

1 ENGROSSED HOUSE
2 BILL NO. 4120

By: Hardin and Wallace of the
House

3 and

4 Weaver of the Senate
5

6
7 An Act relating to firearms; amending 21 O.S. 2021,
8 Section 1289.8, which relates to the Oklahoma
9 Firearms Act of 1971; modifying procedures for
10 renewing identification cards; deeming expired
11 firearms permits irrelevant under certain
12 circumstances; and declaring an emergency.

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

14 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1289.8, is
15 amended to read as follows:

Section 1289.8.

16 CARRYING WEAPON

17 A. Any fire marshal inspector who is retired, state, county or
18 municipal peace officer of this state who is retired, or any state,
19 county or municipal peace officer classified as a reserve who is
20 retired, or any federal law enforcement officer who is retired may
21 retain their status as a peace officer, retired, in the State of
22 Oklahoma, and as such may carry a firearm pursuant to the provisions
23 of subsection B of this section. A retired state, county or
24 municipal peace officer may in times of great emergency or danger

1 serve to enforce the law, keep the peace or to protect the public in
2 keeping with their availability and ability at the request of the
3 Governor, the sheriff or the mayor of their retirement jurisdiction.
4 If a retired fire marshal is activated for duty, the peace officer
5 powers of the retired fire marshal are limited to the duties granted
6 prior to retirement.

7 B. The Council on Law Enforcement Education and Training
8 (CLEET) shall issue an identification card to eligible retired
9 federal, state, county, and municipal peace officers which
10 authorizes the retired peace officer to carry a firearm throughout
11 the State of Oklahoma. The identification card shall bear the full
12 name of the retired officer, the signature of the retired officer,
13 the date of issuance, and such other information as may be deemed
14 appropriate by CLEET. The identification card shall ~~expire every~~
15 ~~ten (10) years~~ and may be denied, suspended or revoked as provided
16 by the rules promulgated by CLEET or upon the discovery of any
17 preclusion prescribed in Section 1290.10 or 1290.11 of this title.
18 ~~In order to renew the permit, the Council on Law Enforcement~~
19 ~~Education and Training shall request, pursuant to Section 150.9 of~~
20 ~~Title 74 of the Oklahoma Statutes, the Oklahoma State Bureau of~~
21 ~~Investigation to conduct a state and national criminal history~~
22 ~~records search on each retired peace officer authorized to carry a~~
23 ~~firearm pursuant to the provisions of this section; and unless a~~
24 ~~preclusion prescribed in Section 1290.10 or 1290.11 of this title is~~

1 ~~found to exist, no action shall be necessary. A retired peace~~
2 ~~officer requesting a renewal of his or her permit shall submit to~~
3 ~~the Council a nonrefundable fee for a national criminal history~~
4 ~~record with fingerprint analysis, as provided in Section 150.9 of~~
5 ~~Title 74 of the Oklahoma Statutes.~~ When a preclusion is discovered,
6 the Council shall notify the retired peace officer and shall hold a
7 hearing before taking any action to suspend or revoke the authority
8 to carry a firearm.

9 C. ~~The~~ In the event a preclusion prescribed in Section 1290.10
10 or 1290.11 of this title is discovered or a retired peace officer is
11 requesting a firearms permit, the retired peace officer shall be
12 required to submit the following information to the Council on Law
13 Enforcement Education and Training (CLEET) and any other information
14 requested by CLEET:

15 1. A statement from the appropriate law enforcement agency
16 verifying the status of the person as a retired peace officer of
17 that jurisdiction; and

18 2. A notarized statement, signed by the retired peace officer,
19 stating that the officer:

20 a. has not been convicted of and is currently not subject
21 to any pending criminal prosecution for any preclusion
22 prescribed in Section 1290.10 or 1290.11 of this
23 title,

24

1 b. has not been forced into retirement due to any mental
2 disorder, and

3 c. has not suffered any injury or any physical or mental
4 impairment which would render the person unsafe to
5 carry a firearm.

6 D. A retired peace officer, who has made application for the
7 CLEET identification card authorized in subsection B of this
8 section, shall be authorized to carry a firearm as an off-duty peace
9 officer, pursuant to Section 1289.23 of this title, until the
10 authority to carry a firearm as a retired officer is finally
11 approved or denied by CLEET.

12 E. The Council on Law Enforcement Education and Training shall
13 promulgate rules and procedures necessary to implement the
14 provisions of this section.

15 F. Any peace officer, retired, who carries any firearm in
16 violation of the provisions of this section shall be deemed to be in
17 violation of Section 1272 of this title and may be prosecuted as
18 provided by law for a violation of that section.

19 G. Any firearms permit issued to a retired peace officer in
20 accordance with the provisions of this section that previously
21 expired and a preclusion has not been discovered by CLEET, shall
22 remain valid and the expiration date on the original firearms permit
23 shall be deemed irrelevant.

