

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1610

By: Shaw

4  
5  
6 AS INTRODUCED

7 An Act relating to the Oklahoma Self Defense Act;  
8 amending 21 O.S. 2011, Section 1290.2, as last  
9 amended by Section 4, Chapter 63, O.S.L. 2019 (21  
10 O.S. Supp. 2019, Section 1290.2), which relates to  
11 definitions; modifying included definitions; amending  
12 21 O.S. 2011, Section 1290.5, as last amended by  
13 Section 3, Chapter 406, O.S.L. 2019 (21 O.S. Supp.  
14 2019, Section 1290.5), which relates to term of  
15 license and renewal; modifying certain procedure;  
16 updating statutory language; amending 21 O.S. 2011,  
17 Section 1290.12, as last amended by Section 7,  
18 Chapter 406, O.S.L 2019 (21 O.S. Supp. 2019, Section  
19 1290.12), which relates to procedure for application;  
20 modifying certain requirements; amending 21 O.S.  
21 2011, Section 1290.18, as last amended by Section 1,  
22 Chapter 200, O.S.L. 2015 (21 O.S. Supp. 2019, Section  
23 1290.18), which relates to application form contents;  
24 modifying required documents; and providing an  
effective date.

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

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

Section 1290.2.

DEFINITIONS

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

2 1. "Concealed handgun" means a loaded or unloaded pistol or  
3 handgun not openly visible to the ordinary observation of a  
4 reasonable person;

5 2. "Unconcealed handgun" or "open carry" means a loaded or  
6 unloaded pistol or handgun carried upon the person in a holster  
7 where the firearm is visible, or carried upon the person using a  
8 scabbard, sling or case designed for carrying firearms; ~~and~~

9 3. "Pistol" or "handgun" shall have the same definition as  
10 provided in the Oklahoma Firearms Act of 1971, defined in Section  
11 1289.3 of this title; and

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

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

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

22 Section 1290.5.

23 TERM OF LICENSE AND RENEWAL

1           A. A handgun license when issued shall authorize the person to  
2 whom the license is issued to carry a loaded or unloaded handgun,  
3 concealed or unconcealed, as authorized by the provisions of the  
4 Oklahoma Self-Defense Act, and any future modifications thereto.  
5 The license shall be valid in this state for a period of five (5) or  
6 ten (10) years, unless subsequently surrendered, suspended or  
7 revoked as provided by law. The person shall have no authority to  
8 continue to carry a concealed or unconcealed handgun in this state  
9 pursuant to the Oklahoma Self-Defense Act when a license is expired  
10 or when a license has been voluntarily surrendered or suspended or  
11 revoked for any reason.

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

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

23           2. The applicant must complete the renewal form, attach two  
24 current passport size photographs of the applicant, and submit a  
25

1 renewal fee in the amount of Eighty-five Dollars (\$85.00) to the  
2 Bureau. The renewal fee may be paid with a nationally recognized  
3 credit card as provided in subparagraph b of paragraph 4 of  
4 subsection A of Section 1290.12 of this title, by electronic funds  
5 transfer, or by a cashier's check or money order made payable to the  
6 Oklahoma State Bureau of Investigation.

7 3. Upon receipt of the renewal application, photographs and  
8 fee, the Bureau will conduct a ~~criminal history records name search,~~  
9 ~~an investigation of medical records or other records or information~~  
10 ~~deemed by the Bureau to be relevant to the renewal application. If~~  
11 ~~the applicant appears not to have any prohibition to renewing the~~  
12 ~~handgun license, the Bureau shall issue the renewed license for a~~  
13 ~~period of five (5) or ten (10) years~~ background check and  
14 investigation pursuant to Section 1290.12 of this title, excluding  
15 the requirements of a state and a Federal Bureau of Investigation  
16 fingerprint search.

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

1 amount of the fee provided for in paragraph 2 of subsection B of  
2 this section.

3 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.12, as  
4 last amended by Section 7, Chapter 406, O.S.L. 2019 (21 O.S. Supp.  
5 2019, Section 1290.12), is amended to read as follows:

6 Section 1290.12.

7 PROCEDURE FOR APPLICATION

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

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

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

22 2. The person shall be required to successfully complete a  
23 firearms safety and training course from a firearms instructor who  
24 is approved and registered in this state as provided in Section

1 1290.14 of this title or from an interactive online firearms safety  
2 and training course available electronically via the Internet which  
3 has been approved as to curriculum by the Council on Law Enforcement  
4 Education and Training, and the person shall be required to  
5 demonstrate competency and qualification with a pistol authorized  
6 for concealed or unconcealed carry by the Oklahoma Self-Defense Act.  
7 The original certificate of successful completion of a firearms  
8 safety and training course and an original certificate of successful  
9 demonstration of competency and qualification to carry and handle a  
10 pistol shall be submitted with the application for a handgun  
11 license. No duplicate, copy, facsimile or other reproduction of the  
12 certificate of training, certificate of competency and qualification  
13 or exemption from training shall be acceptable as proof of training  
14 as required by the provisions of the Oklahoma Self-Defense Act;

15 3. The application form shall be completed and delivered by the  
16 applicant, in person, to the sheriff of the county wherein the  
17 applicant resides;

18 4. The person shall deliver to the sheriff at the time of  
19 delivery of the completed application form a fee of One Hundred  
20 Dollars (\$100.00) for processing the application through the  
21 Oklahoma State Bureau of Investigation and processing the required  
22 fingerprints through the Federal Bureau of Investigation. The  
23 processing fee shall be in the form of:  
24

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

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

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 of this subsection;

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

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

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

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

22           9. The sheriff shall submit to the Oklahoma State Bureau of  
23 Investigation within the fourteen-day period, together with the  
24 completed application, including the certificate of training,

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

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

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

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

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

1 (NICS) and, if applicable, an investigation of medical records or  
2 other records or information deemed by the Bureau to be relevant to  
3 the application, to include an Immigration Alien Query (IAQ) for  
4 non-United States citizens.

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

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

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

22 (3) with an "Inconclusive" answer if the records of  
23 the Department suggest the applicant may be a  
24 formerly committed person. In the case of an  
25

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

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

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

1 delinquent for an offense that would constitute a  
2 felony offense if committed by an adult within  
3 the last ten (10) years, or

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

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

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

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

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

13 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.18, as  
14 last amended by Section 1, Chapter 200, O.S.L. 2015 (21 O.S. Supp.  
15 2019, Section 1290.18), is amended to read as follows:

16 Section 1290.18.

17 APPLICATION FORM CONTENTS

18 The application shall be completed upon the sworn oath of the  
19 applicant as provided in paragraph 5 of Section 1290.12 of this  
20 title. The application form shall be provided by the Oklahoma State  
21 Bureau of Investigation and shall contain the following information  
22 in addition to any other information deemed relevant by the Bureau:

- 23 1. Applicant's full legal name;
- 24 2. Applicant's birth name, alias names or nicknames;

- 1 3. Maiden name, if applicable;
- 2 4. County of residence;
- 3 5. Length of residency at the current address;
- 4 6. Previous addresses for the preceding three (3) years;
- 5 7. Place of birth;
- 6 8. Date of birth;
- 7 9. Declaration of citizenship ~~and date United States~~
- 8 ~~citizenship was acquired, if applicable~~ or Alien or Admission number
- 9 for non-United States citizens;
- 10 10. Race;
- 11 11. Weight;
- 12 12. Height;
- 13 13. Sex;
- 14 14. Color of eyes;
- 15 15. Current driver license number;
- 16 16. Military service number, if applicable;
- 17 17. Law enforcement identification numbers, if applicable;
- 18 18. Current occupation;
- 19 19. Authorized type or types of pistol for which the applicant
- 20 qualified as stated on the certificate of training or exemption of
- 21 training which shall be stated as either derringer, revolver,
- 22 semiautomatic pistol, or some combination of derringer, revolver and
- 23 semiautomatic pistol and the maximum ammunition capacity of the
- 24 firearm shall be .45 caliber;

1           20. An acknowledgment that the applicant desires a handgun  
2 license as a means of lawful self-defense and self-protection and  
3 for no other intent or purpose;

4           21. A statement that the applicant has never been convicted of  
5 any felony offense in this state, another state or pursuant to any  
6 federal offense;

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

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

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

20           25. A statement that the applicant is the identical person who  
21 completed the firearms training course for which the original  
22 training certificate is submitted as part of the application or a  
23 statement that the applicant is the identical person who is exempt  
24 from firearms training for which the original exemption certificate

1 is submitted as part of the application, whichever is applicable to  
2 the applicant;

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

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

10 28. Two separate places for the original signature of the  
11 applicant;

12 29. A place for attachment of a passport size photograph of the  
13 applicant; and

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

16 Information provided by the person on an application for a  
17 handgun license shall be confidential except to law enforcement  
18 officers or law enforcement agencies.

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

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21 57-2-3054 BG 1/16/2020 11:51:06 AM  
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