

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1936

By: Calvey

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending
9 21 O.S. 2011, Sections 1290.5, as last amended by
10 Section 1, Chapter 122, O.S.L. 2014, 1290.9, as last
11 amended by Section 1, Chapter 85, O.S.L. 2014,
12 1290.12, as last amended by Section 2, Chapter 11,
13 O.S.L. 2014, 1290.14, as last amended by Section 1,
14 Chapter 123, O.S.L. 2014, 1290.18, as amended by
15 Section 37, Chapter 259, O.S.L. 2012 and 1290.19, as
16 amended by Section 38, Chapter 259, O.S.L. 2012 (21
17 O.S. Supp. 2014, Sections 1290.5, 1290.9, 1290.12,
18 1290.14, 1290.18 and 1290.19), which relate to the
19 Oklahoma Self-Defense Act; deleting certain license
20 option; modifying renewal procedures; decreasing
21 renewal fee amount for handgun license; modifying and
22 deleting background check investigation procedures
23 for handgun licenses; deleting certain eligibility
24 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
amended by Section 39, Chapter 259, O.S.L. 2012 (21
O.S. Supp. 2014, Sections 1290.10, 1290.11 and

1 1290.20), which relate to mandatory and temporary
2 preclusions and refusing to submit applications;
3 providing an effective date; and declaring an
4 emergency.

5
6 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

10 Section 1290.5

11 TERM OF LICENSE AND RENEWAL

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

23 B. A license may be renewed any time within ninety (90) days
24 prior to the expiration date as provided in this subsection. The

1 Bureau shall send a renewal application to each eligible licensee
2 with a return address requested. There shall be a ninety-day grace
3 period on license renewals beginning on the date of expiration,
4 thereafter the license is considered expired. However, any
5 applicant shall have three (3) years from the expiration of the
6 license to comply with the renewal requirements of this section.

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

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

22 3. Upon receipt of the renewal application, photographs and
23 fee, the Bureau will conduct a ~~criminal history records name search,~~
24 ~~an investigation of medical records or other records or information~~

1 ~~deemed by the Bureau to be relevant to the renewal application~~
2 background check of the applicant using the National Instant
3 Criminal Background Check System (NICS) of the Federal Bureau of
4 Investigation. Approval or denial of the renewal application,
5 notification of the denial, and the appeals process of the renewal
6 application shall be subject to the same procedures for new
7 applicants. If the NICS background check provides a "proceed"
8 response pertaining to the applicant ~~appears not to have any~~
9 ~~prohibition to renewing the handgun license,~~ the Bureau shall issue
10 the renewed license for a period of five (5) ~~or ten (10)~~ years.

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

20 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.9, as
21 last amended by Section 1, Chapter 85, O.S.L. 2014 (21 O.S. Supp.
22 2014, Section 1290.9), is amended to read as follows:

23 Section 1290.9

24 ELIGIBILITY

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

5 1. Be a citizen of the United States;

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

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

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

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

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

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

4 Section 1290.12

5 PROCEDURE FOR APPLICATION

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

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

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

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

23 ~~2.~~ 3. The person shall be required to successfully complete a
24 firearms safety and training course from a firearms instructor who

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

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

20 ~~4. The person~~ 5. A resident of Oklahoma shall deliver to the
21 ~~sheriff Bureau~~ at the time of delivery of the completed application
22 form a fee of ~~One Hundred Dollars (\$100.00)~~ Twenty-five Dollars
23 (\$25.00) for processing the application ~~through the Oklahoma State~~
24 ~~Bureau of Investigation and processing the required fingerprints~~

1 ~~through the Federal Bureau of Investigation~~ A nonresident of
2 Oklahoma shall deliver to the Bureau at the time of delivery of the
3 completed application form a fee of Fifty Dollars (\$50.00) for
4 processing the application. The processing fee shall be in the form
5 of:

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

21 The processing fee shall not be refundable in the event of a
22 denial of a handgun license or any suspension or revocation
23 subsequent to the issuance of a license. Persons making application
24 for a firearms instructor shall not be required to pay the

1 application fee as provided in this section, but shall be required
2 to pay the costs provided in ~~paragraphs 6 and 8~~ paragraph 7 of this
3 subsection;

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

6 6. The signature of the applicant on the application shall be
7 given voluntarily upon a sworn oath that the person knows the
8 contents of the application ~~and,~~ that the information contained in
9 the application is true and correct and that the applicant is the
10 same person named on the application. Any person making any false
11 or misleading statement on an application for a handgun license
12 shall, upon conviction, be guilty of perjury as defined by Section
13 491 of this title. Any conviction shall be punished as provided in
14 Section 500 of this title. ~~In addition to a criminal conviction,~~
15 ~~the person shall be denied the right to have a handgun license~~
16 ~~pursuant to the provisions of Section 1290.10 of this title and the~~
17 ~~Oklahoma State Bureau of Investigation shall revoke the handgun~~
18 ~~license, if issued;~~

19 ~~6.~~ 7. Two passport-size photographs of the applicant shall be
20 submitted with the completed application. The cost of the
21 photographs shall be the responsibility of the applicant. The
22 ~~sheriff~~ Bureau is authorized to take the photograph of the applicant
23 for purposes of the Oklahoma Self-Defense Act and, if such
24 photographs are taken by the ~~sheriff~~ Bureau the cost of the

1 photographs shall not exceed Ten Dollars (\$10.00) for the two
2 photos. All money received by the ~~sheriff~~ Bureau from photographing
3 applicants pursuant to the provisions of this paragraph shall be
4 retained by the ~~sheriff~~ Bureau and deposited into the ~~Sheriff's~~
5 ~~Service Fee Account~~ Oklahoma State Bureau of Investigation Revolving
6 Fund;

7 ~~7. The sheriff shall witness the signature of the applicant and~~
8 ~~review or take the photographs of the applicant and shall verify~~
9 ~~that the person making application for a handgun license is the same~~
10 ~~person in the photographs submitted and the same person who signed~~
11 ~~the application form. Proof~~

12 8. A photocopy of a valid ~~Oklahoma~~ driver license with a
13 photograph of the applicant or an ~~Oklahoma State~~ state-issued photo
14 identification card for the applicant shall be required to be
15 presented by the applicant ~~to the sheriff~~ with the application for
16 verification of the person's identity;

17 ~~8. Upon verification of the identity of the applicant, the~~
18 ~~sheriff shall take two complete sets of fingerprints of the~~
19 ~~applicant. Both sets of fingerprints shall be submitted by the~~
20 ~~sheriff with the completed application, certificate of training or~~
21 ~~an exemption certificate, photographs and processing fee to the~~
22 ~~Oklahoma State Bureau of Investigation within fourteen (14) days of~~
23 ~~taking the fingerprints. The cost of the fingerprints shall be paid~~
24 ~~by the applicant and shall not exceed Twenty-five Dollars (\$25.00)~~

1 ~~for the two sets. All fees collected by the sheriff from taking~~
2 ~~fingerprints pursuant to the provisions of this paragraph shall be~~
3 ~~retained by the sheriff and deposited into the Sheriff's Service Fee~~
4 ~~Account;~~

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

18 10. ~~The Oklahoma State Bureau of Investigation, upon receipt of~~
19 ~~the application and required information from the sheriff, shall~~
20 ~~forward one full set of fingerprints of the applicant to the Federal~~
21 ~~Bureau of Investigation for a national criminal history records~~
22 ~~search. The cost of processing the fingerprints nationally shall be~~
23 ~~paid from the processing fee collected by the Oklahoma State Bureau~~
24 ~~of Investigation;~~

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

22 ~~12.~~ 10. The Oklahoma State Bureau of Investigation shall ~~make a~~
23 ~~reasonable effort to investigate the information submitted by the~~
24 ~~applicant and the sheriff, to ascertain whether or not the issuance~~

1 ~~of a handgun license would be in violation of the provisions of the~~
2 ~~Oklahoma Self-Defense Act. The investigation by the Bureau of an~~
3 ~~applicant shall include, but shall not be limited to: a statewide~~
4 ~~criminal history records search, a national criminal history records~~
5 ~~search, a Federal Bureau of Investigation fingerprint search, and if~~
6 ~~applicable, an investigation of medical records or other records or~~
7 ~~information deemed by the Bureau to be relevant to the application.~~

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

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

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

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

11 ~~b. In the course of the investigation by the Bureau, it~~
12 ~~shall check the name of any applicant who is twenty-~~
13 ~~eight (28) years of age or younger along with any~~
14 ~~known aliases, the address of the applicant and the~~
15 ~~social security number of the applicant against the~~
16 ~~records in the Juvenile Online Tracking System (JOLTS)~~
17 ~~of the Office of Juvenile Affairs. The Office of~~
18 ~~Juvenile Affairs shall provide the Bureau direct~~
19 ~~access to check the applicant against the records~~
20 ~~available on JOLTS.~~

21 ~~(1) If the Bureau finds a record on the JOLTS that~~
22 ~~indicates the person was adjudicated a delinquent~~
23 ~~for an offense that would constitute a felony~~
24

1 ~~offense if committed by an adult within the last~~
2 ~~ten (10) years the Bureau shall deny the license,~~
3 ~~(2) If the Bureau finds no record on the JOLTS~~
4 ~~indicating the named person was adjudicated~~
5 ~~delinquent for an offense that would constitute a~~
6 ~~felony offense if committed by an adult within~~
7 ~~the last ten (10) years, or~~

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

20 conduct a background check of the applicant using the National
21 Instant Criminal Background Check System (NICS) of the Federal
22 Bureau of Investigation; and

23 ~~13. 11. If the NICS background check set forth in paragraph 11~~
24 ~~of this subsection reveals no records provides a "proceed" response~~

1 pertaining to the applicant, the Oklahoma State Bureau of
2 Investigation shall ~~either issue a handgun license or deny the~~
3 ~~application~~ within sixty (60) days of the date of receipt of the
4 applicant's completed application ~~and the required information from~~
5 ~~the sheriff. In all other cases, the Oklahoma State Bureau of~~
6 ~~Investigation shall either issue a handgun license or deny the~~
7 ~~application within ninety (90) days of the date of the receipt of~~
8 ~~the applicant's completed application and the required information~~
9 ~~from the sheriff. The Bureau shall approve an applicant who appears~~
10 ~~to be in full compliance with the provisions of the Oklahoma Self-~~
11 ~~Defense Act, if completion of the federal fingerprint search is the~~
12 ~~only reason for delay of the issuance of the handgun license to that~~
13 ~~applicant. Upon receipt of the federal fingerprint search~~
14 ~~information, if the Bureau receives information which precludes the~~
15 ~~person from having a handgun license, the Bureau shall revoke the~~
16 ~~handgun license previously issued to the applicant. The Bureau~~
17 ~~shall deny a license when the applicant fails to properly complete~~
18 ~~the application form or application process or is determined not to~~
19 ~~be eligible as specified by the provisions of Section 1290.9,~~
20 ~~1290.10 or 1290.11 of this title. The Bureau shall approve an~~
21 ~~application in all other cases. If an application is denied the~~
22 ~~NICS background check provides a "deny" response pertaining to the~~
23 ~~applicant, the Bureau shall notify the applicant in writing ~~of its~~~~
24 ~~decision that the application has been denied and provide~~

1 information from the NICS background check as to why the application
2 has been denied. The notification shall ~~state the grounds for the~~
3 ~~denial and~~ inform the applicant of the right to an appeal ~~as may be~~
4 ~~provided by the provisions of the Administrative Procedures Act~~ and
5 the procedures by which the applicant may appeal the denial. If the
6 NICS background check provides a "delayed" response pertaining to
7 the applicant and the Bureau does not receive a "proceed" response
8 within sixty (60) days of the date of receipt of the application,
9 the application shall be denied. All notices of denial shall be
10 mailed by first-class mail to the address of the applicant listed in
11 the application. Within sixty (60) calendar days from the date of
12 mailing a denial of application to an applicant, the applicant shall
13 notify the Bureau in writing of the intent to appeal the decision of
14 denial or the right of the applicant to appeal shall be deemed
15 waived. Any administrative hearing on a denial which may be
16 provided shall be conducted by a hearing examiner appointed by the
17 Bureau. If the applicant has corrected any error pertaining to the
18 NICS background check, the hearing examiner shall approve the
19 application. The decision of the hearing examiner shall be a final
20 decision appealable to a district court in accordance with the
21 Administrative Procedures Act. When an application is approved, the
22 Bureau shall issue the license and shall mail the license by first-
23 class mail to the address of the applicant listed in the
24 application.

1 B. Nothing contained in any provision of the Oklahoma Self-
2 Defense Act shall be construed to require or authorize the
3 registration, documentation or providing of serial numbers with
4 regard to any firearm. ~~For purposes of the Oklahoma Self-Defense~~
5 ~~Act, the sheriff may designate a person to receive, fingerprint,~~
6 ~~photograph or otherwise process applications for handgun licenses.~~

7 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.14, as
8 last amended by Section 1, Chapter 123, O.S.L. 2014 (21 O.S. Supp.
9 2014, Section 1290.14), is amended to read as follows:

10 Section 1290.14

11 SAFETY AND TRAINING COURSE

12 A. Each ~~applicant~~ Oklahoma resident who applies for a license
13 to carry a concealed or unconcealed handgun pursuant to the Oklahoma
14 Self-Defense Act must successfully complete a firearms safety and
15 training course in this state conducted by a registered and approved
16 firearms instructor as provided by the provisions of this section.
17 Nonresident applicants for a license to carry a concealed or
18 unconcealed handgun pursuant to the Oklahoma Self-Defense Act must
19 successfully complete a firearms safety and training course that
20 meets the provisions of this section. The applicant must further
21 demonstrate competence and qualification with an authorized pistol
22 of the type or types that the applicant desires to carry as a
23 concealed or unconcealed handgun pursuant to the provisions of the
24 Oklahoma Self-Defense Act, except certain persons may be exempt from

1 such training requirement as provided by the provisions of Section
2 1290.15 of this title.

3 B. The Council on Law Enforcement Education and Training
4 (CLEET) shall establish criteria for approving firearms instructors
5 for purposes of training and qualifying individuals for a handgun
6 license pursuant to the provisions of the Oklahoma Self-Defense Act.
7 Prior to submitting an application for CLEET approval as a firearms
8 instructor, applicants shall attend a firearms instructor school,
9 meeting the following minimum requirements:

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

- 12 a. Council on Law Enforcement Education and Training,
- 13 b. National Rifle Association,
- 14 c. Oklahoma Rifle Association,
- 15 d. federal law enforcement agencies, or
- 16 e. other professionally recognized organizations;

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

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

21 4. Receive a course completion certificate.

22 All firearms instructors shall be required to meet the
23 eligibility requirements for a handgun license as provided in
24 ~~Sections~~ Section 1290.9, ~~1290.10,~~ and ~~1290.11~~ of this title, and the

1 application shall be processed as provided for applicants in Section
2 1290.12 of this title, including the ~~state and national criminal~~
3 ~~history records search and fingerprint search~~ background check
4 through the National Instant Criminal Background Check System (NICS)
5 of the Federal Bureau of Investigation. A firearms instructor shall
6 be required to pay a fee of One Hundred Dollars (\$100.00) to the
7 Council on Law Enforcement Education and Training (CLEET) each time
8 the person makes application for CLEET approval as a firearms
9 instructor pursuant to the provisions of the Oklahoma Self-Defense
10 Act. The fee shall be retained by CLEET and shall be deposited into
11 the Firearms Instructors Revolving Fund. CLEET shall promulgate the
12 rules, forms and procedures necessary to implement the approval of
13 firearms instructors as authorized by the provisions of this
14 subsection. CLEET shall periodically review each approved
15 instructor during a training and qualification course to assure
16 compliance with the rules and course contents. Any violation of the
17 rules may result in the revocation or suspension of CLEET and
18 Oklahoma State Bureau of Investigation approval. Unless the
19 approval has been revoked or suspended, a firearms instructor's
20 CLEET approval shall be for a term of five (5) years. Beginning on
21 July 1, 2003, any firearms instructor who has been issued a four-
22 year CLEET approval shall not be eligible for the five-year approval
23 until the expiration of the approval previously issued. CLEET shall
24 be responsible for notifying all approved firearms instructors of

1 statutory and policy changes related to the Oklahoma Self-Defense
2 Act. A firearms instructor shall not be required to submit his or
3 her fingerprints for a fingerprint search when applying for or
4 renewing a firearms instructor's CLEET approval.

5 C. 1. All firearms instructors approved by CLEET to train and
6 qualify individuals for a handgun license shall be required to apply
7 for registration with the Oklahoma State Bureau of Investigation
8 after receiving CLEET approval. All firearms instructors teaching
9 the approved course for a handgun license must display their
10 registration certificate during each training and qualification
11 course. Each approved firearms instructor shall complete a
12 registration form provided by the Bureau and shall ~~have the option~~
13 ~~to~~ pay a registration fee of ~~either~~ One Hundred Dollars (\$100.00)
14 for a five-year registration certificate ~~or Two Hundred Dollars~~
15 ~~(\$200.00) for a ten-year registration certificate~~ to the Bureau at
16 the time of each application for registration, except as provided in
17 paragraph 2 of this subsection. Registration certificates issued by
18 the Bureau shall be valid for a period of five (5) years ~~or ten (10)~~
19 ~~years~~ from the date of issuance. The Bureau shall issue a five-year
20 ~~or ten-year~~ handgun license to an approved firearms instructor at
21 the time of issuance of a registration certificate and no additional
22 fee shall be required or charged. The license issued shall reflect
23 that the licensee is a firearms instructor. The Bureau shall
24 maintain a current listing of all registered firearms instructors in

1 this state. Nothing in this paragraph shall be construed to
2 eliminate the requirement for registration and training with CLEET
3 as provided in subsection B of this section. Failure to register or
4 be trained as required shall result in a revocation or suspension of
5 the instructor certificate by the Bureau.

6 2. On or after July 1, 2003, the registered instructors listed
7 in subparagraphs a and b of this paragraph shall not be required to
8 renew the firearms instructor registration certificate with the
9 Oklahoma State Bureau of Investigation at the expiration of the
10 registration term, provided the instructor is not subject to any
11 suspension or revocation of the firearms instructor certificate.
12 The firearms instructor registration with the Oklahoma State Bureau
13 of Investigation shall automatically renew together with the handgun
14 license authorized in paragraph 1 of this subsection for an
15 additional five-year term and no additional cost or fee may be
16 charged for the following individuals:

- 17 a. an active duty law enforcement officer of this state
18 or any of its political subdivisions or of the federal
19 government who has a valid CLEET approval as a
20 firearms instructor pursuant to the Oklahoma Self-
21 Defense Act, and
- 22 b. a retired law enforcement officer authorized to carry
23 a firearm pursuant to Section 1289.8 of this title who
24

1 has a valid CLEET approval as a firearms instructor
2 pursuant to the Oklahoma Self-Defense Act.

3 D. The Oklahoma State Bureau of Investigation shall approve
4 registration for a firearms instructor applicant who is in full
5 compliance with CLEET rules regarding firearms instructors and the
6 provisions of subsection B of this section, ~~if completion of the~~
7 ~~federal fingerprint search is the only reason for delay of~~
8 ~~registration of that firearms instructor applicant. Upon receipt of~~
9 ~~the federal fingerprint search information, if the Bureau receives~~
10 ~~information which precludes the person from having a handgun~~
11 ~~license, the Bureau shall revoke both the registration and the~~
12 ~~handgun license previously issued to the firearms instructor.~~

13 E. The required firearms safety and training course and the
14 actual demonstration of competency and qualification required of the
15 applicant shall be designed and conducted in such a manner that the
16 course can be reasonably completed by the applicant within an eight-
17 hour period. CLEET shall establish the course content and
18 promulgate rules, procedures and forms necessary to implement the
19 provisions of this subsection. ~~For the training and qualification~~
20 ~~course, an~~ An applicant may be charged a fee which shall be
21 determined by the instructor or entity that is conducting the
22 course. The maximum class size shall be determined by the
23 instructor conducting the course; provided, however, practice
24 shooting sessions shall not have more than ten participating

1 students at one time. CLEET may establish criteria for assistant
2 instructors and any other requirements deemed necessary to conduct a
3 safe and effective training and qualification course. The course
4 content shall include a safety inspection of the firearm to be used
5 by the applicant in the training course; instruction on pistol
6 handling, safety and storage; dynamics of ammunition and firing;
7 methods or positions for firing a pistol; information about the
8 criminal provisions of the Oklahoma law relating to firearms; the
9 requirements of the Oklahoma Self-Defense Act as it relates to the
10 applicant; self-defense and the use of appropriate force; a practice
11 shooting session; and a familiarization course. The firearms
12 instructor shall refuse to train or qualify any person when the
13 pistol to be used or carried by the person is either deemed unsafe
14 or unfit for firing or is a weapon not authorized by the Oklahoma
15 Self-Defense Act. The course shall provide an opportunity for the
16 applicant to qualify himself or herself on either a derringer, a
17 revolver, a semiautomatic pistol or any combination of a derringer,
18 a revolver and a semiautomatic pistol, provided no pistol shall be
19 capable of firing larger than .45 caliber ammunition. Any applicant
20 who successfully trains and qualifies himself or herself with a
21 semiautomatic pistol may be approved by the firearms instructor on
22 the training certificate for a semiautomatic pistol, a revolver and
23 a derringer upon request of the applicant. Any person who qualifies
24 on a derringer or revolver shall not be eligible for a semiautomatic

1 rating until the person has demonstrated competence and
2 qualifications on a semiautomatic pistol. Upon successful
3 completion of the training and qualification course, a certificate
4 shall be issued to each applicant who successfully completes the
5 course. The firearms instructor shall require each applicant to
6 provide a photocopy or digital copy of the state-issued
7 identification card or driver license of the applicant to verify the
8 identity of the applicant before providing a course completion
9 certificate. The certificate of training shall comply with the form
10 established by CLEET and shall be submitted with an application for
11 a handgun license pursuant to the provisions of paragraph ~~2~~ 3 of
12 subsection A of Section 1290.12 of this title. The certificate of
13 completion issued to an applicant shall be valid for a period of
14 three (3) years.

15 F. There is hereby created a revolving fund for the Council on
16 Law Enforcement Education and Training (CLEET), to be designated the
17 "Firearms Instructors Revolving Fund". The fund shall be a
18 continuing fund, not subject to fiscal year limitations, and shall
19 consist of all funds received for approval of firearms instructors
20 for purposes of the Oklahoma Self-Defense Act. All funds received
21 shall be deposited to the fund. All monies accruing to the credit
22 of said fund are hereby appropriated and may be budgeted and
23 expended by the Council on Law Enforcement Education and Training,
24 for implementation of the training and qualification course

1 contents, approval of firearms instructors and any other CLEET
2 requirement pursuant to the provisions of the Oklahoma Self-Defense
3 Act or as may otherwise be deemed appropriate by CLEET.
4 Expenditures from said fund shall be made upon warrants issued by
5 the State Treasurer against claims filed as prescribed by law with
6 the Director of the Office of Management and Enterprise Services for
7 approval and payment.

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

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

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

23 Section 1290.18

24 APPLICATION FORM CONTENTS

1 The application shall be completed upon the sworn oath of the
2 applicant as provided in paragraph ~~5~~ 6 of subsection A of Section
3 1290.12 of this title. The application form shall be provided by
4 the 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. Applicant's full legal name;
- 8 2. Applicant's birth name, alias names or nicknames;
- 9 3. Maiden name, if applicable;
- 10 4. County of residence;
- 11 5. Length of residency at the current address;
- 12 6. Previous addresses for the preceding three (3) years;
- 13 7. Place of birth;
- 14 8. Date of birth;
- 15 9. Declaration of citizenship and date United States
16 citizenship was acquired, if applicable;
- 17 10. Race;
- 18 11. Weight;
- 19 12. Height;
- 20 13. Sex;
- 21 14. Color of eyes;
- 22 15. Social Security number with a statement that providing the
23 Social Security number is optional;

24

1 16. ~~Current~~ Valid state-issued identification card number or
2 driver license number and the state issuing the card;

3 17. Military service number, if applicable;

4 18. Law enforcement identification numbers, if applicable;

5 19. Current occupation;

6 20. Authorized type or types of pistol for which the applicant
7 qualified as stated on the certificate of training or exemption of
8 training which shall be stated as either derringer, revolver,
9 semiautomatic pistol, or some combination of derringer, revolver and
10 semiautomatic pistol and the maximum ammunition capacity of the
11 firearm shall be .45 caliber;

12 21. An acknowledgment that the applicant desires a handgun
13 license as a means of lawful self-defense and self-protection and
14 for no other intent or purpose;

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

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

23 24. An authorization for the Oklahoma State Bureau of
24 Investigation to investigate the applicant and any or all records

1 relating to the applicant for purposes of approving or denying a
2 handgun license pursuant to the provisions of the Oklahoma Self-
3 Defense Act;

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

7 26. A statement that the applicant is the identical person who
8 completed the firearms training course for which the original
9 training certificate is submitted as part of the application or a
10 statement that the applicant is the identical person who is exempt
11 from firearms training for which the original exemption certificate
12 is submitted as part of the application, whichever is applicable to
13 the applicant;

14 27. A conspicuous warning that the application is executed upon
15 the sworn oath of the applicant and that any false or misleading
16 answer to any question or the submission of any false information or
17 documentation by the applicant is punishable by criminal penalty as
18 provided in paragraph 5 6 of subsection A of Section 1290.12 of this
19 title;

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

22 29. Two separate places for the original signature of the
23 applicant;

24

1 30. A place for attachment of a passport size photograph of the
2 applicant; and

3 ~~31. A place for the signature and verification of the identity~~
4 ~~of the applicant by the sheriff or the sheriff's designee~~ Any other
5 information required by the Bureau of Alcohol, Tobacco, Firearms and
6 Explosives (BATFE) to be provided on forms BATFE requires for the
7 transfer of a firearm from a federally licensed firearms dealer to
8 the public.

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

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

15 Section 1290.19

16 LICENSE FORM

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

- 21 1. The full name of the person;
- 22 2. Current address;
- 23 3. County of residence;
- 24 4. Date of birth;

- 1 5. Weight;
- 2 6. Height;
- 3 7. Sex;
- 4 8. Race;
- 5 9. Color of eyes;
- 6 10. Handgun license identification number;
- 7 11. Expiration date of the handgun license; ~~and~~
- 8 12. Authorized pistol to be either: (D) derringer, (R)
- 9 revolver, (S) semiautomatic pistol, or some combination of
- 10 derringer, revolver and semiautomatic pistol as may be authorized by
- 11 the Oklahoma Self-Defense Act for which the person demonstrated
- 12 qualification pursuant to the certificate of training or an
- 13 exemption certificate; and
- 14 13. Whether the license is issued to a resident or nonresident
- 15 of Oklahoma.

16 Licenses issued to instructors under Section 1290.14 of this

17 title shall reflect that the licensee is a firearms instructor.

18 Sheriffs that have elected to issue licenses must use the form

19 prescribed by the Bureau. The Bureau may change the form not more

20 than once every five (5) years.

21 SECTION 7. REPEALER 21 O.S. 2011, Sections 1290.10, as

22 amended by Section 1, Chapter 259, O.S.L. 2014, 1290.11, as last

23 amended by Section 2, Chapter 259, O.S.L. 2014 and 1290.20, as

24

1 amended by Section 39, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014,
2 Sections 1290.10, 1290.11 and 1290.20), are hereby repealed.

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

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

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