

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2889

By: Taylor

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5  
6 AS INTRODUCED

7 An Act relating to fingerprinting fees; amending 19  
8 O.S. 2011, Section 514.3, which relates to  
9 fingerprinting fees; authorizing sheriffs to  
10 determine fees for fingerprinting individuals;  
11 amending 21 O.S. 2011, Section 1290.12, as last  
12 amended by Section 2, Chapter 298, O.S.L. 2017 (21  
13 O.S. Supp. 2017, Section 1290.12), which relates to  
14 the Oklahoma Self-Defense Act; allowing submission of  
15 handgun license application forms to any sheriff  
16 within the state; authorizing sheriffs to determine  
17 fees for fingerprinting handgun license applicants;  
18 allowing applicants to obtain fingerprints from any  
19 county sheriff; and providing an effective date.

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

21 SECTION 1. AMENDATORY 19 O.S. 2011, Section 514.3, is  
22 amended to read as follows:

23 Section 514.3 The sheriff may charge ~~Five Dollars (\$5.00) per~~  
24 ~~card for~~ a fee to recover the costs of fingerprinting individuals.

This section shall not be applicable to fingerprinting individuals  
pursuant to the Oklahoma Self-Defense Act. All fees collected  
pursuant to this section shall be deposited into the Sheriff's  
Service Fee Account.

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.12, as  
2 last amended by Section 2, Chapter 298, O.S.L. 2017 (21 O.S. Supp.  
3 2017, 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 of this subsection, the  
7 procedure for applying for a handgun license and processing the  
8 application shall be as follows:

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

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

20 2. The person shall be required to successfully complete a  
21 firearms safety and training course from a firearms instructor who  
22 is approved and registered in this state as provided in Section  
23 1290.14 of this title or from an interactive online firearms safety  
24 and training course available electronically via the Internet which

1 has been approved as to curriculum by the Council on Law Enforcement  
2 Education and Training, 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 successful completion of a firearms  
6 safety and training course and an original certificate of successful  
7 demonstration of competency and qualification to carry and handle a  
8 pistol shall be submitted with the application for a handgun  
9 license. No duplicate, copy, facsimile or other reproduction of the  
10 certificate of training, certificate of competency and qualification  
11 or exemption from training shall be acceptable as proof of training  
12 as required by the provisions of the Oklahoma Self-Defense Act;

13 3. The application form shall be completed and delivered by the  
14 applicant, in person, to the sheriff of ~~the~~ any county ~~wherein~~  
15 within the ~~applicant resides~~ State of Oklahoma;

16 4. The person shall deliver to the sheriff at the time of  
17 delivery of the completed application form a fee of One Hundred  
18 Dollars (\$100.00) for processing the application through the  
19 Oklahoma State Bureau of Investigation and processing the required  
20 fingerprints through the Federal Bureau of Investigation. The  
21 processing fee shall be in the form of:

22 a. a money order or a cashier's check made payable to the  
23 Oklahoma State Bureau of Investigation,  
24

1           b.    a nationally recognized credit card issued to the  
2                    applicant. For purposes of this paragraph,  
3                    "nationally recognized credit card" means any  
4                    instrument or device, whether known as a credit card,  
5                    credit plate, charge plate, or by any other name,  
6                    issued with or without fee by the issuer for the use  
7                    of the cardholder in obtaining goods, services, or  
8                    anything else of value on credit which is accepted by  
9                    over one thousand merchants in the state. The  
10                  Oklahoma State Bureau of Investigation shall determine  
11                  which nationally recognized credit cards will be  
12                  accepted by the Bureau, or  
13            c.    electronic funds transfer.

14 Any person paying application fees to the Oklahoma State Bureau of  
15 Investigation by means of a nationally recognized credit card or by  
16 means of an electronic funds transfer shall be required to complete  
17 and submit his or her application through the online application  
18 process of the Bureau.

19           The processing fee shall not be refundable in the event of a  
20 denial of a handgun license or any suspension or revocation  
21 subsequent to the issuance of a license. Persons making application  
22 for a firearms instructor shall not be required to pay the  
23 application fee as provided in this section, but shall be required  
24 to pay the costs provided in paragraphs 6 and 8 of this subsection;

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

13       6. Two passport-size photographs of the applicant shall be  
14 submitted with the completed application. The cost of the  
15 photographs shall be the responsibility of the applicant. The  
16 sheriff is authorized to take the photograph of the applicant for  
17 purposes of the Oklahoma Self-Defense Act and, if such photographs  
18 are taken by the sheriff, the cost of the photographs shall not  
19 exceed Ten Dollars (\$10.00) for the two photos. All money received  
20 by the sheriff from photographing applicants pursuant to the  
21 provisions of this paragraph shall be retained by the sheriff and  
22 deposited into the Sheriff's Service Fee Account;

23       7. The sheriff shall witness the signature of the applicant and  
24 review or take the photographs of the applicant and shall verify

1 that the person making application for a handgun license is the same  
2 person in the photographs submitted and the same person who signed  
3 the application form. Proof of a valid Oklahoma driver license with  
4 a photograph of the applicant or an Oklahoma state photo  
5 identification for the applicant shall be required to be presented  
6 by the applicant to the sheriff for verification of the person's  
7 identity;

8 8. Upon verification of the identity of the applicant, the  
9 sheriff shall take two complete sets of fingerprints of the  
10 applicant. Both sets of fingerprints shall be submitted by the  
11 sheriff with the completed application, certificate of training or  
12 an exemption certificate, photographs and processing fee to the  
13 Oklahoma State Bureau of Investigation within fourteen (14) days of  
14 taking the fingerprints. ~~The cost of the fingerprints shall be paid~~  
15 ~~by the applicant and shall not exceed Twenty-five Dollars (\$25.00)~~  
16 ~~for the two sets~~ The sheriff may charge a fee to recover the costs  
17 of fingerprinting the applicant. All fees collected by the sheriff  
18 from taking fingerprints pursuant to the provisions of this  
19 paragraph shall be retained by the sheriff and deposited into the  
20 Sheriff's Service Fee Account. The applicant may have his or her  
21 fingerprints taken by the sheriff in the county of his or her  
22 residence or by any other sheriff within the State of Oklahoma;

23 9. The sheriff shall submit to the Oklahoma State Bureau of  
24 Investigation within the fourteen-day period, together with the

1 completed application, including the certificate of training,  
2 certificate of competency and qualification, photographs, processing  
3 fee and legible fingerprints meeting the Oklahoma State Bureau of  
4 Investigation's Automated Fingerprint Identification System (AFIS)  
5 submission standards, and a report of information deemed pertinent  
6 to an investigation of the applicant for a handgun license. The  
7 sheriff shall make a preliminary investigation of pertinent  
8 information about the applicant and the court clerk shall assist the  
9 sheriff in locating pertinent information in court records for this  
10 purpose. If no pertinent information is found to exist either for  
11 or against the applicant, the sheriff shall so indicate in the  
12 report;

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

20 11. Notwithstanding the provisions of the Oklahoma Self-Defense  
21 Act, or any other provisions of law, any person who has been granted  
22 a permanent victim protective order by the court, as provided for in  
23 the Protection from Domestic Abuse Act, may be issued a temporary  
24 handgun license for a period not to exceed six (6) months. A

1 temporary handgun license may be issued if the person has  
2 successfully passed the required weapons course, completed the  
3 application process for the handgun license, passed the preliminary  
4 investigation of the person by the sheriff and court clerk, and  
5 provided the sheriff proof of a certified permanent victim  
6 protective order and a valid Oklahoma state photo identification  
7 card or driver license. The sheriff shall issue a temporary handgun  
8 license on a form approved by the Oklahoma State Bureau of  
9 Investigation, at no cost. Any person who has been issued a  
10 temporary license shall carry the temporary handgun license and a  
11 valid Oklahoma state photo identification on his or her person at  
12 all times, and shall be subject to all the requirements of the  
13 Oklahoma Self-Defense Act when carrying a handgun. The person may  
14 proceed with the handgun licensing process. In the event the victim  
15 protective order is no longer enforceable, the temporary handgun  
16 license shall cease to be valid;

17 12. The Oklahoma State Bureau of Investigation shall make a  
18 reasonable effort to investigate the information submitted by the  
19 applicant and the sheriff, to ascertain whether or not the issuance  
20 of a handgun license would be in violation of the provisions of the  
21 Oklahoma Self-Defense Act. The investigation by the Bureau of an  
22 applicant shall include, but shall not be limited to: a statewide  
23 criminal history records search, a national criminal history records  
24 search, a Federal Bureau of Investigation fingerprint search, and if

1 applicable, an investigation of medical records or other records or  
2 information deemed by the Bureau to be relevant to the application.

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

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

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

20 (3) with an "Inconclusive" answer if the records of  
21 the Department suggest the applicant may be a  
22 formerly committed person. In the case of an  
23 inconclusive answer, the Bureau shall ask the  
24 applicant whether he or she was involuntarily

1 committed. If the applicant states under penalty  
2 of perjury that he or she has not been  
3 involuntarily committed, the Bureau shall  
4 continue processing the application for a  
5 license.

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

- 16 (1) if the Bureau finds a record on the JOLTS that  
17 indicates the person was adjudicated a delinquent  
18 for an offense that would constitute a felony  
19 offense if committed by an adult within the last  
20 ten (10) years the Bureau shall deny the license,  
21 (2) if the Bureau finds no record on the JOLTS  
22 indicating the named person was adjudicated  
23 delinquent for an offense that would constitute a  
24

1 felony offense if committed by an adult within  
2 the last ten (10) years, or

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

15 13. If the background check set forth in paragraph 12 of this  
16 subsection reveals no records pertaining to the applicant, the  
17 Oklahoma State Bureau of Investigation shall either issue a handgun  
18 license or deny the application within sixty (60) days of the date  
19 of receipt of the applicant's completed application and the required  
20 information from the sheriff. In all other cases, the Oklahoma  
21 State Bureau of Investigation shall either issue a handgun license  
22 or deny the application within ninety (90) days of the date of the  
23 receipt of the applicant's completed application and the required  
24 information from the sheriff. The Bureau shall approve an applicant

1 who appears to be in full compliance with the provisions of the  
2 Oklahoma Self-Defense Act, if completion of the federal fingerprint  
3 search is the only reason for delay of the issuance of the handgun  
4 license to that applicant. Upon receipt of the federal fingerprint  
5 search information, if the Bureau receives information which  
6 precludes the person from having a handgun license, the Bureau shall  
7 revoke the handgun license previously issued to the applicant. The  
8 Bureau shall deny a license when the applicant fails to properly  
9 complete the application form or application process or is  
10 determined not to be eligible as specified by the provisions of  
11 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall  
12 approve an application in all other cases. If an application is  
13 denied, the Bureau shall notify the applicant in writing of its  
14 decision. The notification shall state the grounds for the denial  
15 and inform the applicant of the right to an appeal as may be  
16 provided by the provisions of the Administrative Procedures Act.  
17 All notices of denial shall be mailed by first-class mail to the  
18 address of the applicant listed in the application. Within sixty  
19 (60) calendar days from the date of mailing a denial of application  
20 to an applicant, the applicant shall notify the Bureau in writing of  
21 the intent to appeal the decision of denial or the right of the  
22 applicant to appeal shall be deemed waived. Any administrative  
23 hearing on a denial which may be provided shall be conducted by a  
24 hearing examiner appointed by the Bureau. The decision of the

1 hearing examiner shall be a final decision appealable to a district  
2 court in accordance with the Administrative Procedures Act. When an  
3 application is approved, the Bureau shall issue the license and  
4 shall mail the license by first-class mail to the address of the  
5 applicant listed in the application.

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

12 SECTION 3. This act shall become effective November 1, 2018.

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