

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1936

By: Calvey

4
5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Sections 1290.5, as last amended by
9 Section 1, Chapter 122, O.S.L. 2014, 1290.12, as last
10 amended by Section 11, Chapter 2, O.S.L. 2014,
11 1290.14, as last amended by Section 1, Chapter 123,
12 O.S.L. 2014 and 1290.20, as amended by Section 39,
13 Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014,
14 Sections 1290.5, 1290.12, 1290.14 and 1290.20), which
15 relate to the Oklahoma Self-Defense Act; decreasing
16 renewal fee amount for handgun license; modifying
17 background check investigation procedures for handgun
18 licenses; decreasing application fee amount for
19 handgun licenses; deleting fingerprint submission
20 requirements; modifying and deleting certain
21 background check investigation requirements and
22 procedures for handgun licenses; prohibiting
23 assessment of fee for handgun safety training and
24 qualification courses; making certain acts unlawful;
providing penalties; declaring enforcement authority;
and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.5, as
last amended by Section 1, Chapter 122, O.S.L. 2014 (21 O.S. Supp.
2014, Section 1290.5), is amended to read as follows:

Section 1290.5

1 TERM OF LICENSE AND RENEWAL

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

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

1 renewal fee in the amount of ~~Eighty-five Dollars (\$85.00)~~ Twenty-
2 five Dollars (\$25.00) to the Bureau. The renewal fee may be paid
3 with a nationally recognized credit card as provided in subparagraph
4 b of paragraph 4 of subsection A of Section 1290.12 of this title,
5 by electronic funds transfer, or by a cashier's check or money order
6 made payable to the 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~~
11 background check of the applicant using the National Instant
12 Criminal Background Check System (NICS) of the Federal Bureau of
13 Investigation. If the applicant appears not to have any prohibition
14 to renewing the handgun license, the Bureau shall issue the renewed
15 license for a period of five (5) or ten (10) years.

16 C. Beginning November 1, 2007, any person making application
17 for a handgun license or any licensee seeking to renew a handgun
18 license shall have the option to request that said license be valid
19 for a period of ten (10) years. The fee for any handgun license
20 issued for a period of ten (10) years shall be double the amount of
21 the fee provided for in paragraph 4 of subsection A of Section
22 1290.12 of this title. The renewal fee for a handgun license issued
23 for a period of ten (10) years shall be double the amount of the fee
24 provided for in paragraph 2 of subsection B of this section.

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.12, as
2 last amended by Section 11, Chapter 2, O.S.L. 2014 (21 O.S. Supp.
3 2014, Section 1290.12), is amended to read as follows:

4 Section 1290.12

5 PROCEDURE FOR APPLICATION

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

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

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

20 2. The person shall be required to successfully complete a
21 firearms safety and training course from a firearms instructor who
22 is approved and registered in this state as provided in Section
23 1290.14 of this title, and the person shall be required to
24 demonstrate competency and qualification with a pistol authorized

1 for concealed or unconcealed carry by the Oklahoma Self-Defense Act.
2 The original certificate of training shall be submitted with the
3 application for a handgun license. No duplicate, copy, facsimile or
4 other reproduction of the certificate of training or exemption from
5 training shall be acceptable as proof of training as required by the
6 provisions of the Oklahoma Self-Defense Act. A person exempt from
7 the training requirements as provided in Section 1290.15 of this
8 title must show the required proof of such exemption to the firearms
9 instructor to receive an exemption certificate. The original
10 exemption certificate must be submitted with the application for a
11 handgun license when the person claims an exemption from training
12 and qualification;

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

16 4. The person shall deliver to the sheriff at the time of
17 delivery of the completed application form a fee of ~~One Hundred~~
18 ~~Dollars (\$100.00)~~ Twenty-five Dollars (\$25.00) for processing the
19 application through the Oklahoma State Bureau of Investigation ~~and~~
20 ~~processing the required fingerprints through the Federal Bureau of~~
21 ~~Investigation~~. The processing fee shall be in the form of:

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

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

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

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

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

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

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

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

3 ~~8. Upon verification of the identity of the applicant, the~~
4 ~~sheriff shall take two complete sets of fingerprints of the~~
5 ~~applicant. Both sets of fingerprints shall be submitted by the The~~
6 ~~sheriff with shall submit the completed application, certificate of~~
7 ~~training or an exemption certificate, photographs and processing fee~~
8 ~~to the Oklahoma State Bureau of Investigation within fourteen (14)~~
9 ~~days of taking the fingerprints. The cost of the fingerprints shall~~
10 ~~be paid by the applicant and shall not exceed Twenty-five Dollars~~
11 ~~(\$25.00) for the two sets. All fees collected by the sheriff from~~
12 ~~taking fingerprints pursuant to the provisions of this paragraph~~
13 ~~shall be retained by the sheriff and deposited into the Sheriff's~~
14 ~~Service Fee Account receiving the completed application;~~

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

1 ~~locating pertinent information in court records for this purpose.~~

2 ~~If no pertinent information is found to exist either for or against~~
3 ~~the applicant, the sheriff shall so indicate in the report;~~

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

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

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

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

18 a. ~~In the course of the investigation by the Bureau, it~~
19 ~~shall present the name of the applicant along with any~~
20 ~~known aliases, the address of the applicant and the~~
21 ~~social security number of the applicant to the~~
22 ~~Department of Mental Health and Substance Abuse~~
23 ~~Services. The Department of Mental Health and~~
24 ~~Substance Abuse Services shall respond within ten (10)~~

1 ~~days of receiving such information to the Bureau as~~
2 ~~follows:~~

3 ~~(1) with a "Yes" answer, if the records of the~~
4 ~~Department indicate that the person was~~
5 ~~involuntarily committed to a mental institution~~
6 ~~in Oklahoma,~~

7 ~~(2) with a "No" answer, if there are no records~~
8 ~~indicating the name of the person as a person~~
9 ~~involuntarily committed to a mental institution~~
10 ~~in Oklahoma, or~~

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

21 ~~b. In the course of the investigation by the Bureau, it~~
22 ~~shall check the name of any applicant who is twenty-~~
23 ~~eight (28) years of age or younger along with any~~
24 ~~known aliases, the address of the applicant and the~~

1 ~~social security number of the applicant against the~~
2 ~~records in the Juvenile Online Tracking System (JOLTS)~~
3 ~~of the Office of Juvenile Affairs. The Office of~~
4 ~~Juvenile Affairs shall provide the Bureau direct~~
5 ~~access to check the applicant against the records~~
6 ~~available on JOLTS.~~

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

12 ~~(2) If the Bureau finds no record on the JOLTS~~
13 ~~indicating the named person was adjudicated~~
14 ~~delinquent for an offense that would constitute a~~
15 ~~felony offense if committed by an adult within~~
16 ~~the last ten (10) years, or~~

17 ~~(3) If the records suggest the applicant may have~~
18 ~~been adjudicated delinquent for an offense that~~
19 ~~would constitute a felony offense if committed by~~
20 ~~an adult but such record is inconclusive, the~~
21 ~~Bureau shall ask the applicant whether he or she~~
22 ~~was adjudicated a delinquent for an offense that~~
23 ~~would constitute a felony offense if committed by~~
24 ~~an adult within the last ten (10) years. If the~~

1 ~~applicant states under penalty of perjury that he~~
2 ~~or she was not adjudicated a delinquent within~~
3 ~~ten (10) years, the Bureau shall continue~~
4 ~~processing the application for a license~~
5 conduct a background check of the applicant using the National
6 Instant Criminal Background Check System (NICS) of the Federal
7 Bureau of Investigation; and

8 ~~13.~~ 11. If the NICS background check ~~set forth in paragraph 11~~
9 ~~of this subsection~~ reveals no criminal records pertaining to the
10 applicant, the Oklahoma State Bureau of Investigation shall either
11 issue a handgun license or deny the application within sixty (60)
12 days of the date of receipt of the applicant's completed application
13 ~~and the required information from the sheriff.~~ In all other cases,
14 the Oklahoma State Bureau of Investigation shall either issue a
15 handgun license or deny the application within ninety (90) days of
16 the date of the receipt of the applicant's completed application ~~and~~
17 ~~the required information from the sheriff.~~ ~~The Bureau shall approve~~
18 ~~an applicant who appears to be in full compliance with the~~
19 ~~provisions of the Oklahoma Self-Defense Act, if completion of the~~
20 ~~federal fingerprint search is the only reason for delay of the~~
21 ~~issuance of the handgun license to that applicant.~~ Upon receipt of
22 ~~the federal fingerprint search information, if the Bureau receives~~
23 ~~information which precludes the person from having a handgun~~
24 ~~license, the Bureau shall revoke the handgun license previously~~

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

24

1 B. Nothing contained in any provision of the Oklahoma Self-
2 Defense Act shall be construed to require or authorize the
3 registration, documentation or providing of serial numbers with
4 regard to any firearm. For purposes of the Oklahoma Self-Defense
5 Act, the sheriff may designate a person to receive, ~~fingerprint,~~ and
6 photograph or otherwise process applications for handgun licenses.

7 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.14, as
8 last amended by Section 1, Chapter 123, O.S.L. 2014 (21 O.S. Supp.
9 2014, Section 1290.14), is amended to read as follows:

10 Section 1290.14

11 SAFETY AND TRAINING COURSE

12 A. Each applicant for a license to carry a concealed or
13 unconcealed handgun pursuant to the Oklahoma Self-Defense Act must
14 successfully complete a firearms safety and training course in this
15 state conducted by a registered and approved firearms instructor as
16 provided by the provisions of this section. The applicant must
17 further demonstrate competence and qualification with an authorized
18 pistol of the type or types that the applicant desires to carry as a
19 concealed or unconcealed handgun pursuant to the provisions of the
20 Oklahoma Self-Defense Act, except certain persons may be exempt from
21 such training requirement as provided by the provisions of Section
22 1290.15 of this title.

23 B. The Council on Law Enforcement Education and Training
24 (CLEET) shall establish criteria for approving firearms instructors

1 for purposes of training and qualifying individuals for a handgun
2 license pursuant to the provisions of the Oklahoma Self-Defense Act.
3 Prior to submitting an application for CLEET approval as a firearms
4 instructor, applicants shall attend a firearms instructor school,
5 meeting the following minimum requirements:

6 1. Firearms instructor training conducted by one of the
7 following entities:

- 8 a. Council on Law Enforcement Education and Training,
- 9 b. National Rifle Association,
- 10 c. Oklahoma Rifle Association,
- 11 d. federal law enforcement agencies, or
- 12 e. other professionally recognized organizations;

13 2. The course shall be at least sixteen (16) hours in length;

14 3. Upon completion of the course, the applicant shall be
15 qualified to provide instruction on revolvers, semiautomatic
16 pistols, or both; and

17 4. Receive a course completion certificate.

18 All firearms instructors shall be required to meet the
19 eligibility requirements for a handgun license as provided in
20 Sections 1290.9, 1290.10, and 1290.11 of this title, and the
21 application shall be processed as provided for applicants in Section
22 1290.12 of this title, including the ~~state and national criminal~~
23 ~~history records search and fingerprint search~~ background check
24 through the National Instant Criminal Background Check System (NICS)

1 of the Federal Bureau of Investigation. A firearms instructor shall
2 be required to pay a fee of One Hundred Dollars (\$100.00) to the
3 Council on Law Enforcement Education and Training (CLEET) each time
4 the person makes application for CLEET approval as a firearms
5 instructor pursuant to the provisions of the Oklahoma Self-Defense
6 Act. The fee shall be retained by CLEET and shall be deposited into
7 the Firearms Instructors Revolving Fund. CLEET shall promulgate the
8 rules, forms and procedures necessary to implement the approval of
9 firearms instructors as authorized by the provisions of this
10 subsection. CLEET shall periodically review each approved
11 instructor during a training and qualification course to assure
12 compliance with the rules and course contents. Any violation of the
13 rules may result in the revocation or suspension of CLEET and
14 Oklahoma State Bureau of Investigation approval. Unless the
15 approval has been revoked or suspended, a firearms instructor's
16 CLEET approval shall be for a term of five (5) years. Beginning on
17 July 1, 2003, any firearms instructor who has been issued a four-
18 year CLEET approval shall not be eligible for the five-year approval
19 until the expiration of the approval previously issued. CLEET shall
20 be responsible for notifying all approved firearms instructors of
21 statutory and policy changes related to the Oklahoma Self-Defense
22 Act. A firearms instructor shall not be required to submit his or
23 her fingerprints for a fingerprint search when applying for or
24 renewing a firearms instructor's CLEET approval.

1 C. 1. All firearms instructors approved by CLEET to train and
2 qualify individuals for a handgun license shall be required to apply
3 for registration with the Oklahoma State Bureau of Investigation
4 after receiving CLEET approval. All firearms instructors teaching
5 the approved course for a handgun license must display their
6 registration certificate during each training and qualification
7 course. Each approved firearms instructor shall complete a
8 registration form provided by the Bureau and shall have the option
9 to pay a registration fee of either One Hundred Dollars (\$100.00)
10 for a five-year registration certificate or Two Hundred Dollars
11 (\$200.00) for a ten-year registration certificate to the Bureau at
12 the time of each application for registration, except as provided in
13 paragraph 2 of this subsection. Registration certificates issued by
14 the Bureau shall be valid for a period of five (5) years or ten (10)
15 years from the date of issuance. The Bureau shall issue a five-year
16 or ten-year handgun license to an approved firearms instructor at
17 the time of issuance of a registration certificate and no additional
18 fee shall be required or charged. The Bureau shall maintain a
19 current listing of all registered firearms instructors in this
20 state. Nothing in this paragraph shall be construed to eliminate
21 the requirement for registration and training with CLEET as provided
22 in subsection B of this section. Failure to register or be trained
23 as required shall result in a revocation or suspension of the
24 instructor certificate by the Bureau.

1 2. On or after July 1, 2003, the registered instructors listed
2 in subparagraphs a and b of this paragraph shall not be required to
3 renew the firearms instructor registration certificate with the
4 Oklahoma State Bureau of Investigation at the expiration of the
5 registration term, provided the instructor is not subject to any
6 suspension or revocation of the firearms instructor certificate.
7 The firearms instructor registration with the Oklahoma State Bureau
8 of Investigation shall automatically renew together with the handgun
9 license authorized in paragraph 1 of this subsection for an
10 additional five-year term and no additional cost or fee may be
11 charged for the following individuals:

- 12 a. an active duty law enforcement officer of this state
13 or any of its political subdivisions or of the federal
14 government who has a valid CLEET approval as a
15 firearms instructor pursuant to the Oklahoma Self-
16 Defense Act, and
- 17 b. a retired law enforcement officer authorized to carry
18 a firearm pursuant to Section 1289.8 of this title who
19 has a valid CLEET approval as a firearms instructor
20 pursuant to the Oklahoma Self-Defense Act.

21 D. The Oklahoma State Bureau of Investigation shall approve
22 registration for a firearms instructor applicant who is in full
23 compliance with CLEET rules regarding firearms instructors and the
24 provisions of subsection B of this section, ~~if completion of the~~

1 ~~federal fingerprint search is the only reason for delay of~~
2 ~~registration of that firearms instructor applicant. Upon receipt of~~
3 ~~the federal fingerprint search information, if the Bureau receives~~
4 ~~information which precludes the person from having a handgun~~
5 ~~license, the Bureau shall revoke both the registration and the~~
6 ~~handgun license previously issued to the firearms instructor.~~

7 E. The required firearms safety and training course and the
8 actual demonstration of competency and qualification required of the
9 applicant shall be designed and conducted in such a manner that the
10 course can be reasonably completed by the applicant within an eight-
11 hour period. CLEET shall establish the course content and
12 promulgate rules, procedures and forms necessary to implement the
13 provisions of this subsection. ~~For the training and qualification~~
14 ~~course, an~~ An applicant may shall not be charged a fee ~~which shall~~
15 ~~be determined~~ by the instructor or entity that is conducting the
16 course. The maximum class size shall be determined by the
17 instructor conducting the course; provided, however, practice
18 shooting sessions shall not have more than ten participating
19 students at one time. CLEET may establish criteria for assistant
20 instructors and any other requirements deemed necessary to conduct a
21 safe and effective training and qualification course. The course
22 content shall include a safety inspection of the firearm to be used
23 by the applicant in the training course; instruction on pistol
24 handling, safety and storage; dynamics of ammunition and firing;

1 methods or positions for firing a pistol; information about the
2 criminal provisions of the Oklahoma law relating to firearms; the
3 requirements of the Oklahoma Self-Defense Act as it relates to the
4 applicant; self-defense and the use of appropriate force; a practice
5 shooting session; and a familiarization course. The firearms
6 instructor shall refuse to train or qualify any person when the
7 pistol to be used or carried by the person is either deemed unsafe
8 or unfit for firing or is a weapon not authorized by the Oklahoma
9 Self-Defense Act. The course shall provide an opportunity for the
10 applicant to qualify himself or herself on either a derringer, a
11 revolver, a semiautomatic pistol or any combination of a derringer,
12 a revolver and a semiautomatic pistol, provided no pistol shall be
13 capable of firing larger than .45 caliber ammunition. Any applicant
14 who successfully trains and qualifies himself or herself with a
15 semiautomatic pistol may be approved by the firearms instructor on
16 the training certificate for a semiautomatic pistol, a revolver and
17 a derringer upon request of the applicant. Any person who qualifies
18 on a derringer or revolver shall not be eligible for a semiautomatic
19 rating until the person has demonstrated competence and
20 qualifications on a semiautomatic pistol. Upon successful
21 completion of the training and qualification course, a certificate
22 shall be issued to each applicant who successfully completes the
23 course. The certificate of training shall comply with the form
24 established by CLEET and shall be submitted with an application for

1 a handgun license pursuant to the provisions of paragraph 2 of
2 subsection A of Section 1290.12 of this title. The certificate of
3 completion issued to an applicant shall be valid for a period of
4 three (3) years.

5 F. There is hereby created a revolving fund for the Council on
6 Law Enforcement Education and Training (CLEET), to be designated the
7 "Firearms Instructors Revolving Fund". The fund shall be a
8 continuing fund, not subject to fiscal year limitations, and shall
9 consist of all funds received for approval of firearms instructors
10 for purposes of the Oklahoma Self-Defense Act. All funds received
11 shall be deposited to the fund. All monies accruing to the credit
12 of said fund are hereby appropriated and may be budgeted and
13 expended by the Council on Law Enforcement Education and Training,
14 for implementation of the training and qualification course
15 contents, approval of firearms instructors and any other CLEET
16 requirement pursuant to the provisions of the Oklahoma Self-Defense
17 Act or as may otherwise be deemed appropriate by CLEET.
18 Expenditures from said fund shall be made upon warrants issued by
19 the State Treasurer against claims filed as prescribed by law with
20 the Director of the Office of Management and Enterprise Services for
21 approval and payment.

22 G. Firearms instructors shall keep on file for a period of not
23 less than three (3) years a roster of each training class, the
24 safety test score of each individual, the caliber and type of weapon

1 each individual used when qualifying and whether or not each
2 individual successfully completed the training course. Firearms
3 instructors shall be authorized to destroy all training documents
4 and records upon expiration of the three-year time period.

5 H. 1. It shall be unlawful for any person, other than a
6 firearms instructor approved and registered pursuant to the
7 provisions of this section, to conduct or offer to conduct within
8 the borders of this state a firearms safety and qualification
9 training course that would enable a person to obtain a handgun
10 license from a state other than Oklahoma. Any person who violates
11 the provisions of this subsection shall, upon conviction, be guilty
12 of a misdemeanor.

13 2. Any person in this state who:

14 a. is a resident of Oklahoma,

15 b. completes a firearms safety and qualification training
16 course that is specific to the laws and regulations of
17 another state for issuing handgun licenses, and

18 c. is issued a handgun license from said state,

19 shall be subject to an administrative fine of One Thousand Dollars
20 (\$1,000.00).

21 The Oklahoma State Bureau of Investigation shall have authority
22 pursuant to the provisions of the Oklahoma Self-Defense Act and any
23 other provision of law to enforce the provisions of this subsection.

24

1 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.20, as
2 amended by Section 39, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014,
3 Section 1290.20), is amended to read as follows:

4 Section 1290.20

5 PENALTY FOR REFUSAL TO SUBMIT OR FALSIFICATION

6 It shall be unlawful for any sheriff or designee to fail or
7 refuse to accept an application for a handgun license as authorized
8 by the provisions of the Oklahoma Self-Defense Act or to fail or
9 refuse to process or submit the completed application to the
10 Oklahoma State Bureau of Investigation within the time prescribed by
11 paragraph ~~8~~ 9 of Section 1290.12 of this title, or to falsify or
12 knowingly allow any person to falsify any information,
13 documentation, ~~fingerprint~~ or photograph submitted with a handgun
14 application. Any violation shall, upon conviction, be a
15 misdemeanor. There is a presumption that the sheriff has acted in
16 good faith to comply with the provisions of the Oklahoma Self-
17 Defense Act and any alleged violation of the provisions of this
18 section shall require proof beyond a reasonable doubt.

19 SECTION 5. This act shall become effective November 1, 2015.
20

21 55-1-5272 GRS 01/13/15
22
23
24