

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2457

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5
6 AS INTRODUCED

7 An Act relating to protective orders; creating the
8 Oklahoma Extreme Risk Protective Order Act; defining
9 terms; providing procedures for filing petition for
10 firearms restraining order; prohibiting assessment of
11 filing fee; declaring jurisdiction of courts;
12 providing procedures for serving summons and notice
13 of hearings; authorizing requests for ex parte orders
14 and emergency hearings for firearms restraining
15 orders; providing guidelines and procedures for
16 filing and issuing emergency firearms restraining
17 orders; providing for the seizure of firearms and
18 handgun licenses upon finding of probable cause;
19 stating parameters of firearms restraining order;
20 providing procedures for the return of firearms and
21 handgun license upon expiration of order; authorizing
22 transfer of firearms under certain circumstances;
23 providing for six-month restraining orders under
24 certain circumstances; establishing guidelines and
procedures; making certain acts unlawful; directing
court to consider certain evidence prior to issuing
order; authorizing issuance of search warrants;
stating parameters of six-month restraining order;
providing procedures for the return of firearms and
handgun licenses upon expiration of order;
authorizing transfer of firearms under certain
circumstances; providing for the dissolution of
emergency firearms restraining order under certain
circumstances; allowing subject of order to request
termination hearing; providing procedures for
termination hearing requests; directing court clerks
to enter order on records of the court and file
copies with certain entities; directing sheriff or
law enforcement to serve order upon respondent;
directing sheriffs and law enforcement to submit
documents to the Oklahoma State Bureau of

1 Investigation; requiring Bureau to maintain records
2 of firearms restraining orders; authorizing out-of-
3 state orders to be filed by court clerks; making
4 certain acts unlawful; providing penalty; permitting
5 law enforcement to remove weapons when deemed
6 appropriate; providing exemption from civil
7 liability; providing an exception; authorizing the
8 expungement of firearms restraining orders under
9 certain circumstances; providing for codification;
10 and providing an effective date.

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

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 62 of Title 22, unless there is
14 created a duplication in numbering, reads as follows:

15 Sections 1 through 14 of this act shall be known and may be
16 cited as the "Oklahoma Extreme Risk Protective Order Act".

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 62.1 of Title 22, unless there
19 is created a duplication in numbering, reads as follows:

20 As used in this act:

21 1. "Family or household members" means:

- 22 a. spouses,
- 23 b. ex-spouses,
- 24 c. present spouses of ex-spouses,
- d. parents, including grandparents, stepparents, adoptive
parents and foster parents,

- e. children, including grandchildren, stepchildren, adopted children and foster children,
- f. persons otherwise related by blood or marriage,
- g. persons living in the same household or who formerly lived in the same household, and
- h. persons who are the biological parents of the same child, regardless of their marital status, or whether they have lived together at any time. This shall include the elderly and handicapped;

2. "Firearms restraining order" means an order issued by the court, prohibiting and enjoining a named person from having in his or her custody or control, purchasing, possessing or receiving any firearms;

3. "Intimate partner" means a person with whom the respondent has a courtship or engagement relationship. For purposes of this act, a casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a courtship or engagement relationship;

4. "Petitioner" means:

- a. a family member of the respondent as defined in this act, or
- b. a law enforcement officer, who files a petition alleging that the respondent poses a danger of causing personal injury to himself, herself, or another by

1 having in his or her custody or control a firearm or
2 the respondent is purchasing, possessing, or receiving
3 a firearm; and

4 5. "Respondent" means the person alleged in the petition to
5 pose a danger of causing personal injury to himself, herself, or
6 another by having in his or her custody or control a firearm or by
7 purchasing, possessing, or receiving a firearm.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 62.2 of Title 22, unless there
10 is created a duplication in numbering, reads as follows:

11 A. Actions for a firearms restraining order are commenced by
12 filing a verified petition for a firearms restraining order in any
13 district court.

14 B. A petition for a firearms restraining order may be filed in
15 any county where the respondent resides.

16 C. No fee shall be charged by the clerk for filing, amending,
17 vacating, certifying, or photocopying petitions or orders. Nor
18 shall any fee be charged for issuing alias summonses or for any
19 related filing service.

20 D. No fee shall be charged by the sheriff or other law
21 enforcement for service by the sheriff or other law enforcement of a
22 petition, rule, motion, or order in an action commenced under the
23 provisions of this act.

1 E. The court shall provide, through the office of the court
2 clerk, simplified forms and clerical assistance to help with the
3 writing and filing of a petition under this act by any person not
4 represented by counsel. In addition, that assistance may be
5 provided by the office of the district attorney.

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 62.3 of Title 22, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Each of the district courts shall have the power to issue
10 firearms restraining orders.

11 B. The district courts of this state have jurisdiction to bind
12 state residents and nonresidents having minimum contacts with this
13 state.

14 C. The summons shall require respondent to answer or appear
15 within seven (7) days. Attachments to the summons or notice shall
16 include the petition for the firearms restraining order and
17 supporting affidavits, if any, and any emergency firearms
18 restraining order that has been issued. The enforcement of an order
19 under Section 5 of this act shall not be affected by the lack of
20 service, delivery, or notice, provided the requirements of
21 subsection F of Section 5 of this act are otherwise met.

22 D. Except as provided in subsection C of this section, notice
23 of hearings on petitions or motions shall be served in accordance
24 with Title 12 O.S., Rule 2 of the District Courts, unless notice is

1 excused by Section 5 of this act, or by the Code of Civil Procedure,
2 Supreme Court rules, or local rules.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 62.4 of Title 22, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A petitioner may request an emergency firearms restraining
7 order by filing an affidavit or verified pleading alleging that the
8 respondent poses an immediate and present danger of causing personal
9 injury to himself, herself, or another by having in his or her
10 custody or control a firearm or by purchasing, possessing, or
11 receiving a firearm. The petition shall also describe the type and
12 location of any firearm or firearms presently believed by the
13 petitioner to be possessed or controlled by the respondent.

14 B. If the respondent is alleged to pose an immediate and
15 present danger of causing personal injury to an intimate partner, or
16 an intimate partner is alleged to have been the target of a threat
17 or act of violence by the respondent, petitioner shall make a good-
18 faith effort to provide notice to any and all intimate partners of
19 the respondent. The notice must include that the petitioner intends
20 to petition the court for an emergency firearms restraining order,
21 and, if petitioner is a law enforcement officer, referral to
22 relevant domestic violence or stalking advocacy or counseling
23 resources, if appropriate. Petitioner shall attest to having
24 provided the notice in the filed affidavit or verified pleading. If

1 after making a good-faith effort petitioner is unable to provide
2 notice to any or all intimate partners, the affidavit or verified
3 pleading should describe what efforts were made.

4 C. Every person who files a petition for an emergency firearms
5 restraining order, knowing the information provided to the court at
6 any hearing or in the affidavit or verified pleading to be false, is
7 guilty of perjury under Section 491 of Title 21 of the Oklahoma
8 Statutes.

9 D. An emergency firearms restraining order shall be issued on
10 an ex parte basis, that is, without notice to the respondent.

11 E. An emergency hearing held on an ex parte basis shall be held
12 the same day that the petition is filed or the next day that the
13 court is in session.

14 F. 1. If a judge finds probable cause to believe that the
15 respondent poses an immediate and present danger of causing personal
16 injury to himself, herself, or another by having in his or her
17 custody or control a firearm or by purchasing, possessing, or
18 receiving a firearm the judge shall issue an emergency order.
19 Furthermore, the court shall provide the respondent with information
20 and resource options for community-based mental health treatment.

21 2. If the court issues an emergency firearms restraining order,
22 it shall, upon a finding of probable cause that the respondent
23 possesses firearms, issue a search warrant directing a law
24 enforcement agency to seize the firearms of the respondent. The

1 court may, as part of that warrant, direct the law enforcement
2 agency to search the residence of the respondent and other places
3 where the court finds there is probable cause to believe he or she
4 is likely to possess the firearms.

5 G. An emergency firearms restraining order shall require:

6 1. The respondent to refrain from having in his or her custody
7 or control a firearm or from purchasing, possessing, or receiving
8 additional firearms for the duration of the order; and

9 2. The respondent to turn over to the local law enforcement
10 agency any handgun license issued pursuant to the Oklahoma Self-
11 Defense Act in his or her possession. The local law enforcement
12 agency shall immediately mail the handgun license to the Oklahoma
13 State Bureau of Investigation for safekeeping. The firearm and
14 handgun license, if unexpired, shall be returned to the respondent
15 after the firearms restraining order is terminated or expired.

16 H. 1. Except as otherwise provided in paragraph 2 of this
17 subsection, upon expiration of the period of safekeeping, if the
18 firearm or handgun license cannot be returned to respondent because
19 respondent cannot be located, the respondent fails to respond to
20 requests to retrieve the firearms, or the respondent is not lawfully
21 eligible to possess a firearm, upon petition from the local law
22 enforcement agency, the court may order the local law enforcement
23 agency to destroy the firearm, use the firearm for training
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1 purposes, or for any other application as deemed appropriate by the
2 local law enforcement agency.

3 2. A respondent whose handgun license has been revoked or
4 suspended may petition the court, if the petitioner is present in
5 court or has notice of the petition, to transfer the firearm of the
6 respondent to a person who is lawfully able to possess the firearm
7 if the person does not reside at the same address as the respondent.
8 Notice of the petition shall be served upon the person protected by
9 the emergency firearms restraining order. While the order is in
10 effect, the transferee who receives the firearm of the respondent
11 must swear or affirm by affidavit that he or she shall not transfer
12 the firearm to the respondent or to anyone residing in the same
13 residence as the respondent.

14 3. If a person other than the respondent claims title to any
15 firearm surrendered under this section, he or she may petition the
16 court, if the petitioner is present in court or has notice of the
17 petition, to have the firearm returned to him or her. If the court
18 determines that person to be the lawful owner of the firearm, the
19 firearm shall be returned to him or her, provided that:

20 a. the firearm is removed from the custody, control, or
21 possession of the respondent and the lawful owner
22 agrees to store the firearm in a manner such that the
23 respondent does not have access to or control of the
24 firearm, and

1 b. the firearm is not otherwise unlawfully possessed by
2 the owner.

3 4. The person petitioning for the return of his or her firearm
4 must swear or affirm by affidavit that he or she:

5 a. is the lawful owner of the firearm,

6 b. will not transfer the firearm to the respondent, and

7 c. will store the firearm in a manner that the respondent
8 does not have access to or control of the firearm.

9 I. In accordance with subsection E of this section, the court
10 shall schedule a full hearing as soon as possible, but no longer
11 than fourteen (14) days from the issuance of an ex parte firearms
12 restraining order, to determine if a six-month firearms restraining
13 order shall be issued. The court may extend an ex parte order as
14 needed, but not to exceed fourteen (14) days, to effectuate service
15 of the order or if necessary to continue protection. The court may
16 extend the order for a greater length of time by mutual agreement of
17 the parties.

18 SECTION 6. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 62.5 of Title 22, unless there
20 is created a duplication in numbering, reads as follows:

21 A. A petitioner may request a six-month firearms restraining
22 order by filing an affidavit or verified pleading alleging that the
23 respondent poses a significant danger of causing personal injury to
24 himself, herself, or another in the near future by having in his or

1 her custody or control a firearm or by purchasing, possessing, or
2 receiving a firearm. The petition shall also describe the number,
3 types, and locations of any firearms presently believed by the
4 petitioner to be possessed or controlled by the respondent.

5 B. If the respondent is alleged to pose a significant danger of
6 causing personal injury to an intimate partner, or an intimate
7 partner is alleged to have been the target of a threat or act of
8 violence by the respondent, petitioner shall make a good-faith
9 effort to provide notice to any and all intimate partners of the
10 respondent. The notice must include that the petitioner intends to
11 petition the court for a six-month firearms restraining order, and,
12 if petitioner is a law enforcement officer, referral to relevant
13 domestic violence or stalking advocacy or counseling resources, if
14 appropriate. Petitioner shall attest to having provided the notice
15 in the filed affidavit or verified pleading. If after making a
16 good-faith effort petitioner is unable to provide notice to any or
17 all intimate partners, the affidavit or verified pleading should
18 describe what efforts were made.

19 C. Every person who files a petition for a six-month firearms
20 restraining order, knowing the information provided to the court at
21 any hearing or in the affidavit or verified pleading to be false, is
22 guilty of perjury under Section 491 of Title 21 of the Oklahoma
23 Statutes.

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1 D. Upon receipt of a petition for a six-month firearms
2 restraining order, the court shall order a hearing within thirty
3 (30) days.

4 E. In determining whether to issue a firearms restraining order
5 under this section, the court shall consider evidence including, but
6 not limited to, the following:

7 1. The unlawful and reckless use, display, or brandishing of a
8 firearm by the respondent;

9 2. The history of use, attempted use, or threatened use of
10 physical force by the respondent against another person;

11 3. Any prior arrest of the respondent for a felony offense;

12 4. Evidence of the abuse of controlled substances or alcohol by
13 the respondent;

14 5. A recent threat of violence or act of violence by the
15 respondent directed toward himself, herself, or another;

16 6. A violation of an emergency order of protection or order of
17 protection issued under the Protection from Domestic Abuse Act; or

18 7. A pattern of violent acts or violent threats including, but
19 not limited to, threats of violence or acts of violence by the
20 respondent directed toward himself, herself, or another.

21 F. At the hearing, the petitioner shall have the burden of
22 proving by clear and convincing evidence that the respondent poses a
23 significant danger of personal injury to himself, herself, or
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1 another by having in his or her custody or control a firearm, or by
2 purchasing, possessing, or receiving a firearm.

3 G. If the court finds that there is clear and convincing
4 evidence to issue a firearms restraining order, the court shall
5 issue a firearms restraining order that shall be in effect for six
6 (6) months subject to renewal or termination under Section 7 of this
7 act. Furthermore, the court shall provide the respondent with
8 information and resource options for community-based mental health
9 treatment. If the court issues a six-month firearms restraining
10 order, it shall, upon a finding of probable cause that the
11 respondent possesses firearms, issue a search warrant directing a
12 law enforcement agency to seize the firearms of the respondent. The
13 court may, as part of that warrant, direct the law enforcement
14 agency to search the residence of the respondent and other places
15 where the court finds there is probable cause to believe he or she
16 is likely to possess the firearms.

17 H. A six-month firearms restraining order shall require:

18 1. The respondent to refrain from having in his or her custody
19 or control a firearm, or from purchasing, possessing or receiving
20 additional firearms for the duration of the order; and

21 2. The respondent to turn over to the local law enforcement
22 agency any firearm or handgun license issued pursuant to the
23 Oklahoma Self-Defense Act in his or her possession. The local law
24 enforcement agency shall immediately mail the handgun license to the

1 Oklahoma State Bureau of Investigation for safekeeping. The firearm
2 and handgun license, if unexpired, shall be returned to the
3 respondent after the firearms restraining order is terminated or
4 expired.

5 I. 1. Except as otherwise provided in paragraph 2 of this
6 subsection, upon expiration of the period of safekeeping, if the
7 firearm or handgun license cannot be returned to respondent because
8 respondent cannot be located, the respondent fails to respond to
9 requests to retrieve the firearm, or the respondent is not lawfully
10 eligible to possess a firearm, upon petition from the local law
11 enforcement agency, the court may order the local law enforcement
12 agency to destroy the firearm, use the firearm for training
13 purposes, or for any other application as deemed appropriate by the
14 local law enforcement agency.

15 2. A respondent whose handgun license has been revoked or
16 suspended may petition the court, if the petitioner is present in
17 court or has notice of the petition, to transfer the firearm of the
18 respondent to a person who is lawfully able to possess the firearm
19 if the person does not reside at the same address as the respondent.
20 Notice of the petition shall be served upon the person protected by
21 the emergency firearms restraining order. While the order is in
22 effect, the transferee who receives the firearm of the respondent
23 must swear or affirm by affidavit that he or she shall not transfer
24

1 the firearm to the respondent or to any one residing in the same
2 residence as the respondent.

3 3. If a person other than the respondent claims title to any
4 firearms surrendered under this section, he or she may petition the
5 court, if the petitioner is present in court or has notice of the
6 petition, to have the firearm returned to him or her. If the court
7 determines that person to be the lawful owner of the firearm, the
8 firearm shall be returned to him or her, provided that:

- 9 a. the firearm is removed from the custody, control, or
10 possession of the respondent and the lawful owner
11 agrees to store the firearm in a manner such that the
12 respondent does not have access to or control of the
13 firearm, and
14 b. the firearm is not otherwise unlawfully possessed by
15 the owner.

16 4. The person petitioning for the return of his or her firearm
17 must swear or affirm by affidavit that he or she:

- 18 a. is the lawful owner of the firearm,
19 b. will not transfer the firearm to the respondent, and
20 c. will store the firearm in a manner that the respondent
21 does not have access to or control of the firearm.

22 J. If the court does not issue a firearms restraining order at
23 the hearing, the court shall dissolve any emergency firearms
24 restraining order then in effect.

1 K. When the court issues a firearms restraining order under
2 this section, the court shall inform the respondent that he or she
3 is entitled to one hearing during the period of the order to request
4 a termination of the order, under Section 7 of this act, and shall
5 provide the respondent with a form to request a hearing.

6 SECTION 7. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 62.6 of Title 22, unless there
8 is created a duplication in numbering, reads as follows:

9 A. A person subject to a firearms restraining order issued
10 under this act may submit one written request at any time during the
11 effective period of the order for a hearing to terminate the order.

12 1. The respondent shall have the burden of proving by a
13 preponderance of the evidence that the respondent does not pose a
14 danger of causing personal injury to himself, herself, or another in
15 the near future by having in his or her custody or control a
16 firearm, or by purchasing, possessing, or receiving a firearm.

17 2. If the court finds after the hearing that the respondent has
18 met his or her burden, the court shall terminate the order.

19 B. A petitioner may request a renewal of a firearms restraining
20 order at any time within the three (3) months before the expiration
21 of a firearms restraining order.

22 1. A court shall, after notice and a hearing, renew a firearms
23 restraining order issued under this section if the petitioner
24 proves, by clear and convincing evidence, that the respondent

1 continues to pose a danger of causing personal injury to himself,
2 herself, or another in the near future by having in his or her
3 custody or control a firearm, or by purchasing, possessing, or
4 receiving a firearm.

5 2. In determining whether to renew a firearms restraining order
6 issued under this act, the court shall consider evidence of the
7 facts identified in subsection E of Section 6 of this act and any
8 other evidence of an increased risk for violence.

9 3. At the hearing, the petitioner shall have the burden of
10 proving, by clear and convincing evidence, that the respondent
11 continues to pose a danger of causing personal injury to himself,
12 herself, or another in the near future by having in his or her
13 custody or control a firearm, or by purchasing, possessing, or
14 receiving a firearm.

15 4. The renewal of a firearms restraining order issued under
16 this section shall be in effect for six (6) months, subject to
17 termination by further order of the court at a hearing held under
18 this section and further renewal by further order of the court under
19 this section.

20 SECTION 8. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 62.7 of Title 22, unless there
22 is created a duplication in numbering, reads as follows:

23 A. Upon issuance of any firearms restraining order, the clerk
24 shall immediately, or on the next court day if an emergency firearms

1 restraining order is issued in accordance with Section 5 of this
2 act:

3 1. Enter the order on the record and file it in accordance with
4 the district court procedures; and

5 2. Provide a file-stamped copy of the order to respondent, if
6 present, and to petitioner.

7 B. The clerk shall, or the petitioner may, on the same day that
8 a firearms restraining order is issued, file a certified copy of
9 that order with the sheriff or other law enforcement officials
10 charged with maintaining law enforcement records or charged with
11 serving the order upon respondent. If the order was issued in
12 accordance with Section 5 of this act, the clerk shall on the next
13 court day, file a certified copy of the order with the sheriff or
14 other law enforcement officials charged with maintaining law
15 enforcement records.

16 C. Unless respondent was present in court when the order was
17 issued, the sheriff or other law enforcement official shall promptly
18 serve that order upon respondent and file proof of the service, in
19 the manner provided for service of process in civil proceedings.

20 D. Any order renewing or terminating any firearms restraining
21 order shall be promptly recorded, issued, and served as provided in
22 this section.

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1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 62.8 of Title 22, unless there
3 is created a duplication in numbering, reads as follows:

4 A. All sheriffs shall furnish to the Oklahoma State Bureau of
5 Investigation, daily, in the form and detail the Bureau requires,
6 copies of any recorded firearms restraining order issued by the
7 court and transmitted to the sheriff by the court clerk under
8 Section 8 of this act. Each firearms restraining order shall be
9 entered in the Uniform Crime Reporting System on the same day it is
10 issued by the court. If an emergency firearms restraining order was
11 issued in accordance with Section 5 of this act, the order shall be
12 entered in the Uniform Crime Reporting System as soon as possible
13 after receipt from the clerk.

14 B. The Oklahoma State Bureau of Investigation shall maintain a
15 complete and systematic record and index of all valid and recorded
16 firearms restraining orders issued or filed under this act. The
17 data shall be used to inform all dispatchers and law enforcement
18 officers at the scene of a violation of firearms restraining order
19 of the effective dates and terms of any recorded order of
20 protection.

21 C. The data, records and transmittals required under this
22 section shall pertain to any valid emergency or six-month firearms
23 restraining order, whether issued in a civil or criminal proceeding
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1 or authorized under the laws of another state, tribe, or United
2 States territory.

3 SECTION 10. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 62.9 of Title 22, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A person who has sought a firearms restraining order or
7 similar order issued by the court of another state, tribe, or United
8 States territory may file a certified copy of the firearms
9 restraining order with the court clerk in a judicial district in
10 which the person believes that enforcement may be necessary.

11 B. The clerk shall:

12 1. Treat the foreign firearms restraining order in the same
13 manner as a judgment of the district court for any county of this
14 state in accordance with the provisions of the Uniform Enforcement
15 of Foreign Judgments Act, except that the clerk shall not mail
16 notice of the filing of the foreign order to the respondent named in
17 the order; and

18 2. On the same day that a foreign firearms restraining order is
19 filed, file a certified copy of that order with the sheriff or other
20 law enforcement officials charged with maintaining law enforcement
21 records as set forth in Section 9 of this act.

22 C. Neither residence in this state nor filing of a foreign
23 firearms restraining order shall be required for enforcement of the
24 order by this state. Failure to file the foreign order shall not be

1 an impediment to its treatment in all respects as an Oklahoma
2 firearms restraining order.

3 D. The clerk shall not charge a fee to file a foreign firearms
4 restraining order under this section.

5 SECTION 11. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 62.10 of Title 22, unless there
7 is created a duplication in numbering, reads as follows:

8 A respondent who knowingly violates a firearms restraining order
9 is guilty of a misdemeanor. Prosecution for a violation of a
10 firearms restraining order shall not bar concurrent prosecution for
11 any other crime, including any crime that may have been committed at
12 the time of the violation of the firearms restraining order.

13 SECTION 12. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 62.11 of Title 22, unless there
15 is created a duplication in numbering, reads as follows:

16 Nothing in this act shall preclude a petitioner or law
17 enforcement officer from removing weapons under other authority, or
18 filing criminal charges when probable cause exists.

19 SECTION 13. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 62.12 of Title 22, unless there
21 is created a duplication in numbering, reads as follows:

22 Any act of omission or commission by any law enforcement officer
23 acting in good faith in rendering emergency assistance or otherwise
24 enforcing this act shall not impose civil liability upon the law

1 enforcement officer or his or her supervisor or employer, unless the
2 act is a result of willful or wanton misconduct.

3 SECTION 14. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 62.13 of Title 22, unless there
5 is created a duplication in numbering, reads as follows:

6 If the court denies issuance of a firearms restraining order
7 against the respondent, all records of the proceeding shall be
8 immediately expunged from the court records. If the firearms
9 restraining order is granted, all records of the proceeding shall,
10 three (3) years after the expiration of the firearms restraining
11 order, be sealed.

12 SECTION 15. This act shall become effective November 1, 2019.

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