

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 106

By: Allen

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. 2020, Section 1290.2), which relates to  
11 definitions; providing certain definition; 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 2020, Section 1290.5), which relates to term of  
15 license and renewal; removing certain grace period;  
16 stating reason for denial; authorizing certain  
17 background check; amending 21 O.S. 2011 Section  
18 1290.11, as last amended by Section 6, Chapter 406,  
19 O.S.L. 2019 (21 O.S. Supp. 2020, Section 1290.11),  
20 which relates to other preclusions; modifying certain  
21 preclusion; stating additional preclusion; amending  
22 21 O.S. 2011, Section 1290.12, as last amended by  
23 Section 7, Chapter 406, O.S.L. 2019 (21 O.S. Supp.  
24 2020, Section 1290.12), which relates to procedure  
for application; modifying application documentation;  
amending 21 O.S. 2011, Section 1290.18, as last  
amended by Section 1, Chapter 200, O.S.L. 2015 (21  
O.S. Supp. 2020, Section 1290.18), which relates to  
application form contents; modifying application  
form; amending 21 O.S. 2011, Section 1290.19, as  
amended by Section 38, Chapter 259, O.S.L. 2012 (21  
O.S. Supp. 2020, Section 1290.19), which relates to  
license form; modifying license form; amending 21  
O.S. 2011, Sections 1278, as amended by Section 7,  
Chapter 259, O.S.L. 2012, 1280 and 1287, as amended  
by Section 10, Chapter 259, O.S.L. 2012 (21 O.S.  
Supp. 2020, Sections 1278 and 1287), which relates to  
unlawful intent to carry, penalty for 1279 and use of  
a firearm while committing a felony; removing certain  
status of revocation; and providing an effective  
date.

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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. 2020, Section 1290.2), is amended to read as follows:

Section 1290.2.

DEFINITIONS

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

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

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

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

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

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

4 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.5, as  
5 last amended by Section 3, Chapter 406, O.S.L. 2019 (21 O.S. Supp.  
6 2020, Section 1290.5), is amended to read as follows:

7 Section 1290.5.

8 TERM OF LICENSE AND RENEWAL

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

20 B. A license may be renewed any time within ninety (90) days  
21 prior to the expiration date as provided in this subsection. The  
22 Bureau may notify each eligible licensee with an email address on  
23 file at least ninety (90) days prior to the expiration of the  
24 license. ~~There shall be a ninety-day grace period on license~~

1 ~~renewals beginning on the date of expiration; thereafter the license~~  
2 ~~is considered expired.~~ However, any applicant shall have three (3)  
3 years from the expiration of the license to comply with the renewal  
4 requirements of this section. Renewal applications shall be denied  
5 if current license is pending suspension or revocation or has been  
6 suspended or revoked.

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

9 2. The applicant must complete the renewal form, attach two  
10 current passport size photographs of the applicant, and submit a  
11 renewal fee in the amount of Eighty-five Dollars (\$85.00) to the  
12 Bureau. The renewal fee may be paid with a nationally recognized  
13 credit card as provided in subparagraph b of paragraph 4 of  
14 subsection A of Section 1290.12 of this title, by electronic funds  
15 transfer, or by a cashier's check or money order made payable to the  
16 Oklahoma State Bureau of Investigation.

17 3. Upon receipt of the renewal application, photographs and  
18 fee, the Bureau will conduct a ~~criminal history records name search,~~  
19 ~~an investigation of medical records or other records or information~~  
20 ~~deemed by the Bureau to be relevant to the renewal application.~~ If  
21 ~~the applicant appears not to have any prohibition to renewing the~~  
22 ~~handgun license, the Bureau shall issue the renewed license for a~~  
23 ~~period of five (5) or ten (10) years~~ background check and  
24 investigation pursuant to Section 1290.12 of this title excluding

1 the requirements of a state and a Federal Bureau of Investigation  
2 fingerprint search.

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

13 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.11, as  
14 last amended by Section 6, Chapter 406, O.S.L. 2019 (21 O.S. Supp.  
15 2020, Section 1290.11), is amended to read as follows:

16 Section 1290.11.

17 OTHER PRECLUSIONS

18 A. The following conditions shall preclude a person from being  
19 eligible for a handgun license pursuant to the provisions of the  
20 Oklahoma Self-Defense Act for a period of time as prescribed in each  
21 of the following paragraphs:

22 1. An arrest for an alleged commission of a felony offense or a  
23 felony charge pending in this state, another state or pursuant to  
24

1 the United States Code. The preclusive period shall be until the  
2 final determination of the matter;

3 2. The person is subject to the provisions of a deferred  
4 sentence or deferred prosecution in this state or another state or  
5 pursuant to federal authority for the commission of a felony  
6 offense. The preclusive period shall be three (3) years and shall  
7 begin upon the final determination of the matter;

8 3. Any involuntary commitment for a mental illness, condition,  
9 or disorder pursuant to the provisions of Section 5-410 of Title 43A  
10 of the Oklahoma Statutes or any involuntary commitment in another  
11 state pursuant to any provisions of law of that state. The  
12 preclusive period shall be permanent as provided by Title 18 of the  
13 United States Code Section 922(g)(4) unless the person has been  
14 granted relief from the disqualifying disability pursuant to Section  
15 1290.27 of this title;

16 4. The person has previously undergone treatment for a mental  
17 illness, condition, or disorder which required medication or  
18 supervision as defined by paragraph 7 of Section 1290.10 of this  
19 title. The preclusive period shall be three (3) years from the last  
20 date of treatment or upon presentation of a certified statement from  
21 a licensed physician stating that the person is either no longer  
22 disabled by any mental or psychiatric illness, condition, or  
23 disorder or that the person has been stabilized on medication for  
24 ten (10) years or more;

1           5. Inpatient treatment for substance abuse. The preclusive  
2 period shall be three (3) years from the last date of treatment or  
3 upon presentation of a certified statement from a licensed physician  
4 stating that the person has been free from substance use for twelve  
5 (12) months or more preceding the filing of an application for a  
6 handgun license;

7           6. Two or more convictions of public intoxication pursuant to  
8 subsection D of Section 6-101 of Title 37A of the Oklahoma Statutes,  
9 or a similar law of another state. The preclusive period shall be  
10 three (3) years from the date of the completion of the last sentence  
11 or shall require a certified statement from a licensed physician  
12 stating that the person is not in need of substance abuse treatment;

13           7. Two or more misdemeanor convictions relating to intoxication  
14 or driving under the influence of an intoxicating substance or  
15 alcohol. The preclusive period shall be three (3) years from the  
16 date of the completion of the last sentence or shall require a  
17 certified statement from a licensed physician stating that the  
18 person is not in need of substance abuse treatment;

19           8. A court order for a final Victim Protection Order against  
20 the applicant, as authorized by the Protection from Domestic Abuse  
21 Act, or any court order granting a final victim protection order  
22 against the applicant from another state. The preclusive period  
23 shall be sixty (60) days from the date an order was vacated,  
24 canceled, withdrawn or otherwise no longer in effect;

1           9. An adjudicated delinquent or convicted felon residing in the  
2 residence of the applicant which may be a violation of Section 1283  
3 of this title. The preclusive period shall be thirty (30) days from  
4 the date the person no longer resides in the same residence as the  
5 applicant; ~~or~~

6           10. An arrest for an alleged commission of, a charge pending  
7 for, or the person is subject to the provisions of a deferred  
8 prosecution for any one or more of the following misdemeanor  
9 offenses in this state or another state:

10           a. any assault and battery which caused serious physical  
11 injury to the victim or any second or subsequent  
12 assault and battery,

13           b. any aggravated assault and battery,

14           c. any stalking pursuant to Section 1173 of this title,  
15 or a similar law of another state,

16           d. any violation of the Protection from Domestic Abuse  
17 Act or any violation of a victim protection order of  
18 another state,

19           e. any violation relating to illegal drug use or  
20 possession, or

21           f. an act of domestic abuse as defined by Section 644 of  
22 this title or an act of domestic assault and battery  
23 or any comparable acts under the law of another state;

24           or





1 hundred packets per request. The Bureau shall provide the following  
2 information in the application packet:

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

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

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

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

10           a. a money order or a cashier's check made payable to the  
11 Oklahoma State Bureau of Investigation,

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

24           c. electronic funds transfer.

1 Any person paying application fees to the Oklahoma State Bureau of  
2 Investigation by means of a nationally recognized credit card or by  
3 means of an electronic funds transfer shall be required to complete  
4 and submit his or her application through the online application  
5 process of the Bureau.

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

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

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

11           7. The sheriff shall witness the signature of the applicant and  
12 review or take the photographs of the applicant and shall verify  
13 that the person making application for a handgun license is the same  
14 person in the photographs submitted and the same person who signed  
15 the application form. Proof of a valid Oklahoma driver license with  
16 a photograph of the applicant or an Oklahoma state photo  
17 identification for the applicant shall be required to be presented  
18 by the applicant to the sheriff for verification of the person's  
19 identity;

20           8. Upon verification of the identity of the applicant, the  
21 sheriff shall take two complete sets of fingerprints of the  
22 applicant. Both sets of fingerprints shall be submitted by the  
23 sheriff with the completed application, certificate of training or  
24 an exemption certificate, photographs and processing fee to the

1 Oklahoma State Bureau of Investigation within fourteen (14) days of  
2 taking the fingerprints. The cost of the fingerprints shall be paid  
3 by the applicant. The sheriff may charge a fee of up to Twenty-five  
4 Dollars (\$25.00) for the two sets of fingerprints. All fees  
5 collected by the sheriff from taking fingerprints 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 9. The sheriff shall submit to the Oklahoma State Bureau of  
9 Investigation within the fourteen-day period, together with the  
10 completed application, including the certificate of training,  
11 certificate of competency and qualification, photographs, processing  
12 fee and legible fingerprints meeting the Oklahoma State Bureau of  
13 Investigation's Automated Fingerprint Identification System (AFIS)  
14 submission standards, and a report of information deemed pertinent  
15 to an investigation of the applicant for a handgun license. The  
16 sheriff shall make a preliminary investigation of pertinent  
17 information about the applicant and the court clerk shall assist the  
18 sheriff in locating pertinent information in court records for this  
19 purpose. If no pertinent information is found to exist either for  
20 or against the applicant, the sheriff shall so indicate in the  
21 report;

22 10. The Oklahoma State Bureau of Investigation, upon receipt of  
23 the application and required information from the sheriff, shall  
24 forward one full set of fingerprints of the applicant to the Federal

1 Bureau of Investigation for a national criminal history records  
2 search. The cost of processing the fingerprints nationally shall be  
3 paid from the processing fee collected by the Oklahoma State Bureau  
4 of Investigation;

5 11. Notwithstanding the provisions of the Oklahoma Self-Defense  
6 Act, or any other provisions of law, any person who has been granted  
7 a permanent victim protective order by the court, as provided for in  
8 the Protection from Domestic Abuse Act, may be issued a temporary  
9 handgun license for a period not to exceed six (6) months. A  
10 temporary handgun license may be issued if the person has  
11 successfully passed the required weapons course, completed the  
12 application process for the handgun license, passed the preliminary  
13 investigation of the person by the sheriff and court clerk, and  
14 provided the sheriff proof of a certified permanent victim  
15 protective order and a valid Oklahoma state photo identification  
16 card or driver license. The sheriff shall issue a temporary handgun  
17 license on a form approved by the Oklahoma State Bureau of  
18 Investigation, at no cost. Any person who has been issued a  
19 temporary license shall carry the temporary handgun license and a  
20 valid Oklahoma state photo identification on his or her person at  
21 all times, and shall be subject to all the requirements of the  
22 Oklahoma Self-Defense Act when carrying a handgun. The person may  
23 proceed with the handgun licensing process. In the event the victim  
24

1 protective order is no longer enforceable, the temporary handgun  
2 license shall cease to be valid;

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

16 a. In the course of the investigation by the Bureau, it  
17 shall present the name of the applicant along with any  
18 known aliases, the address of the applicant and the  
19 Social Security number of the applicant to the  
20 Department of Mental Health and Substance Abuse  
21 Services. The Department of Mental Health and  
22 Substance Abuse Services shall respond within ten (10)  
23 days of receiving such information to the Bureau as  
24 follows:



- 1 (1) with a "Yes" answer, if the records of the  
2 Department indicate that the person was  
3 involuntarily committed to a mental institution  
4 in Oklahoma,
- 5 (2) with a "No" answer, if there are no records  
6 indicating the name of the person as a person  
7 involuntarily committed to a mental institution  
8 in Oklahoma, or
- 9 (3) with an "Inconclusive" answer if the records of  
10 the Department suggest the applicant may be a  
11 formerly committed person. In the case of an  
12 inconclusive answer, the Bureau shall ask the  
13 applicant whether he or she was involuntarily  
14 committed. If the applicant states under penalty  
15 of perjury that he or she has not been  
16 involuntarily committed, the Bureau shall  
17 continue processing the application for a  
18 license.

19 b. In the course of the investigation by the Bureau, it  
20 shall check the name of any applicant who is twenty-  
21 eight (28) years of age or younger along with any  
22 known aliases, the address of the applicant and the  
23 Social Security number of the applicant against the  
24 records in the Juvenile Online Tracking System (JOLTS)

1 of the Office of Juvenile Affairs. The Office of  
2 Juvenile Affairs shall provide the Bureau direct  
3 access to check the applicant against the records  
4 available on JOLTS:

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

1                   ten (10) years, the Bureau shall continue  
2                   processing the application for a license; and

3           13. If the background check set forth in paragraph 12 of this  
4 subsection reveals no records pertaining to the applicant, the  
5 Oklahoma State Bureau of Investigation shall either issue a handgun  
6 license or deny the application within sixty (60) days of the date  
7 of receipt of the applicant's completed application and the required  
8 information from the sheriff. In all other cases, the Oklahoma  
9 State Bureau of Investigation shall either issue a handgun license  
10 or deny the application within ninety (90) days of the date of the  
11 receipt of the applicant's completed application and the required  
12 information from the sheriff. ~~The Bureau shall approve an applicant~~  
13 ~~who appears to be in full compliance with the provisions of the~~  
14 ~~Oklahoma Self-Defense Act, if completion of the federal fingerprint~~  
15 ~~search is the only reason for delay of the issuance of the handgun~~  
16 ~~license to that applicant. Upon receipt of the federal fingerprint~~  
17 ~~search information, if the Bureau receives information which~~  
18 ~~precludes the person from having a handgun license, the Bureau shall~~  
19 ~~revoke the handgun license previously issued to the applicant. The~~  
20 Bureau shall deny a license when the applicant fails to properly  
21 complete the application form or application process or, based on  
22 the background check set forth in paragraph 12 of this subsection,  
23 is determined not to be eligible as specified by the provisions of  
24 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall

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

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

1 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1290.18, as  
2 last amended by Section 1, Chapter 200, O.S.L. 2015 (21 O.S. Supp.  
3 2020, Section 1290.18), is amended to read as follows:

4 Section 1290.18.

5 APPLICATION FORM CONTENTS

6 The application shall be completed upon the sworn oath of the  
7 applicant as provided in paragraph 5 of Section 1290.12 of this  
8 title. The application form shall be provided by the Oklahoma State  
9 Bureau of Investigation and shall contain the following information  
10 in addition to any other information deemed relevant by the Bureau:

- 11 1. Applicant's full legal name;
- 12 2. Applicant's birth name, alias names or nicknames;
- 13 3. Maiden name, if applicable;
- 14 4. County of residence;
- 15 5. Length of residency at the current address;
- 16 6. Previous addresses for the preceding three (3) years;
- 17 7. Place of birth;
- 18 8. Date of birth;
- 19 9. Declaration of citizenship ~~and date United States~~  
20 citizenship was acquired, if applicable or Alien or Admission number  
21 for non-United States citizens;
- 22 10. Race;
- 23 11. Weight;
- 24 12. Height;

1 13. Sex;

2 14. Color of eyes;

3 15. Current driver license number;

4 16. Military service number, if applicable;

5 17. Law enforcement identification numbers, if applicable;

6 18. Current occupation;

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

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

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

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

1           23. An authorization for the Oklahoma State Bureau of  
2 Investigation to investigate the applicant and any or all records  
3 relating to the applicant for purposes of approving or denying a  
4 handgun license pursuant to the provisions of the Oklahoma Self-  
5 Defense Act;

6           24. An acknowledgment that the applicant has ~~been furnished a~~  
7 ~~copy of~~ reviewed the FBI Privacy Act Statement and the Oklahoma  
8 Self-Defense Act and is knowledgeable about ~~its~~ the provisions;

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

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

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

23           28. Two separate places for the original signature of the  
24 applicant;

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

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

5 Information provided by the person on an application for a  
6 handgun license shall be confidential except to law enforcement  
7 officers or law enforcement agencies.

8 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1290.19, as  
9 amended by Section 38, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,  
10 Section 1290.19), is amended to read as follows:

11 Section 1290.19.

12 LICENSE FORM

13 The handgun license shall be on a form prescribed by the  
14 Oklahoma State Bureau of Investigation and shall contain the  
15 following information in addition to any other information deemed  
16 relevant by the Bureau:

- 17 1. The full name of the person;
- 18 2. Current address;
- 19 3. County of residence;
- 20 4. Date of birth;
- 21 5. Weight;
- 22 6. Height;
- 23 7. Sex;
- 24 8. Race;



1 9. Color of eyes;

2 10. Handgun license identification number;

3 11. Expiration date of the handgun license; ~~and~~

4 12. Date issued; and

5 13. Authorized pistol to be either: (D) derringer, (R)

6 revolver, (S) semiautomatic pistol, or some combination of  
7 derringer, revolver and semiautomatic pistol as may be authorized by  
8 the Oklahoma Self-Defense Act for which the person demonstrated  
9 qualification pursuant to the certificate of training or an  
10 exemption certificate.

11 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1278, as  
12 amended by Section 7, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,  
13 Section 1278), is amended to read as follows:

14 Section 1278.

15 UNLAWFUL INTENT TO CARRY

16 Any person in this state who carries or wears any deadly weapons  
17 or dangerous instrument whatsoever with the intent or for the avowed  
18 purpose of unlawfully injuring another person, upon conviction,  
19 shall be guilty of a felony punishable by a fine not exceeding Five  
20 Thousand Dollars (\$5,000.00), by imprisonment in the custody of the  
21 Department of Corrections for a period not exceeding two (2) years,  
22 or by both such fine and imprisonment. The mere possession of such  
23 a weapon or dangerous instrument, without more, however, shall not  
24 be sufficient to establish intent as required by this section.

1 Any person convicted of violating the provisions of this section  
2 after having been issued a handgun license pursuant to the  
3 provisions of the Oklahoma Self-Defense Act shall have the license  
4 ~~permanently~~ revoked and shall be liable for an administrative fine  
5 of One Thousand Dollars (\$1,000.00) upon a hearing and determination  
6 by the Oklahoma State Bureau of Investigation that the person is in  
7 violation of the provisions of this section.

8 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1280, is  
9 amended to read as follows:

10 Section 1280.

11 PENALTY FOR 1279

12 Any person violating the provisions of Section 1279 of this  
13 title, upon conviction, shall be guilty of a misdemeanor. The  
14 person offending shall be punished by a fine of not less than One  
15 Hundred Dollars (\$100.00) nor more than One Thousand Dollars  
16 (\$1,000.00) and shall be imprisoned in the county jail for a period  
17 not less than three (3) nor more than twelve (12) months. Any  
18 person convicted of violating the provisions of Section 1279 of this  
19 title after having been issued a handgun license pursuant to the  
20 provisions of the Oklahoma Self-Defense Act, Sections 1 through ~~25~~  
21 27 of this act, shall have the handgun license ~~permanently~~ revoked  
22 and shall be liable for an administrative fine of Fifty Dollars  
23 (\$50.00) upon a hearing and determination by the Oklahoma State  
24

1 Bureau of Investigation that the person is in violation of the  
2 provisions of this section.

3 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1287, as  
4 amended by Section 10, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,  
5 Section 1287), is amended to read as follows:

6 Section 1287.

7 USE OF FIREARM WHILE COMMITTING A FELONY

8 A. Any person who, while committing or attempting to commit a  
9 felony, possesses a pistol, shotgun or rifle or any other offensive  
10 weapon in such commission or attempt, whether the pistol, shotgun or  
11 rifle is loaded or not, or who possesses a blank or imitation  
12 pistol, altered air or toy pistol, shotgun or rifle capable of  
13 raising in the mind of one threatened with such device a fear that  
14 it is a real pistol, shotgun or rifle, or who possesses an air gun  
15 or carbon dioxide or other gas-filled weapon, electronic dart gun,  
16 conductive energy weapon, knife, dagger, dirk, switchblade knife,  
17 blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in  
18 addition to the penalty provided by statute for the felony committed  
19 or attempted, upon conviction shall be guilty of a felony for  
20 possessing such weapon or device, which shall be a separate offense  
21 from the felony committed or attempted and shall be punishable by  
22 imprisonment in the custody of the Department of Corrections for a  
23 period of not less than two (2) years nor for more than ten (10)  
24 years for the first offense, and for a period of not less than ten

1 (10) years nor more than thirty (30) years for any second or  
2 subsequent offense.

3 B. Any person convicted of violating the provisions of this  
4 section after having been issued a handgun license pursuant to the  
5 provisions of the Oklahoma Self-Defense Act shall have the license  
6 ~~permanently~~ revoked and shall be liable for an administrative fine  
7 of One Thousand Dollars (\$1,000.00) upon a hearing and determination  
8 by the Oklahoma State Bureau of Investigation that the person is in  
9 violation of the provisions of this section.

10 C. As used in this section, "altered toy pistol" shall mean any  
11 toy weapon which has been altered from its original manufactured  
12 state to resemble a real weapon.

13 D. As used in this section, "altered air pistol" shall mean any  
14 air pistol manufactured to propel projectiles by air pressure which  
15 has been altered from its original manufactured state.

16 SECTION 10. This act shall become effective November 1, 2021.

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