

1 ENGROSSED HOUSE
2 BILL NO. 2286

By: Wright of the House

3 and

4 Shaw of the Senate

5
6 An Act relating to firearms; amending 21 O.S. 2011,
7 Section 1289.23, as last amended by Section 5,
8 Chapter 210, O.S.L. 2016 (21 O.S. Supp. 2018, Section
9 1289.23), which relates to the Oklahoma Firearms Act
10 of 1971; directing the Oklahoma State Bureau of
11 Investigation to conduct certain background check
12 prior to issuing handgun license to peace officers;
13 amending 21 O.S. 2011, Sections 1290.1, 1290.5, as
14 last amended by Section 1, Chapter 122, O.S.L. 2014,
15 1290.8, as last amended by Section 11 of Enrolled
16 House Bill No. 2597 of the 1st Session of the 57th
17 Oklahoma Legislature, 1290.10, as last amended by
18 Section 1, Chapter 86, O.S.L. 2015, 1290.11, as last
19 amended by Section 2, Chapter 259, O.S.L. 2014,
20 1290.12, as last amended by Section 1, Chapter 152,
21 O.S.L. 2018 and 1290.26, as last amended by Section
22 4, Chapter 298, O.S.L. 2017 (21 O.S. Supp. 2018,
23 Sections 1290.5, 1290.10, 1290.11, 1290.12 and
24 1290.26), which relate to the Oklahoma Self-Defense
Act; updating statutory reference; authorizing
notification of handgun license expirations to be
sent via email; providing for use of nonresident
identification by licensees under certain
circumstances; removing misdemeanor criminal
classification for certain mandatory preclusion;
updating statutory reference; reducing time
limitation for certain temporary preclusion;
authorizing background investigations to include
checks of certain national database; directing
Oklahoma to recognize handgun permits of persons who
are not legal residents of Oklahoma; removing certain
age limitation; changing time restriction for out-of-
state licensees to apply for Oklahoma handgun license
after establishing residency; and providing an
effective date.

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

2 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.23, as
3 last amended by Section 5, Chapter 210, O.S.L. 2016 (21 O.S. Supp.
4 2018, Section 1289.23), is amended to read as follows:

5 Section 1289.23

6 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

7 A. Notwithstanding any provision of law to the contrary, a
8 full-time duly appointed peace officer who is certified by the
9 Council on Law Enforcement Education and Training (CLEET), pursuant
10 to the provisions of Section 3311 of Title 70 of the Oklahoma
11 Statutes, is hereby authorized to carry a weapon approved by the
12 employing agency anywhere in the state of Oklahoma, both while on
13 active duty and during periods when the officer is not on active
14 duty as provided by the provisions of subsection B of this section.

15 B. When a full-time duly appointed officer carries an approved
16 weapon, the officer shall be wearing the law enforcement uniform
17 prescribed by the employing agency or plainclothes. When not
18 wearing the prescribed law enforcement uniform, the officer shall be
19 required:

20 1. To have the official peace officers badge, Commission Card
21 and CLEET Certification Card on his or her person at all times when
22 carrying a weapon approved by the employing agency; and
23
24

1 2. To keep the approved weapon ~~concealed or unconcealed~~ on his
2 or her person at all times, except when the weapon is used within
3 the guidelines established by the employing agency.

4 C. Nothing in this section shall be construed to alter or amend
5 the provisions of Section 1272.1 of this title or expand the duties,
6 authority or jurisdiction of any peace officer.

7 D. A reserve peace officer who has satisfactorily completed a
8 basic police course of not less than one hundred twenty (120) hours
9 of accredited instruction for reserve police officers and reserve
10 deputies from the Council on Law Enforcement Education and Training
11 or a course of study approved by CLEET may carry an approved weapon
12 when such officer is off duty as provided by subsection E of this
13 section, provided:

14 1. The officer has been granted written authorization signed by
15 the director of the employing agency; and

16 2. The employing agency shall maintain a current list of any
17 officers authorized to carry an approved weapon while the officers
18 are off duty, and shall provide a copy of such list to the Council
19 on Law Enforcement Education and Training. Any change to the list
20 shall be made in writing and mailed to the Council on Law
21 Enforcement Education and Training within five (5) days.

22 E. When an off-duty reserve peace officer carries an approved
23 weapon, the officer shall be wearing the law enforcement uniform
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1 prescribed by the employing agency or when not wearing the
2 prescribed law enforcement uniform, the officer shall be required:

3 1. To have his or her official peace officer's badge,
4 Commission Card, CLEET Certification Card; and

5 2. To keep the approved weapon ~~concealed or unconcealed~~ on his
6 or her person at all times, except when the weapon is used within
7 the guidelines established by the employing agency.

8 F. Nothing in subsection D of this section shall be construed
9 to alter or amend the provisions of Section 1750.2 of Title 59 of
10 the Oklahoma Statutes or expand the duties, jurisdiction or
11 authority of any reserve peace officer.

12 G. Nothing in this section shall be construed to limit or
13 restrict any peace officer or reserve peace officer from carrying a
14 handgun, concealed or unconcealed, as allowed by the Oklahoma Self-
15 Defense Act after issuance of a valid license. An off-duty, full-
16 time peace officer or reserve peace officer shall be deemed to have
17 elected to carry a handgun under the authority of the Oklahoma Self-
18 Defense Act when the officer:

19 1. Has been issued a valid handgun license and is carrying a
20 handgun not authorized by the employing agency; or

21 2. Is carrying a handgun in a manner or in a place not
22 specifically authorized for off-duty carry by the employing agency.

23 H. Any off-duty peace officer who carries any weapon in
24 violation of the provisions of this section shall be deemed to be in

1 violation of Section 1272 of this title and may be prosecuted as
2 provided by law for a violation of that section.

3 I. On or after November 1, 2004, a reserve or full-time
4 commissioned peace officer may apply to carry a weapon pursuant to
5 the Oklahoma Self-Defense Act as follows:

6 1. The officer shall apply in writing to the Council on Law
7 Enforcement Education and Training (CLEET) stating that the officer
8 desires to have a handgun license pursuant to the Oklahoma Self-
9 Defense Act and certifying that he or she has no preclusions to
10 having such handgun license. The officer shall submit with the
11 application:

- 12 a. an official letter from his or her employing agency
13 confirming the officer's employment and status as a
14 full-time commissioned peace officer or an active
15 reserve peace officer,
- 16 b. a fee of Twenty-five Dollars (\$25.00) for the handgun
17 license, and
- 18 c. two passport-size photographs of the peace officer
19 applicant;

20 2. Upon receiving the required information, CLEET shall
21 determine whether the peace officer is in good standing, has CLEET
22 certification and training, and is otherwise eligible for a handgun
23 license. Upon verification of the officer's eligibility, CLEET
24 shall send the information to the Oklahoma State Bureau of

1 Investigation (OSBI) and OSBI shall issue a handgun license in the
2 same or similar form as other handgun licenses. All other
3 requirements in Section 1290.12 of this title concerning application
4 for a handgun license shall be waived for active duty peace officers
5 except as provided in this subsection including, but not limited to,
6 training, fingerprints and criminal history records checks unless
7 the officer does not have fingerprints on file or a criminal history
8 records background check conducted prior to employment as a peace
9 officer. The OSBI shall conduct a check of the National Instant
10 Criminal Background Check System (NICS) prior to the issuance of a
11 handgun license. The OSBI shall not be required to conduct any
12 further investigation into the eligibility of the peace officer
13 applicant and shall not deny a handgun license except when
14 preclusions are found to exist;

15 3. The term of the handgun license for an active duty reserve
16 or full-time commissioned peace officer pursuant to this section
17 shall be as provided in Section 1290.5 of this title, renewable in
18 the same manner provided in this subsection for an original
19 application by a peace officer. The handgun license shall be valid
20 when the peace officer is in possession of a valid driver license
21 and law enforcement commission card;

22 4. If the commission card of a law enforcement officer is
23 terminated, revoked or suspended, the handgun license shall be
24 immediately returned to CLEET. When a peace officer in possession

1 of a handgun license pursuant to this subsection changes employment,
2 the person must notify CLEET within ninety (90) days and send a new
3 letter verifying employment and status as a full-time commissioned
4 or reserve peace officer;

5 5. There shall be no refund of any fee for any unexpired term
6 of any handgun license that is suspended, revoked or voluntarily
7 returned to CLEET, or that is denied, suspended or revoked by the
8 OSBI;

9 6. CLEET may promulgate any rules, forms or procedures
10 necessary to implement the provisions of this section; and

11 7. Nothing in this subsection shall be construed to change or
12 amend the application process, eligibility, effective date or fees
13 of any handgun license pending issuance on November 1, 2004, or
14 previously issued to any peace officer prior to November 1, 2004.

15 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.1, is
16 amended to read as follows:

17 Section 1290.1

18 SHORT TITLE

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

21 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.5, as
22 last amended by Section 1, Chapter 122, O.S.L. 2014 (21 O.S. Supp.
23 2018, Section 1290.5), is amended to read as follows:

24 Section 1290.5

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

9 3. Upon receipt of the renewal application, photographs and
10 fee, the Bureau will conduct a criminal history records name search,
11 an investigation of medical records or other records or information
12 deemed by the Bureau to be relevant to the renewal application. If
13 the applicant appears not to have any prohibition to renewing the
14 handgun license, the Bureau shall issue the renewed license for a
15 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 4. AMENDATORY 21 O.S. 2011, Section 1290.8, as
2 last amended by Section 11 of Enrolled House Bill No. 2597 of the
3 1st Session of the 57th Oklahoma Legislature, is amended to read as
4 follows:

5 Section 1290.8

6 POSSESSION OF LICENSE REQUIRED

7 NOTIFICATION TO POLICE OF GUN

8 A. Except as otherwise prohibited by law, an eligible person
9 shall have authority to carry a concealed or unconcealed handgun in
10 this state when:

11 1. The person has been issued a handgun license from the
12 Oklahoma State Bureau of Investigation pursuant to the provisions of
13 the Oklahoma Self-Defense Act, provided the person is in compliance
14 with the provisions of the Oklahoma Self-Defense Act, and the
15 license has not expired or been subsequently suspended or revoked;
16 or

17 2. The person is twenty-one (21) years of age or older, and is
18 either:

19 a. active military, or

20 b. a member of the Reserve or National Guard to include
21 Drill Status Guard and Reserve, Active Guard Reserves
22 or Military Technicians,

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1 and presents a valid military identification card that shall be
2 considered a valid handgun license issued pursuant to the Oklahoma
3 Self-Defense Act.

4 B. A person in possession of a valid handgun license or who
5 meets the criteria and presents a valid military identification card
6 as provided for in this section and in compliance with the
7 provisions of the Oklahoma Self-Defense Act shall be authorized to
8 carry such concealed or unconcealed handgun while scouting as it
9 relates to hunting or fishing or while hunting or fishing.

10 C. The person shall be required to have possession of his or
11 her valid handgun license or valid military identification card as
12 provided for qualified persons in this section and a valid ~~Oklahoma~~
13 driver license or ~~an Oklahoma State~~ state photo identification at
14 all times when in possession of an authorized pistol. The person
15 shall display the handgun license or a valid military identification
16 card as provided for qualified persons in this section on demand of
17 a law enforcement officer; provided, however, that in the absence of
18 reasonable and articulable suspicion of other criminal activity, an
19 individual carrying an unconcealed or concealed handgun shall not be
20 disarmed or physically restrained unless the individual fails to
21 display a valid handgun license or a valid military identification
22 card as provided for qualified persons in this section in response
23 to that demand. Any violation of the provisions of this subsection
24 may be punishable as a criminal offense as authorized by Section

1 1272 of this title or pursuant to any other applicable provision of
2 law.

3 Upon the arrest of any person for a violation of the provisions
4 of this subsection, the person may show proof to the court that a
5 valid handgun license and the other required identification has been
6 issued to such person and the person may state any reason why the
7 handgun license, a valid military identification card as provided
8 for qualified persons in this section or the other required
9 identification was not carried by the person as required by the
10 Oklahoma Self-Defense Act. The court shall dismiss an alleged
11 violation of Section 1272 of this title upon payment of court costs,
12 if proof of a valid handgun license and other required
13 identification is shown to the court within ten (10) days of the
14 arrest of the person. The court shall report a dismissal of a
15 charge to the Bureau for consideration of administrative proceedings
16 against the licensee.

17 D. It shall be unlawful for any person to fail or refuse to
18 identify the fact that the person is in actual possession of a
19 concealed or unconcealed firearm pursuant to the authority of the
20 Oklahoma Self-Defense Act during the course of any arrest,
21 detainment, or routine traffic stop. Said identification to the law
22 enforcement officer shall be required upon the demand of the law
23 enforcement officer. No person shall be required to identify
24 himself or herself as a handgun licensee or as lawfully in

1 possession of any other firearm if the law enforcement officer does
2 not demand the information. No person shall be required to identify
3 himself or herself as a handgun licensee when no handgun is in the
4 possession of the person or in any vehicle in which the person is
5 driving or is a passenger. Any violator of the provisions of this
6 subsection may be issued a citation for an amount not exceeding One
7 Hundred Dollars (\$100.00).

8 E. Any law enforcement officer coming in contact with a person
9 whose handgun license is suspended, revoked, or expired, or who is
10 in possession of a handgun license which has not been lawfully
11 issued to that person, shall confiscate the license and return it to
12 the Oklahoma State Bureau of Investigation for appropriate
13 administrative proceedings against the licensee when the license is
14 no longer needed as evidence in any criminal proceeding.

15 F. Nothing in this section shall be construed to authorize a
16 law enforcement officer to inspect any weapon properly concealed or
17 unconcealed without probable cause that a crime has been committed.

18 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1290.10, as
19 last amended by Section 1, Chapter 86, O.S.L. 2015 (21 O.S. Supp.
20 2018, Section 1290.10), is amended to read as follows:

21 Section 1290.10

22 MANDATORY PRECLUSIONS

23 In addition to the requirements stated in Section 1290.9 of this
24 title, the conditions stated in this section shall preclude a person

1 from eligibility for a handgun license pursuant to the provisions of
2 the Oklahoma Self-Defense Act. The occurrence of any one of the
3 following conditions shall deny the person the right to have a
4 handgun license pursuant to the provisions of the Oklahoma Self-
5 Defense Act. Prohibited conditions are:

6 1. Ineligible to possess a pistol due to any felony conviction
7 or adjudication as a delinquent as provided by Section 1283 of this
8 title, except as provided in subsection B of Section 1283 of this
9 title;

10 2. Any felony conviction pursuant to any law of another state,
11 a felony conviction pursuant to any provision of the United States
12 Code, or any conviction pursuant to the laws of any foreign country,
13 provided such foreign conviction would constitute a felony offense
14 in this state if the offense had been committed in this state,
15 except as provided in subsection B of Section 1283 of this title;

16 3. Adjudication as a mentally incompetent person pursuant to
17 the provisions of the Oklahoma Mental Health Law, or an adjudication
18 of incompetency entered in another state pursuant to any provision
19 of law of that state, unless the person has been granted relief from
20 the disqualifying disability pursuant to Section 1290.27 of this
21 title;

22 4. Any false or misleading statement on the application for a
23 handgun license as provided by paragraph 5 of subsection A of
24 Section 1290.12 of this title;

1 5. Conviction of any one of the following misdemeanor offenses
2 in this state or in any other state:

- 3 a. any assault and battery which caused serious physical
4 injury to the victim, or any second or subsequent
5 assault and battery conviction,
- 6 b. any aggravated assault and battery,
- 7 c. any stalking pursuant to Section 1173 of this title,
8 or a similar law of another state,
- 9 d. a violation relating to the Protection from Domestic
10 Abuse Act or any violation of a victim protection
11 order of another state,
- 12 e. any conviction relating to illegal drug use or
13 possession, or
- 14 f. an act of domestic abuse as defined by Section 644 of
15 this title or an act of domestic assault and battery
16 or any comparable acts under the laws of another
17 state.

18 The preclusive period for a misdemeanor conviction related to
19 illegal drug use or possession shall be ten (10) years from the date
20 of completion of a sentence. For purposes of this subsection, "date
21 of completion of a sentence" shall mean the day an offender
22 completes all incarceration, probation, and parole pertaining to
23 such sentence;

1 6. An attempted suicide or other condition relating to or
2 indicating mental instability or an unsound mind which occurred
3 within the preceding ten-year period from the date of the
4 application for a license to carry a concealed firearm or that
5 occurs during the period of licensure;

6 7. Currently undergoing treatment for a mental illness,
7 condition, or disorder. For purposes of this paragraph, "currently
8 undergoing treatment for a mental illness, condition, or disorder"
9 means the person has been diagnosed by a licensed physician as being
10 afflicted with a substantial disorder of thought, mood, perception,
11 psychological orientation, or memory that significantly impairs
12 judgment, behavior, capacity to recognize reality, or ability to
13 meet the ordinary demands of life;

14 8. Significant character defects of the applicant as evidenced
15 by a ~~misdemeanor~~ criminal record indicating habitual criminal
16 activity;

17 9. Ineligible to possess a pistol due to any provision of law
18 of this state or the United States Code, except as provided in
19 subsection B of Section 1283 of this title;

20 10. Failure to pay an assessed fine or surrender the handgun
21 license as required by a decision by the administrative hearing
22 examiner pursuant to authority of the Oklahoma Self-Defense Act;

23 11. Being subject to an outstanding felony warrant issued in
24 this state or another state or the United States; or

1 12. Adjudication as a delinquent as provided by Section 1283 of
2 this title, except as provided in subsection B of Section 1283 of
3 this title.

4 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1290.11, as
5 last amended by Section 2, Chapter 259, O.S.L. 2014 (21 O.S. Supp.
6 2018, Section 1290.11), is amended to read as follows:

7 Section 1290.11

8 OTHER PRECLUSIONS

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

13 1. An arrest for an alleged commission of a felony offense or a
14 felony charge pending in this state, another state or pursuant to
15 the United States Code. The preclusive period shall be until the
16 final determination of the matter;

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

22 3. Any involuntary commitment for a mental illness, condition,
23 or disorder pursuant to the provisions of Section 5-410 of Title 43A
24 of the Oklahoma Statutes or any involuntary commitment in another

1 state pursuant to any provisions of law of that state. The
2 preclusive period shall be permanent as provided by Title 18 of the
3 United States Code Section 922(g) (4) unless the person has been
4 granted relief from the disqualifying disability pursuant to Section
5 3 1290.27 of this ~~act~~ title;

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

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

21 6. Two or more convictions of public intoxication pursuant to
22 subsection D of Section 6-101 of Title ~~37~~ 37A of the Oklahoma
23 Statutes, or a similar law of another state. The preclusive period
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1 shall be three (3) years from the date of the completion of the last
2 sentence;

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

9 8. A court order for a final Victim Protection Order against
10 the applicant, as authorized by the Protection from Domestic Abuse
11 Act, or any court order granting a final victim protection order
12 against the applicant from another state. The preclusive period
13 shall be ~~three (3) years from the date of the entry of the final~~
14 ~~court order, or~~ sixty (60) days from the date an order was vacated,
15 canceled ~~or~~, withdrawn or otherwise no longer in effect;

16 9. An adjudicated delinquent or convicted felon residing in the
17 residence of the applicant which may be a violation of Section 1283
18 of this title. The preclusive period shall be thirty (30) days from
19 the date the person no longer resides in the same residence as the
20 applicant; or

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

- a. any assault and battery which caused serious physical injury to the victim or any second or subsequent assault and battery,
- b. any aggravated assault and battery,
- c. any stalking pursuant to Section 1173 of this title, or a similar law of another state,
- d. any violation of the Protection from Domestic Abuse Act or any violation of a victim protection order of another state,
- e. any violation relating to illegal drug use or possession, or
- f. an act of domestic abuse as defined by Section 644 of this title or an act of domestic assault and battery or any comparable acts under the law of another state.

The preclusive period shall be until the final determination of the matter. The preclusive period for a person subject to the provisions of a deferred sentence for the offenses mentioned in this paragraph shall be three (3) years and shall begin upon the final determination of the matter.

B. Nothing in this section shall be construed to require a full investigation of the applicant by the Oklahoma State Bureau of Investigation.

1 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1290.12, as
2 last amended by Section 1, Chapter 152, O.S.L. 2018 (21 O.S. Supp.
3 2018, 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 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 or from an interactive online firearms safety
24 and training course available electronically via the Internet which

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

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) for processing the application through the
19 Oklahoma State Bureau of Investigation and processing the required
20 fingerprints through the Federal Bureau of Investigation. The
21 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. 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. electronic funds transfer.

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

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

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

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

23 7. The sheriff shall witness the signature of the applicant and
24 review or take the photographs of the applicant and shall verify

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

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

20 9. The sheriff shall submit to the Oklahoma State Bureau of
21 Investigation within the fourteen-day period, together with the
22 completed application, including the certificate of training,
23 certificate of competency and qualification, photographs, processing
24 fee and legible fingerprints meeting the Oklahoma State Bureau of

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

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

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

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

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

1 other records or information deemed by the Bureau to be relevant to
2 the application.

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

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

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

20 (3) with an "Inconclusive" answer if the records of
21 the Department suggest the applicant may be a
22 formerly committed person. In the case of an
23 inconclusive answer, the Bureau shall ask the
24 applicant whether he or she was involuntarily

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

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

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

1 felony offense if committed by an adult within
2 the last ten (10) years, or

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

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

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

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

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

12 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1290.26, as
13 last amended by Section 4, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
14 2018, Section 1290.26), is amended to read as follows:

15 Section 1290.26

16 RECIPROCAL AGREEMENT AUTHORITY

17 A. The State of Oklahoma hereby recognizes any valid concealed
18 or unconcealed carry weapons permit for any person who is not a
19 legal resident of Oklahoma, valid military identification card as
20 provided for qualified persons in Section 1290.8 of this title or
21 license issued by another state, or if the state is a nonpermitting
22 carry state, this state shall reciprocate under the permitting law
23 of that state.

24

1 ~~A.~~ B. Any person entering this state who is not a legal
2 resident of Oklahoma and who is in possession of a firearm
3 authorized for concealed or unconcealed carry upon the authority and
4 license of another state or a valid military identification card as
5 provided for qualified persons in Section 1290.8 of this title is
6 authorized to continue to carry a concealed or unconcealed firearm
7 and license in this state~~,,~~ provided the license from the other
8 state or valid military identification card as provided for
9 qualified persons in Section 1290.8 of this title remains valid.
10 ~~The firearm must either be carried unconcealed or concealed, and~~
11 ~~upon~~ Upon coming in contact with any peace officer of this state,
12 the person must disclose the fact that he or she is in possession of
13 a ~~concealed or unconcealed~~ firearm pursuant to a valid ~~concealed or~~
14 ~~unconcealed carry~~ weapons permit, license or a valid military
15 identification card as provided for qualified persons in Section
16 1290.8 of this title issued in another state.

17 ~~B.~~ C. Any person entering this state in possession of a firearm
18 authorized for concealed carry upon the authority of a state that is
19 a nonpermitted carry state and the person is in compliance with the
20 Oklahoma Self-Defense Act, the person is authorized to carry a
21 concealed or unconcealed firearm in this state. ~~The firearm must be~~
22 ~~carried fully concealed, or unconcealed and upon~~ Upon coming in
23 contact with any peace officer of this state, the person must
24 disclose the fact that he or she is in possession of a ~~concealed or~~

1 ~~unconcealed~~ firearm pursuant to the nonpermitting laws of the state
2 in which he or she is a legal resident. The person shall present
3 proper identification by a valid photo ID as proof that he or she is
4 a legal resident in such a ~~non-permitting~~ nonpermitting state. The
5 Department of Public Safety shall keep a current list of ~~non-~~
6 ~~permitting~~ nonpermitting states for law enforcement officers to
7 confirm that a state is nonpermitting.

8 C. D. Any person ~~who is twenty-one (21) years of age or older~~
9 ~~having~~ with a valid firearm license from another state ~~may~~ must
10 apply for a handgun license in this state ~~immediately upon~~ within
11 one hundred eighty (180) days of establishing a residence in this
12 state if the person carries a firearm pursuant to a firearm license.

13 SECTION 9. This act shall become effective November 1, 2019.

14 Passed the House of Representatives the 4th day of March, 2019.

16 _____
17 Presiding Officer of the House
18 of Representatives

18 Passed the Senate the ___ day of _____, 2019.

21 _____
22 Presiding Officer of the Senate