

1 **SENATE FLOOR VERSION**

2 February 24, 2020

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1610

By: Shaw of the Senate

and

Wright of the House

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7
8
9 [Oklahoma Self Defense Act - term of license and
10 renewal - procedure - application - form contents -
documents - effective date]

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12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.2, as
15 last amended by Section 4, Chapter 63, O.S.L. 2019 (21 O.S. Supp.
16 2019, Section 1290.2), is amended to read as follows:

17 Section 1290.2.

18 DEFINITIONS

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

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

23 2. "Unconcealed handgun" or "open carry" means a loaded or
24 unloaded pistol or handgun carried upon the person in a holster

1 where the firearm is visible, or carried upon the person using a
2 scabbard, sling or case designed for carrying firearms; ~~and~~

3 3. "Pistol" or "handgun" shall have the same definition as
4 provided in the Oklahoma Firearms Act of 1971, defined in Section
5 1289.3 of this title; and

6 4. "Completed application" means all fields are completed,
7 questions answered and contains all required signatures on the
8 Application for Self-Defense Act License and all required documents
9 including legible fingerprints, if applicable.

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

13 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.5, as
14 last amended by Section 3, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
15 2019, Section 1290.5), is amended to read as follows:

16 Section 1290.5.

17 TERM OF LICENSE AND RENEWAL

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

1 continue to carry a concealed or unconcealed handgun in this state
2 pursuant to the Oklahoma Self-Defense Act when a license is expired
3 or when a license has been voluntarily surrendered or suspended or
4 revoked for any reason.

5 B. A license may be renewed any time within ninety (90) days
6 prior to the expiration date as provided in this subsection. The
7 Bureau may notify each eligible licensee with an email address on
8 file at least ninety (90) days prior to the expiration of the
9 license. There shall be a ninety-day grace period on license
10 renewals beginning on the date of expiration; thereafter the license
11 is considered expired. However, any applicant shall have three (3)
12 years from the expiration of the license to comply with the renewal
13 requirements of this section.

14 1. To renew a handgun license, the licensee must first obtain a
15 renewal form from the Oklahoma State Bureau of Investigation.

16 2. The applicant must complete the renewal form, attach two
17 current passport size photographs of the applicant, and submit a
18 renewal fee in the amount of Eighty-five Dollars (\$85.00) to the
19 Bureau. The renewal fee may be paid with a nationally recognized
20 credit card as provided in subparagraph b of paragraph 4 of
21 subsection A of Section 1290.12 of this title, by electronic funds
22 transfer, or by a cashier's check or money order made payable to the
23 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. If~~
5 ~~the applicant appears not to have any prohibition to renewing the~~
6 ~~handgun license, the Bureau shall issue the renewed license for a~~
7 ~~period of five (5) or ten (10) years~~ background check and
8 investigation pursuant to Section 1290.12 of this title excluding
9 the requirements of a state and a Federal Bureau of Investigation
10 fingerprint search.

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~~ the license be
14 valid for a period of ten (10) years. The fee for any handgun
15 license issued for a period of ten (10) years shall be double the
16 amount of the fee provided for in paragraph 4 of subsection A of
17 Section 1290.12 of this title. The renewal fee for a handgun
18 license issued for a period of ten (10) years shall be double the
19 amount of the fee provided for in paragraph 2 of subsection B of
20 this section.

21 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.12, as
22 last amended by Section 7, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
23 2019, Section 1290.12), is amended to read as follows:

24 Section 1290.12.

1 The original certificate of successful completion of a firearms
2 safety and training course and an original certificate of successful
3 demonstration of competency and qualification to carry and handle a
4 pistol shall be submitted with the application for a handgun
5 license. No duplicate, copy, facsimile or other reproduction of the
6 certificate of training, certificate of competency and qualification
7 or exemption from training shall be acceptable as proof of training
8 as required by the provisions of the Oklahoma Self-Defense Act;

9 3. The application form shall be completed and delivered by the
10 applicant, in person, to the sheriff of the county wherein the
11 applicant resides;

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

- 18 a. a money order or a cashier's check made payable to the
19 Oklahoma State Bureau of Investigation,
20 b. a nationally recognized credit card issued to the
21 applicant. For purposes of this paragraph,
22 "nationally recognized credit card" means any
23 instrument or device, whether known as a credit card,
24 credit plate, charge plate, or by any other name,

1 issued with or without fee by the issuer for the use
2 of the cardholder in obtaining goods, services, or
3 anything else of value on credit which is accepted by
4 over one thousand merchants in the state. The
5 Oklahoma State Bureau of Investigation shall determine
6 which nationally recognized credit cards will be
7 accepted by the Bureau, or
8 c. electronic funds transfer.

9 Any person paying application fees to the Oklahoma State Bureau of
10 Investigation by means of a nationally recognized credit card or by
11 means of an electronic funds transfer shall be required to complete
12 and submit his or her application through the online application
13 process of the Bureau.

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

20 5. The completed application form shall be signed by the
21 applicant in person before the sheriff. The signature shall be
22 given voluntarily upon a sworn oath that the person knows the
23 contents of the application and that the information contained in
24 the application is true and correct. Any person making any false or

1 misleading statement on an application for a handgun license shall,
2 upon conviction, be guilty of perjury as defined by Section 491 of
3 this title. Any conviction shall be punished as provided in Section
4 500 of this title. In addition to a criminal conviction, the person
5 shall be denied the right to have a handgun license pursuant to the
6 provisions of Section 1290.10 of this title and the Oklahoma State
7 Bureau of Investigation shall revoke the handgun license, if issued;

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

18 7. The sheriff shall witness the signature of the applicant and
19 review or take the photographs of the applicant and shall verify
20 that the person making application for a handgun license is the same
21 person in the photographs submitted and the same person who signed
22 the application form. Proof of a valid Oklahoma driver license with
23 a photograph of the applicant or an Oklahoma state photo
24 identification for the applicant shall be required to be presented

1 by the applicant to the sheriff for verification of the person's
2 identity;

3 8. Upon verification of the identity of the applicant, the
4 sheriff shall take two complete sets of fingerprints of the
5 applicant. Both sets of fingerprints shall be submitted by the
6 sheriff with the completed application, certificate of training or
7 an exemption certificate, photographs and processing fee to the
8 Oklahoma State Bureau of Investigation within fourteen (14) days of
9 taking the fingerprints. The cost of the fingerprints shall be paid
10 by the applicant. The sheriff may charge a fee of up to Twenty-five
11 Dollars (\$25.00) for the two sets of fingerprints. All fees
12 collected by the sheriff from taking fingerprints pursuant to the
13 provisions of this paragraph shall be retained by the sheriff and
14 deposited into the Sheriff's Service Fee Account;

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

1 sheriff in locating pertinent information in court records for this
2 purpose. If no pertinent information is found to exist either for
3 or against the applicant, the sheriff shall so indicate in the
4 report;

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

12 11. Notwithstanding the provisions of the Oklahoma Self-Defense
13 Act, or any other provisions of law, any person who has been granted
14 a permanent victim protective order by the court, as provided for in
15 the Protection from Domestic Abuse Act, may be issued a temporary
16 handgun license for a period not to exceed six (6) months. A
17 temporary handgun license may be issued if the person has
18 successfully passed the required weapons course, completed the
19 application process for the handgun license, passed the preliminary
20 investigation of the person by the sheriff and court clerk, and
21 provided the sheriff proof of a certified permanent victim
22 protective order and a valid Oklahoma state photo identification
23 card or driver license. The sheriff shall issue a temporary handgun
24 license on a form approved by the Oklahoma State Bureau of

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

9 12. The Oklahoma State Bureau of Investigation shall make a
10 reasonable effort to investigate the information submitted by the
11 applicant and the sheriff, to ascertain whether or not the issuance
12 of a handgun license would be in violation of the provisions of the
13 Oklahoma Self-Defense Act. The investigation by the Bureau of an
14 applicant shall include, but shall not be limited to: a statewide
15 criminal history records search, a national criminal history records
16 search, a Federal Bureau of Investigation fingerprint search, a
17 check of the National Instant Criminal Background Check System
18 (NICS) and, if applicable, an investigation of medical records or
19 other records or information deemed by the Bureau to be relevant to
20 the application, to include an Immigration Alien Query (IAQ) for
21 non-United States citizens.

22 a. In the course of the investigation by the Bureau, it
23 shall present the name of the applicant along with any
24 known aliases, the address of the applicant and the

1 Social Security number of the applicant to the
2 Department of Mental Health and Substance Abuse
3 Services. The Department of Mental Health and
4 Substance Abuse Services shall respond within ten (10)
5 days of receiving such information to the Bureau as
6 follows:

7 (1) with a "Yes" answer, if the records of the
8 Department indicate that the person was
9 involuntarily committed to a mental institution
10 in Oklahoma,

11 (2) with a "No" answer, if there are no records
12 indicating the name of the person as a person
13 involuntarily committed to a mental institution
14 in Oklahoma, or

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

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

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

16 (2) if the Bureau finds no record on the JOLTS
17 indicating the named person was adjudicated
18 delinquent for an offense that would constitute a
19 felony offense if committed by an adult within
20 the last ten (10) years, or

21 (3) if the records suggest the applicant may have
22 been adjudicated delinquent for an offense that
23 would constitute a felony offense if committed by
24 an adult but such record is inconclusive, the

1 Bureau shall ask the applicant whether he or she
2 was adjudicated a delinquent for an offense that
3 would constitute a felony offense if committed by
4 an adult within the last ten (10) years. If the
5 applicant states under penalty of perjury that he
6 or she was not adjudicated a delinquent within
7 ten (10) years, the Bureau shall continue
8 processing the application for a license; and

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

1 ~~revoke the handgun license previously issued to the applicant.~~ The
2 Bureau shall deny a license when the applicant fails to properly
3 complete the application form or application process or, based on
4 the background check set forth in paragraph 12 of this subsection,
5 is determined not to be eligible as specified by the provisions of
6 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall
7 approve an application in all other cases. If an application is
8 denied, the Bureau shall notify the applicant in writing of its
9 decision. The notification shall state the grounds for the denial
10 and inform the applicant of the right to an appeal as may be
11 provided by the provisions of the Administrative Procedures Act.
12 All notices of denial shall be mailed by first-class mail to the
13 address of the applicant listed in the application. Within sixty
14 (60) calendar days from the date of mailing a denial of application
15 to an applicant, the applicant shall notify the Bureau in writing of
16 the intent to appeal the decision of denial or the right of the
17 applicant to appeal shall be deemed waived. Any administrative
18 hearing on a denial which may be provided shall be conducted by a
19 hearing examiner appointed by the Bureau. The decision of the
20 hearing examiner shall be a final decision appealable to a district
21 court in accordance with the Administrative Procedures Act. When an
22 application is approved, the Bureau shall issue the license and
23 shall mail the license by first-class mail to the address of the
24 applicant listed in the 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 1290.18, as
8 last amended by Section 1, Chapter 200, O.S.L. 2015 (21 O.S. Supp.
9 2019, Section 1290.18), is amended to read as follows:

10 Section 1290.18.

11 APPLICATION FORM CONTENTS

12 The application shall be completed upon the sworn oath of the
13 applicant as provided in paragraph 5 of Section 1290.12 of this
14 title. The application form shall be provided by the Oklahoma State
15 Bureau of Investigation and shall contain the following information
16 in addition to any other information deemed 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~~ or Alien or Admission number
3 for non-United States citizens;
- 4 10. Race;
- 5 11. Weight;
- 6 12. Height;
- 7 13. Sex;
- 8 14. Color of eyes;
- 9 15. Current driver license number;
- 10 16. Military service number, if applicable;
- 11 17. Law enforcement identification numbers, if applicable;
- 12 18. Current occupation;
- 13 19. Authorized type or types of pistol for which the applicant
14 qualified as stated on the certificate of training or exemption of
15 training which shall be stated as either derringer, revolver,
16 semiautomatic pistol, or some combination of derringer, revolver and
17 semiautomatic pistol and the maximum ammunition capacity of the
18 firearm shall be .45 caliber;
- 19 20. An acknowledgment that the applicant desires a handgun
20 license as a means of lawful self-defense and self-protection and
21 for no other intent or purpose;
- 22 21. A statement that the applicant has never been convicted of
23 any felony offense in this state, another state or pursuant to any
24 federal offense;

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

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

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

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

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

1 documentation by the applicant is punishable by criminal penalty as
2 provided in paragraph 5 of Section 1290.12 of this title;

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

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

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

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

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

14 SECTION 5. This act shall become effective November 1, 2020.

15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
16 February 24, 2020 - DO PASS AS AMENDED

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