

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4

March 1, 2018

By: Bice

An Act relating to the Oklahoma Self Defense Act; amending 21 O.S. 2011, Section 1290.9, as last amended by Section 2, Chapter 4, O.S.L. 2017 (21 O.S. Supp. 2017, Section 1290.9), which relates to eligibility; modifying eligible persons to make application; amending 21 O.S. 2011, Section 1290.18, as last amended by Section 1, Chapter 200, O.S.L. 2015 (21 O.S. Supp. 2017, Section 1290.18), which relates to application form contents; modifying inclusions; amending 21 O.S. Supp. 2011, Section 1290.25, as amended by Section 43, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017, Section 1290.25), which relates to legislative intent; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.9, as last amended by Section 2, Chapter 4, O.S.L. 2017 (21 O.S. Supp. 2017, Section 1290.9), is amended to read as follows:

Section 1290.9.

ELIGIBILITY

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

1 1. Be a citizen of the United States or a lawful permanent
2 resident;

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

11 3. Be at least:

12 a. twenty-one (21) years of age, or

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

19 4. Complete a firearms safety and training course and
20 demonstrate competence and qualifications with the type of pistol to
21 be carried by the person as provided in Section 1290.14 of this
22 title, and submit proof of training and qualification or an
23 exemption for training and qualification as authorized by Section
24 1290.14 of this title;

1 10. Confirmation of status of lawful permanent residency, if
2 applicable;

3 11. Race;

4 ~~11.~~ 12. Weight;

5 ~~12.~~ 13. Height;

6 ~~13.~~ 14. Sex;

7 ~~14.~~ 15. Color of eyes;

8 ~~15.~~ 16. Current driver license number;

9 ~~16.~~ 17. Military service number, if applicable;

10 ~~17.~~ 18. Law enforcement identification numbers, if applicable;

11 ~~18.~~ 19. Current occupation;

12 ~~19.~~ 20. Authorized type or types of pistol for which the

13 applicant qualified as stated on the certificate of training or

14 exemption of training which shall be stated as either derringer,

15 revolver, semiautomatic pistol, or some combination of derringer,

16 revolver and semiautomatic pistol and the maximum ammunition

17 capacity of the firearm shall be .45 caliber;

18 ~~20.~~ 21. An acknowledgment that the applicant desires a handgun

19 license as a means of lawful self-defense and self-protection and

20 for no other intent or purpose;

21 ~~21.~~ 22. A statement that the applicant has never been convicted

22 of any felony offense in this state, another state or pursuant to

23 any federal offense;

24

1 ~~22.~~ 23. A statement that the applicant has none of the
2 conditions which would preclude the issuing of a handgun license
3 pursuant to any of the provisions of Sections 1290.10 and 1290.11 of
4 this title and that the applicant further meets all of the
5 eligibility criteria required by Section 1290.9 of this title;

6 ~~23.~~ 24. An authorization for the Oklahoma State Bureau of
7 Investigation to investigate the applicant and any or all records
8 relating to the applicant for purposes of approving or denying a
9 handgun license pursuant to the provisions of the Oklahoma Self-
10 Defense Act;

11 ~~24.~~ 25. An acknowledgment that the applicant has been furnished
12 a copy of the Oklahoma Self-Defense Act and is knowledgeable about
13 its provisions;

14 ~~25.~~ 26. A statement that the applicant is the identical person
15 who completed the firearms training course for which the original
16 training certificate is submitted as part of the application or a
17 statement that the applicant is the identical person who is exempt
18 from firearms training for which the original exemption certificate
19 is submitted as part of the application, whichever is applicable to
20 the applicant;

21 ~~26.~~ 27. A conspicuous warning that the application is executed
22 upon the sworn oath of the applicant and that any false or
23 misleading answer to any question or the submission of any false
24 information or documentation by the applicant is punishable by

1 criminal penalty as provided in paragraph 5 of Section 1290.12 of
2 this title;

3 ~~27.~~ 28. A signed verification that the contents of the
4 application are known to the applicant and are true and correct;

5 ~~28.~~ 29. Two separate places for the original signature of the
6 applicant;

7 ~~29.~~ 30. A place for attachment of a passport size photograph of
8 the applicant; and

9 ~~30.~~ 31. A place for the signature and verification of the
10 identity of the applicant by the sheriff or the sheriff's designee.

11 Information provided by the person on an application for a
12 handgun license shall be confidential except to law enforcement
13 officers or law enforcement agencies.

14 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.25, as
15 amended by Section 43, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
16 Section 1290.25), is amended to read as follows:

17 Section 1290.25.

18 LEGISLATIVE INTENT

19 The Legislature finds as a matter of public policy and fact that
20 it is necessary to provide statewide uniform standards for issuing
21 licenses to carry concealed or unconcealed handguns for lawful self-
22 defense and self-protection, and further finds it necessary to
23 occupy the field of regulation of the bearing of concealed or
24 unconcealed handguns to ensure that no honest, law-abiding citizen

1 or lawful permanent resident who qualifies pursuant to the
2 provisions of the Oklahoma Self-Defense Act is subjectively or
3 arbitrarily denied his or her rights. The Legislature does not
4 delegate to the Oklahoma State Bureau of Investigation any authority
5 to regulate or restrict the issuing of handgun licenses except as
6 provided by the provisions of this act. Subjective or arbitrary
7 actions or rules which encumber the issuing process by placing
8 burdens on the applicant beyond those requirements detailed in the
9 provisions of the Oklahoma Self-Defense Act or which create
10 restrictions beyond those specified in this act are deemed to be in
11 conflict with the intent of this act and are hereby prohibited. The
12 Oklahoma Self-Defense Act shall be liberally construed to carry out
13 the constitutional right to bear arms for self-defense and self-
14 protection. The provisions of the Oklahoma Self-Defense Act are
15 cumulative to existing rights to bear arms and nothing in the
16 Oklahoma Self-Defense Act shall impair or diminish those rights.

17 However, the conditions that mandate the administrative actions
18 of license denial, suspension, revocation or an administrative fine
19 are intended to protect the health, safety and ~~public~~ welfare of the
20 ~~citizens of this state~~ public. The restricting conditions specified
21 in the Oklahoma Self-Defense Act generally involve the criminal
22 history, mental state, alcohol or substance abuse of the applicant
23 or licensee, a hazard of domestic violence, a danger to police
24 officers, or the ability of the Oklahoma State Bureau of

1 Investigation to properly administer the Oklahoma Self-Defense Act.
2 The restricting conditions that establish a risk of injury or harm
3 to the public are tailored to reduce the risks and to ~~the~~ benefit ~~of~~
4 the ~~citizens of this state~~ public.

5 SECTION 4. This act shall become effective November 1, 2018.

6 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
7 March 1, 2018 - DO PASS
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24