

1 ENGROSSED HOUSE
2 BILL NO. 3098

By: Coody (Jeff), Park, Moore,
Bennett, Ritze, Johnson,
Murphey, Murdock,
Leewright, Faught, Kannady,
Brumbaugh, Montgomery,
Kern, Cockroft, Fisher,
McCall, Derby, Newell,
Calvey, Roberts (Sean),
O'Donnell, Coody (Ann),
Enns, Walker, Jordan,
Billy, Pfeiffer,
Wesselhoft, Joyner,
Christian, Scott, Rogers,
Cleveland, Lockhart,
Roberts (Dustin), Wallace,
Sanders, Denney, Echols,
Wood, Ownbey, Proctor,
Russ, Wright, Strohm and
McBride of the House

and

Brecheen of the Senate

[firearms - authority to carry firearms - effective
date]

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

20 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
21 last amended by Section 1, Chapter 197, O.S.L. 2015 (21 O.S. Supp.
22 2015, Section 1272), is amended to read as follows:

23 Section 1272.

24 UNLAWFUL CARRY

1 A. It shall be unlawful for any person to carry upon or about
2 his or her person, or in a purse or other container belonging to the
3 person, any pistol, revolver, shotgun or rifle whether loaded or
4 unloaded or any dagger, bowie knife, dirk knife, sword cane,
5 blackjack, loaded cane, billy, hand chain, metal knuckles, or any
6 other offensive weapon, whether such weapon be concealed or
7 unconcealed, except this section shall not prohibit:

8 1. The proper use of guns and knives for self-defense, hunting,
9 fishing, educational or recreational purposes;

10 2. The carrying or use of weapons in a manner otherwise
11 permitted by statute or authorized by the Oklahoma Self-Defense Act;

12 3. The carrying, possession and use of any weapon by a peace
13 officer or other person authorized by law to carry a weapon in the
14 performance of official duties and in compliance with the rules of
15 the employing agency;

16 4. The carrying or use of weapons in a courthouse by a district
17 judge, associate district judge or special district judge within
18 this state, who is in possession of a valid handgun license issued
19 pursuant to the provisions of the Oklahoma Self-Defense Act and
20 whose name appears on a list maintained by the Administrative
21 Director of the Courts; ~~or~~

22 5. The carrying and use of firearms and other weapons provided
23 in this subsection when used for the purpose of living history
24 reenactment. For purposes of this paragraph, "living history

1 reenactment" means depiction of historical characters, scenes,
2 historical life or events for entertainment, education, or
3 historical documentation through the wearing or use of period,
4 historical, antique or vintage clothing, accessories, firearms,
5 weapons, and other implements of the historical period; or

6 6. The unconcealed carrying of firearms pursuant to the
7 definitions provided for in Sections 1289.3, 1289.4, 1289.5 and
8 paragraph 2 of subsection A of Section 1290.2 of this title by a
9 person who is a legal resident, twenty-one (21) years of age or
10 older, is not a convicted felon and is not involved in a crime. Any
11 person who carries a firearm in the manner provided for in this
12 paragraph shall be prohibited from carrying the firearm into any of
13 the places prescribed in subsection A of Section 1277 of this title.

14 B. Any person convicted of violating the foregoing provision
15 shall be guilty of a misdemeanor punishable as provided in Section
16 1276 of this title.

17 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
18 last amended by Section 1, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
19 2015, Section 1277), is amended to read as follows:

20 Section 1277.

21 UNLAWFUL CARRY IN CERTAIN PLACES

22 A. It shall be unlawful for any person in possession of a valid
23 handgun license issued pursuant to the provisions of the Oklahoma
24

1 Self-Defense Act to carry ~~any concealed or unconcealed~~ a handgun,
2 rifle or shotgun into any of the following places:

3 1. Any structure, building, or office space which is owned or
4 leased by a city, town, county, state, or federal governmental
5 authority for the purpose of conducting business with the public;

6 2. Any prison, jail, detention facility or any facility used to
7 process, hold, or house arrested persons, prisoners or persons
8 alleged delinquent or adjudicated delinquent;

9 3. Any public or private elementary or public or private
10 secondary school, except as provided in subsections C and D of this
11 section;

12 4. Any sports arena during a professional sporting event;

13 5. Any place where pari-mutuel wagering is authorized by law;
14 and

15 6. Any other place specifically prohibited by law.

16 B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A
17 of this section, the prohibited place does not include and
18 specifically excludes the following property:

19 1. Any property set aside for the use or parking of any
20 vehicle, whether attended or unattended, by a city, town, county,
21 state, or federal governmental authority;

22 2. Any property set aside for the use or parking of any
23 vehicle, whether attended or unattended, by any entity offering any
24 professional sporting event which is open to the public for

1 admission, or by any entity engaged in pari-mutuel wagering
2 authorized by law;

3 3. Any property adjacent to a structure, building, or office
4 space in which concealed or unconcealed weapons are prohibited by
5 the provisions of this section;

6 4. Any property designated by a city, town, county, or state
7 governmental authority as a park, recreational area, or fairgrounds;
8 provided, nothing in this paragraph shall be construed to authorize
9 any entry by a person in possession of a concealed or unconcealed
10 handgun into any structure, building, or office space which is
11 specifically prohibited by the provisions of subsection A of this
12 section; and

13 5. Any property set aside by a public or private elementary or
14 secondary school for the use or parking of any vehicle, whether
15 attended or unattended; provided, however, said handgun shall be
16 stored and hidden from view in a locked motor vehicle when the motor
17 vehicle is left unattended on school property.

18 Nothing contained in any provision of this subsection or
19 subsection C of this section shall be construed to authorize or
20 allow any person in control of any place described in paragraph 1,
21 2, 3, 4 or 5 of subsection A of this section to establish any policy
22 or rule that has the effect of prohibiting any person in lawful
23 possession of a handgun license from possession of a handgun

24

1 allowable under such license in places described in paragraph 1, 2,
2 3, 4 or 5 of this subsection.

3 C. A concealed or unconcealed weapon may be carried onto
4 private school property or in any school bus or vehicle used by any
5 private school for transportation of students or teachers by a
6 person who is licensed pursuant to the Oklahoma Self-Defense Act,
7 provided a policy has been adopted by the governing entity of the
8 private school that authorizes the carrying and possession of a
9 weapon on private school property or in any school bus or vehicle
10 used by a private school. Except for acts of gross negligence or
11 willful or wanton misconduct, a governing entity of a private school
12 that adopts a policy which authorizes the possession of a weapon on
13 private school property, a school bus or vehicle used by the private
14 school shall be immune from liability for any injuries arising from
15 the adoption of the policy. The provisions of this subsection shall
16 not apply to claims pursuant to the Workers' Compensation Code.

17 D. Notwithstanding paragraph 3 of subsection A of this section,
18 a board of education of a school district may adopt a policy
19 pursuant to Section ~~3~~ 5-149.2 of ~~this act~~ Title 70 of the Oklahoma
20 Statutes to authorize the carrying of a handgun onto school property
21 by school personnel specifically designated by the board of
22 education, provided such personnel either:

23 1. Possess a valid armed security guard license as provided for
24 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

1 2. Hold a valid reserve peace officer certification as provided
2 for in Section 3311 of Title 70 of the Oklahoma Statutes.
3 Nothing in this subsection shall be construed to restrict authority
4 granted elsewhere in law to carry firearms.

5 E. Any person violating the provisions of subsection A of this
6 section shall, upon conviction, be guilty of a misdemeanor
7 punishable by a fine not to exceed Two Hundred Fifty Dollars
8 (\$250.00).

9 F. No person in possession of a valid handgun license issued
10 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
11 authorized to carry the handgun into or upon any college,
12 university, or technology center school property, except as provided
13 in this subsection. For purposes of this subsection, the following
14 property shall not be construed as prohibited for persons having a
15 valid handgun license:

16 1. Any property set aside for the use or parking of any
17 vehicle, whether attended or unattended, provided the handgun is
18 carried or stored as required by law and the handgun is not removed
19 from the vehicle without the prior consent of the college or
20 university president or technology center school administrator while
21 the vehicle is on any college, university, or technology center
22 school property;

23 2. Any property authorized for possession or use of handguns by
24 college, university, or technology center school policy; and

1 3. Any property authorized by the written consent of the
2 college or university president or technology center school
3 administrator, provided the written consent is carried with the
4 handgun and the valid handgun license while on college, university,
5 or technology center school property.

6 The college, university, or technology center school may notify
7 the Oklahoma State Bureau of Investigation within ten (10) days of a
8 violation of any provision of this subsection by a licensee. Upon
9 receipt of a written notification of violation, the Bureau shall
10 give a reasonable notice to the licensee and hold a hearing. At the
11 hearing, upon a determination that the licensee has violated any
12 provision of this subsection, the licensee may be subject to an
13 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
14 have the handgun license suspended for three (3) months.

15 Nothing contained in any provision of this subsection shall be
16 construed to authorize or allow any college, university, or
17 technology center school to establish any policy or rule that has
18 the effect of prohibiting any person in lawful possession of a
19 handgun license from possession of a handgun allowable under such
20 license in places described in paragraphs 1, 2 and 3 of this
21 subsection. Nothing contained in any provision of this subsection
22 shall be construed to limit the authority of any college, university
23 or technology center school in this state from taking administrative
24

1 action against any student for any violation of any provision of
2 this subsection.

3 G. The provisions of this section shall not apply to any peace
4 officer or to any person authorized by law to carry a pistol in the
5 course of employment. District judges, associate district judges
6 and special district judges, who are in possession of a valid
7 handgun license issued pursuant to the provisions of the Oklahoma
8 Self-Defense Act and whose names appear on a list maintained by the
9 Administrative Director of the Courts, shall be exempt from this
10 section when acting in the course and scope of employment within the
11 courthouses of this state. Private investigators with a firearms
12 authorization shall be exempt from this section when acting in the
13 course and scope of employment.

14 H. For the purposes of this section, "motor vehicle" means any
15 automobile, truck, minivan or ~~sports~~ sport utility vehicle.

16 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1289.3, is
17 amended to read as follows:

18 Section 1289.3

19 DEFINITIONS FOR FIREARMS ACT

20 "Pistols" or "handguns" as used in the Oklahoma Firearms Act of
21 1971, ~~Sections 1289.1 through 1289.17 of this title,~~ shall mean any
22 firearm capable of discharging a ~~projectile~~ single or multiple
23 projectiles from a single round of ammunition composed of any
24 material which may reasonably be expected to be able to cause lethal

1 injury, with a barrel or barrels less than sixteen (16) inches in
2 length, and using ~~either gunpowder, gas or any means of rocket~~
3 ~~propulsion~~ a combustible propellant charge, but not to include flare
4 guns, underwater fishing guns or blank pistols.

5 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.6, as
6 amended by Section 11, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
7 Section 1289.6), is amended to read as follows:

8 Section 1289.6

9 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

10 A. A person shall be permitted to carry loaded and unloaded
11 shotguns, rifles and pistols, ~~open and not concealed~~ and without a
12 handgun license as authorized by the Oklahoma Self-Defense Act
13 pursuant to the following conditions:

14 1. When hunting animals or fowl;

15 2. During competition in or practicing in a safety or hunter
16 safety class, target shooting, skeet, trap or other recognized
17 sporting events;

18 3. During participation in or in preparation for a military
19 function of the state military forces to be defined as the Oklahoma
20 Army or Air National Guard, Federal Military Reserve and active
21 military forces;

22 4. During participation in or in preparation for a recognized
23 police function of either a municipal, county or state government as
24 functioning police officials;

1 5. During a practice for or a performance for entertainment
2 purposes;

3 6. For lawful self-defense and self-protection or any other
4 legitimate purpose ~~in or on property that is owned, leased, rented,~~
5 ~~or otherwise legally controlled by the person; or~~

6 7. When carried unconcealed pursuant to the definitions
7 provided for in Sections 1289.3, 1289.4, 1289.5 and paragraph 2 of
8 subsection A of Section 1290.2 of this title by a person who is:

9 a. a legal resident,

10 b. twenty-one (21) years of age or older,

11 c. not a convicted felon, and

12 d. not involved in a crime.

13 Any person who carries a firearm in the manner provided for in this
14 paragraph shall be prohibited from carrying the firearm into any of
15 the places prescribed in subsection A of Section 1277 of this title;
16 or

17 8. For any legitimate purpose not in violation of the Oklahoma
18 Firearms Act of 1971 or any legislative enactment regarding the use,
19 ownership and control of firearms.

20 B. A person shall be permitted to carry unloaded shotguns,
21 rifles and pistols, ~~open and not concealed~~ and without a handgun
22 license as authorized by the Oklahoma Self-Defense Act pursuant to
23 the following conditions:

24

1 1. When going to or from the person's private residence or
2 vehicle or a vehicle in which the person is riding as a passenger to
3 a place designated or authorized for firearms repairs or
4 reconditioning, or for firearms trade, sale, or barter, or gunsmith,
5 or hunting animals or fowl, or hunter safety course, or target
6 shooting, or skeet or trap shooting or any recognized firearms
7 activity or event and while in such places; or

8 2. For any legitimate purpose not in violation of the Oklahoma
9 Firearms Act of 1971.

10 C. The provisions of this section shall not be construed to
11 prohibit educational or recreational activities, exhibitions,
12 displays or shows involving the use or display of rifles, shotguns
13 or pistols or other weapons if the activity is approved by the
14 property owner and sponsor of the activity.

15 D. Except as otherwise prohibited by law, a person shall have
16 authority to carry an unconcealed firearm in this state. In the
17 absence of reasonable and articulable suspicion of other criminal
18 activity, a person carrying a firearm shall not be disarmed or
19 physically restrained. Nothing in this section shall be construed
20 to authorize a law enforcement officer to inspect any unconcealed
21 firearm without probable cause that a crime has been committed.

22 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1289.7, as
23 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
24 Section 1289.7), is amended to read as follows:

1 Section 1289.7

2 FIREARMS IN VEHICLES

3 A. Any person twenty-one (21) years of age or older, except a
4 convicted felon, may transport in a motor vehicle a ~~rifle, shotgun~~
5 ~~or pistol or handgun~~, ~~open and loaded or unloaded, at any time. For~~
6 ~~purposes of this section "open" means the firearm is transported in~~
7 ~~plain view, in a case designed for carrying firearms, which case is~~
8 ~~wholly or partially visible, in a gun rack mounted in the vehicle,~~
9 ~~in an exterior locked compartment or a trunk of a vehicle~~ for the
10 purpose of self-defense, provided the person is not involved in a
11 crime.

12 B. Any person, except a convicted felon, may transport in a
13 motor vehicle a rifle ~~or~~, ~~shotgun concealed~~, pistol or handgun
14 behind a seat of the vehicle or within the interior of the vehicle
15 provided the rifle or shotgun is not clip-, magazine- or chamber-
16 loaded. The authority to transport a clip- or magazine-loaded rifle
17 or shotgun shall be pursuant to Section 1289.13 of this title.

18 C. In the absence of reasonable and articulable suspicion of
19 other criminal activity, a person possessing a firearm in a vehicle
20 shall not be disarmed, have the firearm inspected or be physically
21 restrained by any law enforcement officer.

22 D. Any person who is the operator of a vehicle or is a
23 passenger in any vehicle wherein another person who is licensed
24 pursuant to the Oklahoma Self-Defense Act to carry a handgun,

1 concealed or unconcealed, and is carrying a handgun or has the
2 handgun in such vehicle, shall not be deemed in violation of the
3 provisions of this section provided the licensee is in or near the
4 vehicle.

5 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1290.1, is
6 amended to read as follows:

7 Section 1290.1

8 SHORT TITLE

9 Sections ~~4~~ 1290.1 through ~~25~~ 1290.27 of this ~~act~~ title shall be
10 known and may be cited as the "Oklahoma Self-Defense Act".

11 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1290.2, as
12 last amended by Section 2, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
13 2015, Section 1290.2), is amended to read as follows:

14 Section 1290.2

15 DEFINITIONS

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

17 1. "Concealed handgun" means a loaded or unloaded pistol, ~~the~~
18 ~~presence of which is~~ handgun not openly ~~discernible~~ visible to
19 the ordinary observation of a reasonable person;

20 2. "Unconcealed handgun" means a loaded or unloaded pistol or
21 handgun carried upon the person in a ~~belt holster or shoulder~~
22 ~~holster that is wholly or partially~~ where the firearm is visible, or
23 carried upon the person ~~in~~ using a scabbard, sling or case designed
24 for carrying firearms ~~that is wholly or partially visible~~; and

1 3. "Pistol" or "handgun" means any derringer, revolver or
2 semiautomatic firearm which:

- 3 a. has an overall barrel or barrels length of less than
4 sixteen (16) inches,
5 b. is capable of discharging a ~~projectile~~ single or
6 multiple projectiles from a single round of ammunition
7 composed of any material which may reasonably be
8 expected to be able to cause lethal injury,
9 c. ~~is designed to~~ can be held and fired by the use of a
10 ~~single hand~~ one or both hands, and
11 d. uses ~~either gunpowder, gas or any means of rocket~~
12 ~~propulsion~~ a combustible propellant charge to
13 ~~discharge~~ propel the projectile or projectiles.

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

17 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1290.3, as
18 amended by Section 24, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
19 Section 1290.3), is amended to read as follows:

20 Section 1290.3

21 AUTHORITY TO ISSUE LICENSE

22 ~~The~~ On or after November 1, 2016, the Oklahoma State Bureau of
23 Investigation is hereby authorized to license an eligible person to
24 carry a concealed ~~or unconcealed~~ handgun as provided by the

1 provisions of the Oklahoma Self-Defense Act. The authority of the
2 Bureau shall be limited to the provisions specifically provided in
3 the Oklahoma Self-Defense Act. The Bureau shall promulgate rules,
4 forms and procedures necessary to implement the provisions of the
5 Oklahoma Self-Defense Act. Any license issued prior to November 1,
6 2016, shall remain in full force and effect until such time as the
7 license is subject to renewal, suspension or revocation pursuant to
8 the provisions of Section 1290.17 of this title.

9 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1290.12, as
10 last amended by Section 1, Chapter 207, O.S.L. 2015 (21 O.S. Supp.
11 2015, Section 1290.12), is amended to read as follows:

12 Section 1290.12

13 PROCEDURE FOR APPLICATION

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

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

23 a. an application form,

24

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

5 2. The person shall be required to successfully complete a
6 firearms safety and training course from a firearms instructor who
7 is approved and registered in this state as provided in Section
8 1290.14 of this title or from an interactive online firearms safety
9 and training course available electronically via the Internet
10 approved and certified by the Council on Law Enforcement Education
11 and Training, and the person shall be required to demonstrate
12 competency and qualification with a pistol authorized for concealed
13 or unconcealed carry by the Oklahoma Self-Defense Act. The original
14 certificate of successful completion of a firearms safety and
15 training course and an original certificate of successful
16 demonstration of competency and qualification to carry and handle a
17 pistol shall be submitted with the application for a handgun
18 license. No duplicate, copy, facsimile or other reproduction of the
19 certificate of training, certificate of competency and qualification
20 or exemption from training shall be acceptable as proof of training
21 as required by the provisions of the Oklahoma Self-Defense Act. A
22 person exempt from the training requirements as provided in Section
23 1290.15 of this title must show the required proof of such exemption
24 to the firearms instructor to receive an exemption certificate. The

1 original exemption certificate must be submitted with the
2 application for a handgun license when the person claims an
3 exemption from training and qualification;

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

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

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

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

3 c. by electronic funds transfer.

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

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

22 6. Two passport-size photographs of the applicant shall be
23 submitted with the completed application. The cost of the
24 photographs shall be the responsibility of the applicant. The

1 sheriff is authorized to take the photograph of the applicant for
2 purposes of the Oklahoma Self-Defense Act and, if such photographs
3 are taken by the sheriff, the cost of the photographs shall not
4 exceed Ten Dollars (\$10.00) for the two photos. All money received
5 by the sheriff from photographing applicants pursuant to the
6 provisions of this paragraph shall be retained by the sheriff and
7 deposited into the Sheriff's Service Fee Account;

8 7. The sheriff shall witness the signature of the applicant and
9 review or take the photographs of the applicant and shall verify
10 that the person making application for a handgun license is the same
11 person in the photographs submitted and the same person who signed
12 the application form. Proof of a valid Oklahoma driver license with
13 a photograph of the applicant or an Oklahoma state photo
14 identification for the applicant shall be required to be presented
15 by the applicant to the sheriff for verification of the person's
16 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,
8 certificate of competency and qualification or exemption
9 certificate, photographs, processing fee and legible fingerprints
10 meeting the Oklahoma State Bureau of Investigation's Automated
11 Fingerprint Identification System (AFIS) submission standards, and a
12 report of information deemed pertinent to an investigation of the
13 applicant for a handgun license. The sheriff shall make a
14 preliminary investigation of pertinent information about the
15 applicant and the court clerk shall assist the sheriff in locating
16 pertinent information in court records for this purpose. If no
17 pertinent information is found to exist either for or against the
18 applicant, the sheriff shall so indicate in the report;

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

1 paid from the processing fee collected by the Oklahoma State Bureau
2 of Investigation;

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

24

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

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

20 (1) with a "Yes" answer, if the records of the
21 Department indicate that the person was
22 involuntarily committed to a mental institution
23 in Oklahoma,
24

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

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

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

- 1 (1) If the Bureau finds a record on the JOLTS that
2 indicates the person was adjudicated a delinquent
3 for an offense that would constitute a felony
4 offense if committed by an adult within the last
5 ten (10) years the Bureau shall deny the license,
6 (2) If the Bureau finds no record on the JOLTS
7 indicating the named person was adjudicated
8 delinquent for an offense that would constitute a
9 felony offense if committed by an adult within
10 the last ten (10) years, or
11 (3) If the records suggest the applicant may have
12 been adjudicated delinquent for an offense that
13 would constitute a felony offense if committed by
14 an adult but such record is inconclusive, the
15 Bureau shall ask the applicant whether he or she
16 was adjudicated a delinquent for an offense that
17 would constitute a felony offense if committed by
18 an adult within the last ten (10) years. If the
19 applicant states under penalty of perjury that he
20 or she was not adjudicated a delinquent within
21 ten (10) years, the Bureau shall continue
22 processing the application for a license; and

23 13. If the background check set forth in paragraph 12 of this
24 subsection reveals no records pertaining to the applicant, the

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

1 All notices of denial shall be mailed by first-class mail to the
2 address of the applicant listed in the application. Within sixty
3 (60) calendar days from the date of mailing a denial of application
4 to an applicant, the applicant shall notify the Bureau in writing of
5 the intent to appeal the decision of denial or the right of the
6 applicant to appeal shall be deemed waived. Any administrative
7 hearing on a denial which may be provided shall be conducted by a
8 hearing examiner appointed by the Bureau. The decision of the
9 hearing examiner shall be a final decision appealable to a district
10 court in accordance with the Administrative Procedures Act. When an
11 application is approved, the Bureau shall issue the license and
12 shall mail the license by first-class mail to the address of the
13 applicant listed in the application.

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

20 SECTION 10. This act shall become effective November 1, 2016.
21
22
23
24

1 Passed the House of Representatives the 10th day of March, 2016.

2
3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2016.

6
7
8 _____
9 Presiding Officer of the Senate