

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1936

 By: Calvey and Billy

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to crimes and punishments; amending
10 21 O.S. 2011, Sections 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 85, O.S.L. 2014,
13 1290.12, as last amended by Section 2, Chapter 11,
14 O.S.L. 2014, 1290.14, as last amended by Section 1,
15 Chapter 123, O.S.L. 2014, 1290.18, as amended by
16 Section 37, Chapter 259, O.S.L. 2012 and 1290.19, as
17 amended by Section 38, Chapter 259, O.S.L. 2012 (21
18 O.S. Supp. 2014, Sections 1290.5, 1290.9, 1290.12,
19 1290.14, 1290.18 and 1290.19), which relate to the
20 Oklahoma Self-Defense Act; deleting certain license
21 option; modifying renewal procedures; decreasing
22 renewal fee amount for handgun license; modifying and
23 deleting background check investigation procedures
24 for handgun licenses; deleting certain eligibility
 requirement; providing procedures for submitting
 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 course;
 deleting fingerprint requirements for firearms
 instructors; deleting certain registration
 certificate option; requiring instructors to verify
 identity of applicants; modifying contents of
 application and license forms; repealing 21 O.S.
 2011, Sections 1290.10, as amended by Section 1,
 Chapter 259, O.S.L. 2014, 1290.11, as last amended by
 Section 2, Chapter 259, O.S.L. 2014 and 1290.20, as

1 amended by Section 39, Chapter 259, O.S.L. 2012 (21
2 O.S. Supp. 2014, Sections 1290.10, 1290.11 and
3 1290.20), which relate to mandatory and temporary
4 preclusions and refusing to submit applications;
5 providing an effective date; and declaring an
6 emergency.

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

8 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.5, as
9 last amended by Section 1, Chapter 122, O.S.L. 2014 (21 O.S. Supp.
10 2014, Section 1290.5), is amended to read as follows:

11 Section 1290.5

12 TERM OF LICENSE AND RENEWAL

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

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

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

13 2. The applicant must ~~complete the renewal form~~ submit either a
14 completed paper application, in person or by mail, or complete an
15 online application, attach or upload two current passport size
16 photographs of the applicant, and submit a renewal fee in the amount
17 of ~~Eighty-five Dollars (\$85.00) to the Bureau~~ Twenty-five Dollars
18 (\$25.00) for Oklahoma residents or Fifty Dollars (\$50.00) for
19 nonresidents. The renewal fee may be paid with a nationally
20 recognized credit card as provided in subparagraph b of paragraph 4
21 5 of subsection A of Section 1290.12 of this title, by electronic
22 funds transfer, or by a cashier's check or money order made payable
23 to the Oklahoma State Bureau of Investigation.

24

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

14 ~~C. Beginning November 1, 2007, any person making application~~
15 ~~for a handgun license or any licensee seeking to renew a handgun~~
16 ~~license shall have the option to request that said license be valid~~
17 ~~for a period of ten (10) years. The fee for any handgun license~~
18 ~~issued for a period of ten (10) years shall be double the amount of~~
19 ~~the fee provided for in paragraph 4 of subsection A of Section~~
20 ~~1290.12 of this title. The renewal fee for a handgun license issued~~
21 ~~for a period of ten (10) years shall be double the amount of the fee~~
22 ~~provided for in paragraph 2 of subsection B of this section.~~

23
24

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.9, as
2 last amended by Section 1, Chapter 85, O.S.L. 2014 (21 O.S. Supp.
3 2014, Section 1290.9), is amended to read as follows:

4 Section 1290.9

5 ELIGIBILITY

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

- 10 1. Be a citizen of the United States;
- 11 2. ~~Establish a residency in the State of Oklahoma.~~ For
12 purposes of the Oklahoma Self-Defense Act, the term "residency"
13 shall apply to any person who either possesses a valid Oklahoma
14 driver license or state photo identification card, and physically
15 maintains a residence in this state or to any person, including the
16 spouse of such person, who has permanent military orders within this
17 state and possesses a valid driver license from another state where
18 such person and spouse of such person claim residency;
- 19 3. Be at least twenty-one (21) years of age;
- 20 4. Complete a firearms safety and training course and
21 demonstrate competence and qualifications with the type of pistol to
22 be carried by the person as provided in Section 1290.14 of this
23 title, and submit proof of training and qualification or an
24

1 exemption for training and qualification as authorized by Section
2 1290.14 of this title;

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

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

7 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.12, as
8 last amended by Section 2, Chapter 11, O.S.L. 2014 (21 O.S. Supp.
9 2014, Section 1290.12), is amended to read as follows:

10 Section 1290.12

11 PROCEDURE FOR APPLICATION

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

15 1. Applications shall be submitted to the Oklahoma State Bureau
16 of Investigation at their headquarters or any other location
17 designated by the Bureau for receiving applications;

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

24 a. an application form,

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

5 ~~2.~~ 3. The person shall be required to successfully complete a
6 firearms safety and training course from a firearms instructor who
7 is approved and registered in this state as provided in Section
8 1290.14 of this title, and the person shall be required to
9 demonstrate competency and qualification with a pistol authorized
10 for concealed or unconcealed carry by the Oklahoma Self-Defense Act.
11 The original certificate of training shall be submitted with the
12 application for a handgun license. No duplicate, copy, facsimile or
13 other reproduction of the certificate of training or exemption from
14 training shall be acceptable as proof of training as required by the
15 provisions of the Oklahoma Self-Defense Act. A person exempt from
16 the training requirements as provided in Section 1290.15 of this
17 title must show the required proof of such exemption to the firearms
18 instructor to receive an exemption certificate. The original
19 exemption certificate must be submitted with the application for a
20 handgun license when the person claims an exemption from training
21 and qualification;

22 ~~3.~~ 4. The application form shall be completed and delivered by
23 the applicant, in person or by mail, to ~~the sheriff of the county~~
24

1 ~~wherein the applicant resides a facility designated by the Bureau~~
2 ~~for receiving applications;~~

3 4. ~~The person~~ 5. A resident of Oklahoma shall deliver to the
4 ~~sheriff Bureau~~ at the time of delivery of the completed application
5 form a fee of ~~One Hundred Dollars (\$100.00)~~ Twenty-five Dollars
6 (\$25.00) for processing the application ~~through the Oklahoma State~~
7 ~~Bureau of Investigation and processing the required fingerprints~~
8 ~~through the Federal Bureau of Investigation~~ A nonresident of
9 Oklahoma shall deliver to the Bureau at the time of delivery of the
10 completed application form a fee of Fifty Dollars (\$50.00) for
11 processing the application. The processing fee shall be in the form
12 of:

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

1 which nationally recognized credit cards will be
2 accepted by the Bureau, or

3 c. by electronic funds transfer.

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

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

13 6. The signature of the applicant on the application shall be
14 given voluntarily upon a sworn oath that the person knows the
15 contents of the application and, that the information contained in
16 the application is true and correct and that the applicant is the
17 same person named on the application. Any person making any false
18 or misleading statement on an application for a handgun license
19 shall, upon conviction, be guilty of perjury as defined by Section
20 491 of this title. Any conviction shall be punished as provided in
21 Section 500 of this title. ~~In addition to a criminal conviction,~~
22 ~~the person shall be denied the right to have a handgun license~~
23 ~~pursuant to the provisions of Section 1290.10 of this title and the~~

1 ~~Oklahoma State Bureau of Investigation shall revoke the handgun~~
2 ~~license, if issued;~~

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

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

20 8. A photocopy of a valid ~~Oklahoma~~ driver license with a
21 photograph of the applicant or an ~~Oklahoma State~~ state-issued photo
22 identification card for the applicant shall be required to be
23 presented by the applicant ~~to the sheriff~~ with the application for
24 verification of the person's identity;

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

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

24

1 ~~If no pertinent information is found to exist either for or against~~
2 ~~the applicant, the sheriff shall so indicate in the report;~~

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

17 a. ~~In the course of the investigation by the Bureau, it~~
18 ~~shall present the name of the applicant along with any~~
19 ~~known aliases, the address of the applicant and the~~
20 ~~social security number of the applicant to the~~
21 ~~Department of Mental Health and Substance Abuse~~
22 ~~Services. The Department of Mental Health and~~
23 ~~Substance Abuse Services shall respond within ten (10)~~
24

1 ~~days of receiving such information to the Bureau as~~
2 ~~follows:~~

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

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

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

21 ~~b. In the course of the investigation by the Bureau, it~~
22 ~~shall check the name of any applicant who is twenty-~~
23 ~~eight (28) years of age or younger along with any~~
24 ~~known aliases, the address of the applicant and the~~

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

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

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

17 ~~(3) If the records suggest the applicant may have~~
18 ~~been adjudicated delinquent for an offense that~~
19 ~~would constitute a felony offense if committed by~~
20 ~~an adult but such record is inconclusive, the~~
21 ~~Bureau shall ask the applicant whether he or she~~
22 ~~was adjudicated a delinquent for an offense that~~
23 ~~would constitute a felony offense if committed by~~
24 ~~an adult within the last ten (10) years. If the~~

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

8 ~~13. 11. If the NICS background check set forth in paragraph 11~~
9 ~~of this subsection reveals no records~~ provides a "proceed" response
10 ~~pertaining to the applicant, the Oklahoma State Bureau of~~
11 ~~Investigation shall either issue a handgun license or deny the~~
12 ~~application within sixty (60) days of the date of receipt of the~~
13 ~~applicant's completed application and the required information from~~
14 ~~the sheriff. In all other cases, the Oklahoma State Bureau of~~
15 ~~Investigation shall either issue a handgun license or deny the~~
16 ~~application within ninety (90) days of the date of the receipt of~~
17 ~~the applicant's completed application and the required information~~
18 ~~from the sheriff. The Bureau shall approve an applicant who appears~~
19 ~~to be in full compliance with the provisions of the Oklahoma Self-~~
20 ~~Defense Act, if completion of the federal fingerprint search is the~~
21 ~~only reason for delay of the issuance of the handgun license to that~~
22 ~~applicant. Upon receipt of the federal fingerprint search~~
23 ~~information, if the Bureau receives information which precludes the~~
24 ~~person from having a handgun license, the Bureau shall revoke the~~

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

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

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

16 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.14, as
17 last amended by Section 1, Chapter 123, O.S.L. 2014 (21 O.S. Supp.
18 2014, Section 1290.14), is amended to read as follows:

19 Section 1290.14

20 SAFETY AND TRAINING COURSE

21 A. Each ~~applicant~~ Oklahoma resident who applies for a license
22 to carry a concealed or unconcealed handgun pursuant to the Oklahoma
23 Self-Defense Act must successfully complete a firearms safety and
24 training course in this state conducted by a registered and approved

1 firearms instructor as provided by the provisions of this section.
2 Nonresident applicants for a license to carry a concealed or
3 unconcealed handgun pursuant to the Oklahoma Self-Defense Act must
4 successfully complete a firearms safety and training course that
5 meets the provisions of this section. The applicant must further
6 demonstrate competence and qualification with an authorized pistol
7 of the type or types that the applicant desires to carry as a
8 concealed or unconcealed handgun pursuant to the provisions of the
9 Oklahoma Self-Defense Act, except certain persons may be exempt from
10 such training requirement as provided by the provisions of Section
11 1290.15 of this title.

12 B. The Council on Law Enforcement Education and Training
13 (CLEET) shall establish criteria for approving firearms instructors
14 for purposes of training and qualifying individuals for a handgun
15 license pursuant to the provisions of the Oklahoma Self-Defense Act.
16 Prior to submitting an application for CLEET approval as a firearms
17 instructor, applicants shall attend a firearms instructor school,
18 meeting the following minimum requirements:

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

- 21 a. Council on Law Enforcement Education and Training,
- 22 b. National Rifle Association,
- 23 c. Oklahoma Rifle Association,
- 24 d. federal law enforcement agencies, or

1 e. other professionally recognized organizations;

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

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

6 4. Receive a course completion certificate.

7 All firearms instructors shall be required to meet the
8 eligibility requirements for a handgun license as provided in
9 ~~Sections~~ Section 1290.9, 1290.10, and 1290.11 of this title, and the
10 application shall be processed as provided for applicants in Section
11 1290.12 of this title, including the ~~state and national criminal~~
12 ~~history records search and fingerprint search~~ background check
13 through the National Instant Criminal Background Check System (NICS)
14 of the Federal Bureau of Investigation. A firearms instructor shall
15 be required to pay a fee of One Hundred Dollars (\$100.00) to the
16 Council on Law Enforcement Education and Training (CLEET) each time
17 the person makes application for CLEET approval as a firearms
18 instructor pursuant to the provisions of the Oklahoma Self-Defense
19 Act. The fee shall be retained by CLEET and shall be deposited into
20 the Firearms Instructors Revolving Fund. CLEET shall promulgate the
21 rules, forms and procedures necessary to implement the approval of
22 firearms instructors as authorized by the provisions of this
23 subsection. CLEET shall periodically review each approved
24 instructor during a training and qualification course to assure

1 compliance with the rules and course contents. Any violation of the
2 rules may result in the revocation or suspension of CLEET and
3 Oklahoma State Bureau of Investigation approval. Unless the
4 approval has been revoked or suspended, a firearms instructor's
5 CLEET approval shall be for a term of five (5) years. Beginning on
6 July 1, 2003, any firearms instructor who has been issued a four-
7 year CLEET approval shall not be eligible for the five-year approval
8 until the expiration of the approval previously issued. CLEET shall
9 be responsible for notifying all approved firearms instructors of
10 statutory and policy changes related to the Oklahoma Self-Defense
11 Act. A firearms instructor shall not be required to submit his or
12 her fingerprints for a fingerprint search when applying for or
13 renewing a firearms instructor's CLEET approval.

14 C. 1. All firearms instructors approved by CLEET to train and
15 qualify individuals for a handgun license shall be required to apply
16 for registration with the Oklahoma State Bureau of Investigation
17 after receiving CLEET approval. All firearms instructors teaching
18 the approved course for a handgun license must display their
19 registration certificate during each training and qualification
20 course. Each approved firearms instructor shall complete a
21 registration form provided by the Bureau and shall ~~have the option~~
22 ~~to~~ pay a registration fee of ~~either~~ One Hundred Dollars (\$100.00)
23 for a five-year registration certificate ~~or Two Hundred Dollars~~
24 ~~(\$200.00) for a ten-year registration certificate~~ to the Bureau at

1 the time of each application for registration, except as provided in
2 paragraph 2 of this subsection. Registration certificates issued by
3 the Bureau shall be valid for a period of five (5) years ~~or ten (10)~~
4 ~~years~~ from the date of issuance. The Bureau shall issue a five-year
5 ~~or ten-year~~ handgun license to an approved firearms instructor at
6 the time of issuance of a registration certificate and no additional
7 fee shall be required or charged. The license issued shall reflect
8 that the licensee is a firearms instructor. The Bureau shall
9 maintain a current listing of all registered firearms instructors in
10 this state. Nothing in this paragraph shall be construed to
11 eliminate the requirement for registration and training with CLEET
12 as provided in subsection B of this section. Failure to register or
13 be trained as required shall result in a revocation or suspension of
14 the instructor certificate by the Bureau.

15 2. On or after July 1, 2003, the registered instructors listed
16 in subparagraphs a and b of this paragraph shall not be required to
17 renew the firearms instructor registration certificate with the
18 Oklahoma State Bureau of Investigation at the expiration of the
19 registration term, provided the instructor is not subject to any
20 suspension or revocation of the firearms instructor certificate.
21 The firearms instructor registration with the Oklahoma State Bureau
22 of Investigation shall automatically renew together with the handgun
23 license authorized in paragraph 1 of this subsection for an
24

1 additional five-year term and no additional cost or fee may be
2 charged for the following individuals:

- 3 a. an active duty law enforcement officer of this state
4 or any of its political subdivisions or of the federal
5 government who has a valid CLEET approval as a
6 firearms instructor pursuant to the Oklahoma Self-
7 Defense Act, and
- 8 b. a retired law enforcement officer authorized to carry
9 a firearm pursuant to Section 1289.8 of this title who
10 has a valid CLEET approval as a firearms instructor
11 pursuant to the Oklahoma Self-Defense Act.

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

22 E. The required firearms safety and training course and the
23 actual demonstration of competency and qualification required of the
24 applicant shall be designed and conducted in such a manner that the

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

1 applicant to qualify himself or herself on either a derringer, a
2 revolver, a semiautomatic pistol or any combination of a derringer,
3 a revolver and a semiautomatic pistol, provided no pistol shall be
4 capable of firing larger than .45 caliber ammunition. Any applicant
5 who successfully trains and qualifies himself or herself with a
6 semiautomatic pistol may be approved by the firearms instructor on
7 the training certificate for a semiautomatic pistol, a revolver and
8 a derringer upon request of the applicant. Any person who qualifies
9 on a derringer or revolver shall not be eligible for a semiautomatic
10 rating until the person has demonstrated competence and
11 qualifications on a semiautomatic pistol. Upon successful
12 completion of the training and qualification course, a certificate
13 shall be issued to each applicant who successfully completes the
14 course. The firearms instructor shall require each applicant to
15 provide a photocopy or digital copy of the state-issued
16 identification card or driver license of the applicant to verify the
17 identity of the applicant before providing a course completion
18 certificate. The certificate of training shall comply with the form
19 established by CLEET and shall be submitted with an application for
20 a handgun license pursuant to the provisions of paragraph ~~2~~ 3 of
21 subsection A of Section 1290.12 of this title. The certificate of
22 completion issued to an applicant shall be valid for a period of
23 three (3) years.

24

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

18 G. Firearms instructors shall keep on file for a period of not
19 less than three (3) years a roster of each training class, a
20 photocopy or digital copy of the state-issued identification card or
21 driver license of the individual, the safety test score of each
22 individual, the caliber and type of weapon each individual used when
23 qualifying and whether or not each individual successfully completed
24 the training course. Firearms instructors shall be authorized to

1 destroy all training documents and records upon expiration of the
2 three-year time period.

3 H. Nothing herein contained shall be construed to prohibit an
4 Oklahoma resident from obtaining or possessing a nonresident weapons
5 or handgun license issued by another state.

6 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1290.18, as
7 amended by Section 37, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014,
8 Section 1290.18), is amended to read as follows:

9 Section 1290.18

10 APPLICATION FORM CONTENTS

11 The application shall be completed upon the sworn oath of the
12 applicant as provided in paragraph ~~5~~ 6 of subsection A of Section
13 1290.12 of this title. The application form shall be provided by
14 the Oklahoma State Bureau of Investigation and shall contain the
15 following information ~~in addition to any other information deemed~~
16 ~~relevant by the Bureau:~~

- 17 1. Applicant's full legal name;
- 18 2. Applicant's birth name, alias names or nicknames;
- 19 3. Maiden name, if applicable;
- 20 4. County of residence;
- 21 5. Length of residency at the current address;
- 22 6. Previous addresses for the preceding three (3) years;
- 23 7. Place of birth;
- 24 8. Date of birth;

- 1 9. Declaration of citizenship and date United States
2 citizenship was acquired, if applicable;
- 3 10. Race;
- 4 11. Weight;
- 5 12. Height;
- 6 13. Sex;
- 7 14. Color of eyes;
- 8 15. Social Security number with a statement that providing the
9 Social Security number is optional;
- 10 16. ~~Current~~ Valid state-issued identification card number or
11 driver license number and the state issuing the card;
- 12 17. Military service number, if applicable;
- 13 18. Law enforcement identification numbers, if applicable;
- 14 19. Current occupation;
- 15 20. Authorized type or types of pistol for which the applicant
16 qualified as stated on the certificate of training or exemption of
17 training which shall be stated as either derringer, revolver,
18 semiautomatic pistol, or some combination of derringer, revolver and
19 semiautomatic pistol and the maximum ammunition capacity of the
20 firearm shall be .45 caliber;
- 21 21. An acknowledgment that the applicant desires a handgun
22 license as a means of lawful self-defense and self-protection and
23 for no other intent or purpose;
- 24

1 22. A statement that the applicant has never been convicted of
2 any felony offense in this state, another state or pursuant to any
3 federal offense;

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

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

14 25. An acknowledgment that the applicant, if a resident of
15 Oklahoma, has been furnished a copy of the Oklahoma Self-Defense Act
16 and is knowledgeable about its provisions;

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

24

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

7 28. A signed verification that the contents of the application
8 are known to the applicant and are true and correct;

9 29. Two separate places for the original signature of the
10 applicant;

11 30. A place for attachment of a passport size photograph of the
12 applicant; and

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

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

22 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1290.19, as
23 amended by Section 38, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014,
24 Section 1290.19), is amended to read as follows:

1 Section 1290.19

2 LICENSE FORM

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

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

1 13. Whether the license is issued to a resident or nonresident
2 of Oklahoma.

3 Licenses issued to instructors under Section 1290.14 of this
4 title shall reflect that the licensee is a firearms instructor.
5 Sheriffs that have elected to issue licenses must use the form
6 prescribed by the Bureau. The Bureau may change the form not more
7 than once every five (5) years.

8 SECTION 7. REPEALER 21 O.S. 2011, Sections 1290.10, as
9 amended by Section 1, Chapter 259, O.S.L. 2014, 1290.11, as last
10 amended by Section 2, Chapter 259, O.S.L. 2014 and 1290.20, as
11 amended by Section 39, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014,
12 Sections 1290.10, 1290.11 and 1290.20), are hereby repealed.

13 SECTION 8. This act shall become effective August 1, 2015.

14 SECTION 9. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

18
19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/23/2015 -
20 DO PASS, As Amended and Coauthored.

21
22
23
24