

1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.8, as
2 last amended by Section 4, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
3 2015, Section 1290.8), is amended to read as follows:

4 Section 1290.8.

5 POSSESSION OF LICENSE REQUIRED

6 NOTIFICATION TO POLICE OF GUN

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

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

16 2. The person is twenty-one (21) years of age or older, is on
17 active military or National Guard duty, regular military or National
18 Guard reserve duty or has retired or been honorably discharged from
19 military service and presents a valid military identification card
20 in lieu of a handgun license. A person in possession of a valid
21 handgun license or a valid military identification card and in
22 compliance with the provisions of the Oklahoma Self-Defense Act
23 shall be authorized to carry such concealed or unconcealed handgun
24 while bow hunting or fishing.

1 B. The person shall be required to have possession of his or
2 her valid handgun license or valid military identification card and
3 a valid Oklahoma driver license or an Oklahoma State photo
4 identification at all times when in possession of an authorized
5 pistol. The person shall display the handgun license or a valid
6 military identification card on demand of a law enforcement officer;
7 provided, however, that in the absence of reasonable and articulable
8 suspicion of other criminal activity, an individual carrying an
9 unconcealed or concealed handgun shall not be disarmed or physically
10 restrained unless the individual fails to display a valid handgun
11 license or valid military identification card in response to that
12 demand. Any violation of the provisions of this subsection may be
13 punishable as a criminal offense as authorized by Section 1272 of
14 this title or pursuant to any other applicable provision of law.
15 Any second or subsequent violation of the provisions of this
16 subsection shall be grounds for the Bureau to suspend the handgun
17 license for a period of six (6) months, in addition to any other
18 penalty imposed.

19 Upon the arrest of any person for a violation of the provisions
20 of this subsection, the person may show proof to the court that a
21 valid handgun license and the other required identification has been
22 issued to such person and the person may state any reason why the
23 handgun license or the other required identification was not carried
24 by the person as required by the Oklahoma Self-Defense Act. The

1 court shall dismiss an alleged violation of Section 1272 of this
2 title upon payment of court costs, if proof of a valid handgun
3 license, a valid military identification card and other required
4 identification is shown to the court within ten (10) days of the
5 arrest of the person. The court shall report a dismissal of a
6 charge to the Bureau for consideration of administrative proceedings
7 against the licensee.

8 C. It shall be unlawful for any person to fail or refuse to
9 identify the fact that the person is in actual possession of a
10 concealed or unconcealed handgun pursuant to the authority of the
11 Oklahoma Self-Defense Act when the person comes into contact with
12 any law enforcement officer of this state or its political
13 subdivisions or a federal law enforcement officer during the course
14 of any arrest, detainment, or routine traffic stop. Said
15 identification to the law enforcement officer shall be made at the
16 first opportunity. No person shall be required to identify himself
17 or herself as a handgun licensee when no handgun is in the
18 possession of the person or in any vehicle in which the person is
19 driving or is a passenger. Any violation of the provisions of this
20 subsection shall, upon conviction, be a misdemeanor punishable by a
21 fine not exceeding One Hundred Dollars (\$100.00).

22 D. Any law enforcement officer coming in contact with a person
23 whose handgun license is suspended, revoked, or expired, or who is
24 in possession of a handgun license which has not been lawfully

1 issued to that person, shall confiscate the license and return it to
2 the Oklahoma State Bureau of Investigation for appropriate
3 administrative proceedings against the licensee when the license is
4 no longer needed as evidence in any criminal proceeding.

5 E. Nothing in this section shall be construed to authorize a
6 law enforcement officer to inspect any weapon properly concealed or
7 unconcealed without probable cause that a crime has been committed.

8 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.12, as
9 last amended by Section 1, Chapter 72, O.S.L. 2015 (21 O.S. Supp.
10 2015, Section 1290.12), is amended to read as follows:

11 Section 1290.12.

12 PROCEDURE FOR APPLICATION

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

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

- 22 a. an application form,
- 23 b. procedures to follow to process the application form,
- 24 and

1 c. a copy of the Oklahoma Self-Defense Act with any
2 modifications thereto;

3 2. The person shall be required to successfully complete a
4 firearms safety and training course from a firearms instructor who
5 is approved and registered in this state as provided in Section
6 1290.14 of this title, and the person shall be required to
7 demonstrate competency and qualification with a pistol authorized
8 for concealed or unconcealed carry by the Oklahoma Self-Defense Act.
9 The original certificate of training shall be submitted with the
10 application for a handgun license. No duplicate, copy, facsimile or
11 other reproduction of the certificate of training or exemption from
12 training shall be acceptable as proof of training as required by the
13 provisions of the Oklahoma Self-Defense Act. ~~A person exempt from
14 the training requirements as provided in Section 1290.15 of this
15 title must show the required proof of such exemption to the firearms
16 instructor to receive an exemption certificate. The original
17 exemption certificate must be submitted with the application for a
18 handgun license when the person claims an exemption from training
19 and qualification;~~

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

23 4. The person shall deliver to the sheriff at the time of
24 delivery of the completed application form a fee of One Hundred

1 Dollars (\$100.00) for processing the application through the
2 Oklahoma State Bureau of Investigation and processing the required
3 fingerprints through the Federal Bureau of Investigation. The
4 processing fee shall be in the form of:

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

7 b. by a nationally recognized credit card issued to the
8 applicant. For purposes of this paragraph,

9 "nationally recognized credit card" means any
10 instrument or device, whether known as a credit card,

11 credit plate, charge plate, or by any other name,

12 issued with or without fee by the issuer for the use

13 of the cardholder in obtaining goods, services, or

14 anything else of value on credit which is accepted by

15 over one thousand merchants in the state. The

16 Oklahoma State Bureau of Investigation shall determine

17 which nationally recognized credit cards will be

18 accepted by the Bureau, or

19 c. by electronic funds transfer.

20 Any person paying application fees to the Oklahoma State Bureau of
21 Investigation by means of a nationally recognized credit card or by

22 means of an electronic funds transfer shall be required to complete

23 and submit his or her application through the online application

24 process of the Bureau.

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

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

19 6. Two passport size photographs of the applicant shall be
20 submitted with the completed application. The cost of the
21 photographs shall be the responsibility of the applicant. The
22 sheriff is authorized to take the photograph of the applicant for
23 purposes of the Oklahoma Self-Defense Act and, if such photographs
24 are taken by the sheriff the cost of the photographs shall not

1 exceed Ten Dollars (\$10.00) for the two photos. All money received
2 by the sheriff from photographing applicants pursuant to the
3 provisions of this paragraph shall be retained by the sheriff and
4 deposited into the Sheriff's Service Fee Account;

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

14 8. Upon verification of the identity of the applicant, the
15 sheriff shall take two complete sets of fingerprints of the
16 applicant. Both sets of fingerprints shall be submitted by the
17 sheriff with the completed application, certificate of training or
18 an exemption certificate, photographs and processing fee to the
19 Oklahoma State Bureau of Investigation within fourteen (14) days of
20 taking the fingerprints. The cost of the fingerprints shall be paid
21 by the applicant and shall not exceed Twenty-five Dollars (\$25.00)
22 for the two sets. All fees collected by the sheriff from taking
23 fingerprints pursuant to the provisions of this paragraph shall be
24

1 retained by the sheriff and deposited into the Sheriff's Service Fee
2 Account;

3 9. The sheriff shall submit to the Oklahoma State Bureau of
4 Investigation within the fourteen-day period, together with the
5 completed application, including the certificate of training ~~or~~
6 ~~exemption certificate~~, photographs, processing fee and legible
7 fingerprints meeting the Oklahoma State Bureau of Investigation's
8 Automated Fingerprint Identification System (AFIS) submission
9 standards, and a report of information deemed pertinent to an
10 investigation of the applicant for a handgun license. The sheriff
11 shall make a preliminary investigation of pertinent information
12 about the applicant and the court clerk shall assist the sheriff in
13 locating pertinent information in court records for this purpose.
14 If no pertinent information is found to exist either for or against
15 the applicant, the sheriff shall so indicate in the report;

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

23 11. Notwithstanding the provisions of the Oklahoma Self-Defense
24 Act, or any other provisions of law, any person who has been granted

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

20 12. The Oklahoma State Bureau of Investigation shall make a
21 reasonable effort to investigate the information submitted by the
22 applicant and the sheriff, to ascertain whether or not the issuance
23 of a handgun license would be in violation of the provisions of the
24 Oklahoma Self-Defense Act. The investigation by the Bureau of an

1 applicant shall include, but shall not be limited to: a statewide
2 criminal history records search, a national criminal history records
3 search, a Federal Bureau of Investigation fingerprint search, and if
4 applicable, an investigation of medical records or other records or
5 information deemed by the Bureau to be relevant to the application.

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

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

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

23 (3) with an "Inconclusive" answer if the records of
24 the Department suggest the applicant may be a

1 formerly committed person. In the case of an
2 inconclusive answer, the Bureau shall ask the
3 applicant whether he or she was involuntarily
4 committed. If the applicant states under penalty
5 of perjury that he or she has not been
6 involuntarily committed, the Bureau shall
7 continue processing the application for a
8 license.

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

19 (1) If the Bureau finds a record on the JOLTS that
20 indicates the person was adjudicated a delinquent
21 for an offense that would constitute a felony
22 offense if committed by an adult within the last
23 ten (10) years the Bureau shall deny the license,
24

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

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

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

1 applicant to appeal shall be deemed waived. Any administrative
2 hearing on a denial which may be provided shall be conducted by a
3 hearing examiner appointed by the Bureau. The decision of the
4 hearing examiner shall be a final decision appealable to a district
5 court in accordance with the Administrative Procedures Act. When an
6 application is approved, the Bureau shall issue the license and
7 shall mail the license by first-class mail to the address of the
8 applicant listed in the application.

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

15 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.15, as
16 last amended by Section 2, Chapter 86, O.S.L. 2013 (21 O.S. Supp.
17 2015, Section 1290.15), is amended to read as follows:

18 Section 1290.15.

19 PERSONS EXEMPT FROM TRAINING COURSE

20 A. The following individuals may be exempt from all or part of
21 the required training and qualification course established pursuant
22 to the provisions of Section 1290.14 of this title:

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1 1. A firearms instructor registered with the Oklahoma State
2 Bureau of Investigation for purposes of the Oklahoma Self-Defense
3 Act;

4 2. An active duty law enforcement officer of this state or any
5 of its political subdivisions or of the federal government;

6 3. A retired law enforcement officer authorized by this state
7 pursuant to Section 1289.8 of this title to carry a firearm;

8 4. A CLEET-certified armed security officer, armed guard,
9 correctional officer, or any other person having a CLEET
10 certification to carry a firearm in the course of their employment;

11 5. A person on active military duty, National Guard duty or
12 regular military reserve duty who is a legal resident of this state
13 and who is trained and qualified in the use of handguns;

14 6. A person honorably discharged from active military duty,
15 National Guard duty or military reserves within twenty (20) years
16 preceding the date of the application for a handgun license pursuant
17 to the provisions of the Oklahoma Self-Defense Act, who is a legal
18 resident of this state, and who has been trained and qualified in
19 the use of handguns;

20 7. A person retired as a peace officer in good standing from a
21 law enforcement agency located in another state, who is a legal
22 resident of this state, and who has received training equivalent to
23 the training required for CLEET certification in this state; and
24

1 8. Any person who is otherwise deemed qualified for a training
2 exemption by ~~CLEET~~ the Council on Law Enforcement Education and
3 Training.

4 ~~Provided, however, persons applying for an exemption pursuant to~~
5 ~~paragraph 3, 4, 5, 6 or 7 of this subsection may be required to~~
6 ~~successfully complete the classroom portion of the training course.~~
7 ~~The fee for the classroom portion of the training course shall be~~
8 ~~determined by the instructor or entity that is conducting the~~
9 ~~course.~~

10 B. ~~The Council on Law Enforcement Education and Training~~
11 ~~(CLEET) shall establish criteria for providing proof of an~~
12 ~~exemption. Before any person shall be considered exempt from all or~~
13 ~~part of the required training and qualification pursuant to the~~
14 ~~provisions of the Oklahoma Self-Defense Act, the person shall~~
15 ~~present the required proof of exemption to a registered firearms~~
16 ~~instructor. Each person determined to be exempt from training or~~
17 ~~qualification as provided in this subsection shall receive an~~
18 ~~exemption certificate from the registered firearms instructor. The~~
19 ~~rules promulgated by CLEET to implement the provisions of this~~
20 ~~section and Section 1290.14 of this title may require that a fee not~~
21 ~~to exceed Five Dollars (\$5.00) be charged for processing an~~
22 ~~exemption certificate.~~

23 ~~The original exemption certificate must be submitted with an~~
24 ~~application for a handgun license as provided in paragraph 2 of~~

1 ~~Section 1290.12 of this title.~~ No person who is determined to be
2 exempt from training or qualification may carry a concealed or
3 unconcealed firearm pursuant to the authority of the Oklahoma Self-
4 Defense Act until issued a valid handgun license or possesses a
5 valid military identification card as provided for in Section 1290.8
6 of this title.

7 C. Nothing contained in any provision of the Oklahoma Self-
8 Defense Act shall be construed to alter, amend, or modify the
9 authority of any active duty law enforcement officer, or any person
10 certified by the Council on Law Enforcement Education and Training
11 to carry a pistol during the course of their employment, to carry
12 any pistol in any manner authorized by law or authorized by the
13 employing agency.

14 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.26, as
15 last amended by Section 18, Chapter 15, O.S.L. 2013 (21 O.S. Supp.
16 2015, Section 1290.26), is amended to read as follows:

17 Section 1290.26.

18 RECIPROCAL AGREEMENT AUTHORITY

19 The State of Oklahoma hereby recognizes any valid concealed or
20 unconcealed carry weapons permit, valid military identification card
21 or license issued by another state, or if the state is a
22 nonpermitting carry state, this state shall reciprocate under the
23 permitting law of that state.

24

1 A. Any person entering this state in possession of a firearm
2 authorized for concealed or unconcealed carry upon the authority and
3 license of another state or a valid military identification card is
4 authorized to continue to carry a concealed or unconcealed firearm
5 and license in this state; provided the license from the other state
6 or military identification card remains valid. The firearm must
7 either be carried unconcealed or concealed from detection and view,
8 and upon coming in contact with any peace officer of this state, the
9 person must disclose the fact that he or she is in possession of a
10 concealed or unconcealed firearm pursuant to a valid concealed or
11 unconcealed carry weapons permit ~~or~~, license or a valid military
12 identification card issued in another state.

13 B. Any person entering this state in possession of a firearm
14 authorized for concealed carry upon the authority of a state that is
15 a nonpermitted carry state and the person is in compliance with the
16 Oklahoma Self-Defense Act, the person is authorized to carry a
17 concealed firearm in this state. The firearm must be carried fully
18 concealed from detection and view, and upon coming in contact with
19 any peace officer of this state, the person must disclose the fact
20 that he or she is in possession of a concealed firearm pursuant to
21 the nonpermitting laws of the state in which he or she is a legal
22 resident. The person shall present proper identification by a valid
23 photo ID as proof that he or she is a legal resident in such a non-
24 permitting state. The Department of Public Safety shall keep a

1 current list of non-permitting states for law enforcement officers
2 to confirm that a state is nonpermitting.

3 C. Any person who is twenty-one (21) years of age or older
4 having a valid firearm license from another state may apply for a
5 handgun license in this state immediately upon establishing a
6 residence in this state.

7 SECTION 5. This act shall become effective November 1, 2016.

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9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03/28/2016 -
10 DO PASS, As Coauthored.

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