

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1391

By: Murdock

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending
9 21 O.S. 2011, Sections 1290.12, as last amended by
10 Section 2, Chapter 11, O.S.L. 2014 and 1290.14, as
11 last amended by Section 1, Chapter 123, O.S.L. 2014
12 (21 O.S. Supp. 2014, Sections 1290.12 and 1290.14),
13 which relate to the Oklahoma Self-Defense Act;
14 providing for online firearms safety and training
15 courses; directing the Council on Law Enforcement
16 Education and Training to establish criteria for
17 online training courses; and providing an effective
18 date.

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

20 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.12, as
21 last amended by Section 2, Chapter 11, O.S.L. 2014 (21 O.S. Supp.
22 2014, Section 1290.12), is amended to read as follows:

23 Section 1290.12

24 PROCEDURE FOR APPLICATION

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

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

- 7 a. an application form,
- 8 b. procedures to follow to process the application form,
- 9 and
- 10 c. a copy of the Oklahoma Self-Defense Act with any
11 modifications thereto;

12 2. The person shall be required to successfully complete a
13 firearms safety and training course from a firearms instructor who
14 is approved and registered in this state as provided in Section
15 1290.14 of this title or from an interactive online firearms safety
16 and training course available electronically via the Internet
17 approved and certified by the Council on Law Enforcement Education
18 and Training, and the person shall be required to demonstrate
19 competency and qualification with a pistol authorized for concealed
20 or unconcealed carry by the Oklahoma Self-Defense Act. The original
21 certificate of successful completion of a firearms safety and
22 training course and an original certificate of successful
23 demonstration of competency and qualification to carry and handle a
24 pistol shall be submitted with the application for a handgun

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

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

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

- 20 a. a money order or a cashier's check made payable to the
21 Oklahoma State Bureau of Investigation,
22 b. by a nationally recognized credit card issued to the
23 applicant. For purposes of this paragraph,
24 "nationally recognized credit card" means any

1 instrument or device, whether known as a credit card,
2 credit plate, charge plate, or by any other name,
3 issued with or without fee by the issuer for the use
4 of the cardholder in obtaining goods, services, or
5 anything else of value on credit which is accepted by
6 over one thousand merchants in the state. The
7 Oklahoma State Bureau of Investigation shall determine
8 which nationally recognized credit cards will be
9 accepted by the Bureau, or

10 c. by electronic funds transfer.

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

17 5. The completed application form shall be signed by the
18 applicant in person before the sheriff. The signature shall be
19 given voluntarily upon a sworn oath that the person knows the
20 contents of the application and that the information contained in
21 the application is true and correct. Any person making any false or
22 misleading statement on an application for a handgun license shall,
23 upon conviction, be guilty of perjury as defined by Section 491 of
24 this title. Any conviction shall be punished as provided in Section

1 500 of this title. In addition to a criminal conviction, the person
2 shall be denied the right to have a handgun license pursuant to the
3 provisions of Section 1290.10 of this title and the Oklahoma State
4 Bureau of Investigation shall revoke the handgun license, if issued;

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

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

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

13 9. The sheriff shall submit to the Oklahoma State Bureau of
14 Investigation within the fourteen-day period, together with the
15 completed application, including the certificate of training,
16 certificate of competency and qualification or exemption
17 certificate, photographs, processing fee and legible fingerprints
18 meeting the Oklahoma State Bureau of Investigation's Automated
19 Fingerprint Identification System (AFIS) submission standards, and a
20 report of information deemed pertinent to an investigation of the
21 applicant for a handgun license. The sheriff shall make a
22 preliminary investigation of pertinent information about the
23 applicant and the court clerk shall assist the sheriff in locating
24 pertinent information in court records for this purpose. If no

1 pertinent information is found to exist either for or against the
2 applicant, the sheriff shall so indicate in the report;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 applicant states under penalty of perjury that he
2 or she was not adjudicated a delinquent within
3 ten (10) years, the Bureau shall continue
4 processing the application for a license; and

5 13. If the background check set forth in paragraph ~~11~~ 12 of
6 this subsection reveals no records pertaining to the applicant, the
7 Oklahoma State Bureau of Investigation shall either issue a handgun
8 license or deny the application within sixty (60) days of the date
9 of receipt of the applicant's completed application and the required
10 information from the sheriff. In all other cases, the Oklahoma
11 State Bureau of Investigation shall either issue a handgun license
12 or deny the application within ninety (90) days of the date of the
13 receipt of the applicant's completed application and the required
14 information from the sheriff. The Bureau shall approve an applicant
15 who appears to be in full compliance with the provisions of the
16 Oklahoma Self-Defense Act, if completion of the federal fingerprint
17 search is the only reason for delay of the issuance of the handgun
18 license to that applicant. Upon receipt of the federal fingerprint
19 search information, if the Bureau receives information which
20 precludes the person from having a handgun license, the Bureau shall
21 revoke the handgun license previously issued to the applicant. The
22 Bureau shall deny a license when the applicant fails to properly
23 complete the application form or application process or is
24 determined not to be eligible as specified by the provisions of

1 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall
2 approve an application in all other cases. If an application is
3 denied, the Bureau shall notify the applicant in writing of its
4 decision. The notification shall state the grounds for the denial
5 and inform the applicant of the right to an appeal as may be
6 provided by the provisions of the Administrative Procedures Act.
7 All notices of denial shall be mailed by first-class mail to the
8 address of the applicant listed in the application. Within sixty
9 (60) calendar days from the date of mailing a denial of application
10 to an applicant, the applicant shall notify the Bureau in writing of
11 the intent to appeal the decision of denial or the right of the
12 applicant to appeal shall be deemed waived. Any administrative
13 hearing on a denial which may be provided shall be conducted by a
14 hearing examiner appointed by the Bureau. The decision of the
15 hearing examiner shall be a final decision appealable to a district
16 court in accordance with the Administrative Procedures Act. When an
17 application is approved, the Bureau shall issue the license and
18 shall mail the license by first-class mail to the address of the
19 applicant listed in the application.

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

3 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.14, as
4 last amended by Section 1, Chapter 123, O.S.L. 2014 (21 O.S. Supp.
5 2014, Section 1290.14), is amended to read as follows:

6 Section 1290.14

7 SAFETY AND TRAINING COURSE

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

22 B. The Council on Law Enforcement Education and Training
23 (CLEET) shall establish criteria for approving firearms instructors
24 and interactive online firearms safety and training courses

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

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

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

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

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

18 4. Receive a course completion certificate.

19 All firearms instructors shall be required to meet the
20 eligibility requirements for a handgun license as provided in
21 Sections 1290.9, 1290.10, and 1290.11 of this title, and the
22 application shall be processed as provided for applicants in Section
23 1290.12 of this title, including the state and national criminal
24 history records search and fingerprint search. A firearms

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

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

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

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

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

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

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

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

1 ~~form~~ forms established by CLEET and shall be submitted with an
2 application for a handgun license pursuant to the provisions of
3 paragraph 2 of subsection A of Section 1290.12 of this title. The
4 certificate of ~~completion~~ training and certificate of competency and
5 qualification issued to an applicant shall be valid for a period of
6 three (3) years.

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

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1 G. Firearms instructors shall keep on file for a period of not
2 less than three (3) years a roster of each training class, the
3 safety test score of each individual, the caliber and type of weapon
4 each individual used when qualifying and whether or not each
5 individual successfully completed the training course. Firearms
6 instructors shall be authorized to destroy all training documents
7 and records upon expiration of the three-year time period.

8 SECTION 3. This act shall become effective November 1, 2015.

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