, in person or by
17 mail. ~~The Bureau may provide application packets to each sheriff~~
18 ~~not exceeding two hundred packets per request.~~ The Bureau shall
19 provide the following information in the application packet:

- 20 a. an application form,
- 21 b. procedures to follow to process the application form,
- 22 and
- 23 c. a copy of the Oklahoma Self-Defense Act with any
- 24 modifications thereto;

1 ~~2.~~ 3. The person shall be required to successfully complete a
2 firearms safety and training course from a firearms instructor who
3 is approved and registered in this state as provided in Section
4 1290.14 of this title or from an interactive online firearms safety
5 and training course available electronically via the Internet which
6 has been approved as to curriculum by the Council on Law Enforcement
7 Education and Training, and the person shall be required to
8 demonstrate competency and qualification with a pistol authorized
9 for concealed or unconcealed carry by the Oklahoma Self-Defense Act.
10 The original certificate of successful completion of a firearms
11 safety and training course and an original certificate of successful
12 demonstration of competency and qualification to carry and handle a
13 pistol shall be submitted with the application for a handgun
14 license. No duplicate, copy, facsimile or other reproduction of the
15 certificate of training, certificate of competency and qualification
16 or exemption from training shall be acceptable as proof of training
17 as required by the provisions of the Oklahoma Self-Defense Act;

18 ~~3.~~ 4. The application form shall be completed and delivered by
19 the applicant, in person, to ~~the sheriff of the county wherein the~~
20 ~~applicant resides~~ a facility designated by the Bureau for receiving
21 applications;

22 ~~4.~~ 5. The ~~person~~ applicant shall deliver to the ~~sheriff~~ Bureau
23 at the time of delivery of the completed application form a fee of
24 One Hundred Dollars (\$100.00) for processing the application ~~through~~

1 ~~the Oklahoma State Bureau of Investigation and processing the~~
2 ~~required fingerprints through the Federal Bureau of Investigation.~~
3 Beginning January 1, 2020, the application fee shall be Twenty-five
4 Dollars (\$25.00) for processing the application. An applicant who
5 is not a resident of the State of Oklahoma shall deliver to the
6 Bureau at the time of delivery of the completed application form, a
7 fee of Fifty Dollars (\$50.00) for processing the application. The
8 processing fee shall be in the form of:

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

1 Any person paying application fees to the Oklahoma State Bureau of
2 Investigation by means of a nationally recognized credit card or by
3 means of an electronic funds transfer shall be required to complete
4 and submit his or her application through the online application
5 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 8~~ paragraph 7 of this
12 subsection;

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

15 6. 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.~~ 7. 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 8. 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 applicant;

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, photographs, processing~~
19 ~~fee and legible fingerprints meeting the Oklahoma State Bureau of~~
20 ~~Investigation's Automated Fingerprint Identification System (AFIS)~~
21 ~~submission standards, and a report of information deemed pertinent~~
22 ~~to an investigation of the applicant for a handgun license. The~~
23 ~~sheriff shall make a preliminary investigation of pertinent~~
24 ~~information about the applicant and the court clerk shall assist the~~

1 ~~sheriff in locating pertinent information in court records for this~~
2 ~~purpose. If no pertinent information is found to exist either for~~
3 ~~or against the applicant, the sheriff shall so indicate in the~~
4 ~~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 protective order by the court, as provided for in
15 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 protective order and a valid Oklahoma state photo identification
23 card or driver license. The ~~sheriff~~ Bureau shall issue a temporary
24 handgun license on a form approved by the Oklahoma State Bureau of

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

9 ~~12.~~ 10. 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~~

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

9 ~~13.~~ 11. If the NICS background check ~~set forth in paragraph 12~~
10 ~~of this subsection reveals no records~~ provides a "proceed" response
11 pertaining to the applicant, the Oklahoma State Bureau of
12 Investigation shall either issue a handgun license or deny the
13 application within sixty (60) days of the date of receipt of the
14 applicant's completed application and the required information from
15 the sheriff. In all other cases, the Oklahoma State Bureau of
16 Investigation shall either issue a handgun license or deny the
17 application within ninety (90) days of the date of the receipt of
18 the applicant's completed application and the required information
19 from the sheriff. The Bureau shall approve an applicant who appears
20 to be in full compliance with the provisions of the Oklahoma Self-
21 Defense Act, if completion of the federal fingerprint search is the
22 only reason for delay of the issuance of the handgun license to that
23 applicant. Upon receipt of the federal fingerprint search
24 information, if the Bureau receives information which precludes the

1 ~~person from having a handgun license, the Bureau shall revoke the~~
2 ~~handgun license previously issued to the applicant. The Bureau~~
3 ~~shall deny a license when the applicant fails to properly complete~~
4 ~~the application form or application process or is determined not to~~
5 ~~be eligible as specified by the provisions of Section 1290.9,~~
6 ~~1290.10 or 1290.11 of this title. The Bureau shall approve an~~
7 ~~application in all other cases. If an application is denied the~~
8 NICS background check provides a "deny" response pertaining to the
9 applicant, the Bureau shall notify the applicant in writing of its
10 decision that the application has been denied and shall provide
11 information from the NICS background check as to why the application
12 was denied. The notification shall ~~state the grounds for the denial~~
13 ~~and inform the applicant of the right to an appeal as may be~~
14 ~~provided by the provisions of the Administrative Procedures Act and~~
15 the procedures by which the applicant may appeal the denial. If the
16 NICS background check provides a "delayed" response pertaining to
17 the applicant and the Bureau does not receive a "proceed" response
18 within sixty (60) days of the date of receipt of the initial
19 "delayed" response, the application shall be denied. All notices of
20 denial shall be mailed by first-class mail to the address of the
21 applicant listed in the application. Within sixty (60) calendar
22 days from the date of mailing a denial of application to an
23 applicant, the applicant shall notify the Bureau in writing of the
24 intent to appeal the decision of denial or the right of the

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

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

17 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1290.14, as
18 last amended by Section 2, Chapter 207, O.S.L. 2015 (21 O.S. Supp.
19 2017, Section 1290.14), is amended to read as follows:

20 Section 1290.14

21 SAFETY AND TRAINING COURSE

22 A. Each ~~applicant~~ Oklahoma resident who applies for a license
23 to carry a concealed or unconcealed handgun pursuant to the Oklahoma
24 Self-Defense Act must successfully complete a firearms safety and

1 training course in this state conducted by a registered and approved
2 firearms instructor as provided by the provisions of this section or
3 from an interactive online firearms safety and training course
4 available electronically via the Internet approved and certified by
5 the Council on Law Enforcement Education and Training. Nonresident
6 applicants who apply for a license to carry a concealed or
7 unconcealed handgun pursuant to the Oklahoma Self-Defense Act must
8 successfully complete a firearms safety and training course that
9 meets the requirements of this section. The applicant must further
10 demonstrate competence and qualification with an authorized pistol
11 of the type or types that the applicant desires to carry as a
12 concealed or unconcealed handgun pursuant to the provisions of the
13 Oklahoma Self-Defense Act, except certain persons may be exempt from
14 such training requirement as provided by the provisions of Section
15 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 conducted through the National Instant Criminal Background Check
20 System (NICS) of the Federal Bureau of Investigation. A firearms
21 instructor shall be required to pay a fee of One Hundred Dollars
22 (\$100.00) to the Council on Law Enforcement Education and Training
23 (CLEET) each time the person makes application for CLEET approval as
24 a firearms instructor pursuant to the provisions of the Oklahoma

1 Self-Defense Act. The fee shall be retained by CLEET and shall be
2 deposited into the Firearms Instructors Revolving Fund. CLEET shall
3 promulgate the rules, forms and procedures necessary to implement
4 the approval of firearms instructors as authorized by the provisions
5 of this subsection. CLEET shall periodically review each approved
6 instructor during a training and qualification course to assure
7 compliance with the rules and course contents. Any violation of the
8 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 license shall reflect that
14 the licensee is a firearms instructor. The Bureau shall maintain a
15 current listing of all registered firearms instructors in this
16 state. Nothing in this paragraph shall be construed to eliminate
17 the requirement for registration and training with CLEET as provided
18 in subsection B of this section. Failure to register or be trained
19 as required shall result in a revocation or suspension of the
20 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 provide 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 before providing a course completion certificate. The
24 certificate of training and certificate of competency and

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

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

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

10 H. Nothing herein contained shall be construed to prohibit an
11 Oklahoma resident from obtaining or possessing a nonresident weapon
12 or handgun license issued by another state.

13 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1290.18, as
14 last amended by Section 1, Chapter 200, O.S.L. 2015 (21 O.S. Supp.
15 2017, Section 1290.18), is amended to read as follows:

16 Section 1290.18

17 APPLICATION FORM CONTENTS

18 The application shall be completed upon the sworn oath of the
19 applicant as provided in paragraph ~~5~~ 6 of subsection A of Section
20 1290.12 of this title. The application form shall be provided by
21 the Oklahoma State Bureau of Investigation and shall contain the
22 following ~~information in addition to any other information deemed~~
23 ~~relevant by the Bureau:~~

24 1. Applicant's full legal name;

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

1 semiautomatic pistol and the maximum ammunition capacity of the
2 firearm shall be .45 caliber;

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

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

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

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

19 24. An acknowledgment that the applicant, if he or she is a
20 resident of Oklahoma, has been furnished a copy of the Oklahoma
21 Self-Defense Act and is knowledgeable about its provisions;

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

1 statement that the applicant is the identical person who is exempt
2 from firearms training for which the original exemption certificate
3 is submitted as part of the application, whichever is applicable to
4 the applicant;

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

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

13 28. Two separate places for the original signature of the
14 applicant;

15 29. A place for attachment of a passport size photograph of the
16 applicant; and

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

1 Information provided by the person on an application for a
2 handgun license shall be confidential except to law enforcement
3 officers or law enforcement agencies.

4 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1290.19, as
5 amended by Section 38, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
6 Section 1290.19), is amended to read as follows:

7 Section 1290.19

8 LICENSE FORM

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

- 13 1. The full name of the person;
- 14 2. Current address;
- 15 3. County of residence;
- 16 4. Date of birth;
- 17 5. Weight;
- 18 6. Height;
- 19 7. Sex;
- 20 8. Race;
- 21 9. Color of eyes;
- 22 10. Handgun license identification number;
- 23 11. Expiration date of the handgun license; ~~and~~

1 12. Authorized pistol to be either: (D) derringer, (R)
2 revolver, (S) semiautomatic pistol, or some combination of
3 derringer, revolver and semiautomatic pistol as may be authorized by
4 the Oklahoma Self-Defense Act for which the person demonstrated
5 qualification pursuant to the certificate of training or an
6 exemption certificate; and

7 13. Whether the license is issued to a resident or nonresident
8 of Oklahoma.

9 Licenses issued to instructors pursuant to Section 1290.14 of
10 this title shall reflect that the licensee is a firearms instructor.
11 Sheriffs that have elected to issue licenses must use the form
12 prescribed by the Bureau. The Bureau may change the form not more
13 than once every five (5) years.

14 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1290.23, as
15 amended by Section 41, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
16 Section 1290.23), is amended to read as follows:

17 Section 1290.23

18 DEPOSIT OF FEES BY OSBI

19 A. All money submitted ~~by the sheriffs~~ to the Oklahoma State
20 Bureau of Investigation as processing fees for applications
21 submitted for handgun licenses shall be deposited in the Oklahoma
22 State Bureau of Investigation Revolving Fund and shall be expended
23 for purposes of implementing the provisions of the Oklahoma Self-
24 Defense act or as otherwise provided by law.

1 B. 1. Beginning November 1, 2018, the first Two Hundred Fifty
2 Thousand Dollars (\$250,000.00) of the processing fees collected for
3 handgun license applications shall be used by the Bureau for the
4 acquisition of information technology software, hardware, equipment
5 and any other related services, tools or resources deemed necessary
6 to facilitate the reporting of all adjudicated mental health cases
7 and victim protective order cases in the State of Oklahoma to the
8 National Instant Criminal Background Check System (NICS) of the
9 Federal Bureau of Investigation.

10 2. Each year thereafter, ten percent (10%) of the processing
11 fees collected for handgun license applications shall be used by the
12 Bureau to pay for all costs associated with the maintenance,
13 replacement and upgrade of the information technology software,
14 hardware and equipment provided for in paragraph 1 of this
15 subsection.

16 SECTION 9. REPEALER 21 O.S. 2011, Sections 1290.10, as
17 last amended by Section 1, Chapter 86, O.S.L. 2015, 1290.11, as last
18 amended by Section 2, Chapter 259, O.S.L. 2014 and 1290.20, as
19 amended by Section 39, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
20 Sections 1290.10, 1290.11 and 1290.20), are hereby repealed.

21 SECTION 10. This act shall become effective November 1, 2018.

22
23 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/01/2018 - DO PASS,
24 As Coauthored.