

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 3038

By: Bush

4
5
6 AS INTRODUCED

7 An Act relating to fingerprinting fees; amending 19
8 O.S. 2011, Section 514.3, which relates to
9 fingerprinting fees; authorizing sheriffs to
10 determine fees for fingerprinting individuals;
11 amending 21 O.S. 2011, Sections 1290.5, as last
12 amended by Section 1, Chapter 122, O.S.L. 2014 and
13 1290.12, as last amended by Section 2, Chapter 298,
14 O.S.L. 2017 (21 O.S. Supp. 2017, Sections 1290.5 and
15 1290.12), which relate to the Oklahoma Self-Defense
16 Act; authorizing sheriffs to determine fees for
17 photographing and fingerprinting handgun license
18 applicants; directing deposit of fee into certain
19 account; and providing an effective date.

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

21 SECTION 1. AMENDATORY 19 O.S. 2011, Section 514.3, is
22 amended to read as follows:

23 Section 514.3 The sheriff may charge ~~Five Dollars (\$5.00) per~~
24 ~~card for~~ a fee to recover the costs of fingerprinting individuals.

This section shall not be applicable to fingerprinting individuals
pursuant to the Oklahoma Self-Defense Act. All fees collected
pursuant to this section shall be deposited into the Sheriff's
Service Fee Account.

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.5, as
2 last amended by Section 1, Chapter 122, O.S.L. 2014 (21 O.S. Supp.
3 2017, Section 1290.5), is amended to read as follows:

4 Section 1290.5

5 TERM OF LICENSE AND RENEWAL

6 A. A handgun license when issued shall authorize the person to
7 whom the license is issued to carry a loaded or unloaded handgun,
8 concealed or unconcealed, as authorized by the provisions of the
9 Oklahoma Self-Defense Act, and any future modifications thereto.
10 The license shall be valid in this state for a period of five (5) or
11 ten (10) years, unless subsequently surrendered, suspended or
12 revoked as provided by law. The person shall have no authority to
13 continue to carry a concealed or unconcealed handgun in this state
14 pursuant to the Oklahoma Self-Defense Act when a license is expired
15 or when a license has been voluntarily surrendered or suspended or
16 revoked for any reason.

17 B. A license may be renewed any time within ninety (90) days
18 prior to the expiration date as provided in this subsection. The
19 Bureau shall send a renewal application to each eligible licensee
20 with a return address requested. There shall be a ninety-day grace
21 period on license renewals beginning on the date of expiration,
22 thereafter the license is considered expired. However, any
23 applicant shall have three (3) years from the expiration of the
24 license to comply with the renewal requirements of this section.

1 1. To renew a handgun license, the licensee must first obtain a
2 renewal form from the Oklahoma State Bureau of Investigation.

3 2. The applicant must complete the renewal form, attach two
4 current passport size photographs of the applicant, and submit a
5 renewal fee in the amount of Eighty-five Dollars (\$85.00) to the
6 Bureau. The renewal fee may be paid with a nationally recognized
7 credit card as provided in subparagraph b of paragraph 4 of
8 subsection A of Section 1290.12 of this title, by electronic funds
9 transfer, or by a cashier's check or money order made payable to the
10 Oklahoma State Bureau of Investigation. The cost of the photographs
11 shall be the responsibility of the applicant. The sheriff is
12 authorized to take the photograph of the applicant and, if such
13 photograph is taken by the sheriff, the sheriff may charge a fee to
14 recover the costs of taking the photograph. All money received by
15 the sheriff from photographing applicants pursuant to the provisions
16 of this paragraph shall be retained by the sheriff and deposited
17 into the Sheriff's Service Fee Account.

18 3. Upon receipt of the renewal application, photographs and
19 fee, the Bureau will conduct a criminal history records name search,
20 an investigation of medical records or other records or information
21 deemed by the Bureau to be relevant to the renewal application. If
22 the applicant appears not to have any prohibition to renewing the
23 handgun license, the Bureau shall issue the renewed license for a
24 period of five (5) or ten (10) years.

1 C. Beginning November 1, 2007, any person making application
2 for a handgun license or any licensee seeking to renew a handgun
3 license shall have the option to request that said license be valid
4 for a period of ten (10) years. The fee for any handgun license
5 issued for a period of ten (10) years shall be double the amount of
6 the fee provided for in paragraph 4 of subsection A of Section
7 1290.12 of this title. The renewal fee for a handgun license issued
8 for a period of ten (10) years shall be double the amount of the fee
9 provided for in paragraph 2 of subsection B of this section.

10 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.12, as
11 last amended by Section 2, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
12 2017, Section 1290.12), is amended to read as follows:

13 Section 1290.12

14 PROCEDURE FOR APPLICATION

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

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

24 a. an application form,

- 1 b. procedures to follow to process the application form,
2 and
3 c. a copy of the Oklahoma Self-Defense Act with any
4 modifications thereto;

5 2. The person shall be required to successfully complete a
6 firearms safety and training course from a firearms instructor who
7 is approved and registered in this state as provided in Section
8 1290.14 of this title or from an interactive online firearms safety
9 and training course available electronically via the Internet which
10 has been approved as to curriculum by the Council on Law Enforcement
11 Education and Training, and the person shall be required to
12 demonstrate competency and qualification with a pistol authorized
13 for concealed or unconcealed carry by the Oklahoma Self-Defense Act.
14 The original certificate of successful completion of a firearms
15 safety and training course and an original certificate of successful
16 demonstration of competency and qualification to carry and handle a
17 pistol shall be submitted with the application for a handgun
18 license. No duplicate, copy, facsimile or other reproduction of the
19 certificate of training, certificate of competency and qualification
20 or exemption from training shall be acceptable as proof of training
21 as required by the provisions of the Oklahoma Self-Defense Act;

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

1 4. The person shall deliver to the sheriff at the time of
2 delivery of the completed application form a fee of One Hundred
3 Dollars (\$100.00) for processing the application through the
4 Oklahoma State Bureau of Investigation and processing the required
5 fingerprints through the Federal Bureau of Investigation. The
6 processing fee shall be in the form of:

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

9 b. a nationally recognized credit card issued to the
10 applicant. For purposes of this paragraph,

11 "nationally recognized credit card" means any
12 instrument or device, whether known as a credit card,
13 credit plate, charge plate, or by any other name,

14 issued with or without fee by the issuer for the use
15 of the cardholder in obtaining goods, services, or

16 anything else of value on credit which is accepted by
17 over one thousand merchants in the state. The

18 Oklahoma State Bureau of Investigation shall determine
19 which nationally recognized credit cards will be

20 accepted by the Bureau, or

21 c. electronic funds transfer.

22 Any person paying application fees to the Oklahoma State Bureau of
23 Investigation by means of a nationally recognized credit card or by
24 means of an electronic funds transfer shall be required to complete

1 and submit his or her application through the online application
2 process of the Bureau.

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

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

21 6. Two passport-size photographs of the applicant shall be
22 submitted with the completed application. The cost of the
23 photographs shall be the responsibility of the applicant. The
24 sheriff is authorized to take the photograph of the applicant for

1 purposes of the Oklahoma Self-Defense Act and, if such ~~photographs~~
2 ~~are~~ photograph is taken by the sheriff, the ~~cost of the photographs~~
3 ~~shall not exceed Ten Dollars (\$10.00) for the two photos~~ sheriff may
4 charge a fee to recover the costs of taking the photograph. All
5 money received by the sheriff from photographing applicants pursuant
6 to the provisions of this paragraph shall be retained by the sheriff
7 and deposited into the Sheriff's Service Fee Account;

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

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

1 ~~for the two sets~~ sheriff may charge a fee to recover the costs of
2 fingerprinting the applicant. All fees collected by the sheriff
3 from taking fingerprints pursuant to the provisions of this
4 paragraph shall be retained by the sheriff and deposited into the
5 Sheriff's Service Fee Account;

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

20 10. The Oklahoma State Bureau of Investigation, upon receipt of
21 the application and required information from the sheriff, shall
22 forward one full set of fingerprints of the applicant to the Federal
23 Bureau of Investigation for a national criminal history records
24 search. The cost of processing the fingerprints nationally shall be

1 paid from the processing fee collected by the Oklahoma State Bureau
2 of Investigation;

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

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

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

20 (1) with a "Yes" answer, if the records of the
21 Department indicate that the person was
22 involuntarily committed to a mental institution
23 in Oklahoma,
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1 (2) with a "No" answer, if there are no records
2 indicating the name of the person as a person
3 involuntarily committed to a mental institution
4 in Oklahoma, or

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

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

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

23 13. If the background check set forth in paragraph 12 of this
24 subsection reveals no records pertaining to the applicant, the

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

1 All notices of denial shall be mailed by first-class mail to the
2 address of the applicant listed in the application. Within sixty
3 (60) calendar days from the date of mailing a denial of application
4 to an applicant, the applicant shall notify the Bureau in writing of
5 the intent to appeal the decision of denial or the right of the
6 applicant to appeal shall be deemed waived. Any administrative
7 hearing on a denial which may be provided shall be conducted by a
8 hearing examiner appointed by the Bureau. The decision of the
9 hearing examiner shall be a final decision appealable to a district
10 court in accordance with the Administrative Procedures Act. When an
11 application is approved, the Bureau shall issue the license and
12 shall mail the license by first-class mail to the address of the
13 applicant listed in the application.

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

20 SECTION 4. This act shall become effective November 1, 2018.

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22 56-2-8140 GRS 01/14/18

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