

1 **SENATE FLOOR VERSION**

2 March 29, 2021

3 ENGROSSED HOUSE
4 BILL NO. 1630

By: Hardin (David), Roberts
(Sean), McDugle, Lawson,
Burns and Steagall of the
House

6 and

7 Pemberton, Stephens and
8 Bergstrom of the Senate

9
10 An Act relating to firearms; amending 21 O.S. 2011,
11 Section 1278, as amended by Section 7, Chapter 259,
12 O.S.L. 2012 (21 O.S. Supp. 2020, Section 1278), which
13 relates to the unlawful intent to carry firearms;
14 modifying revocation penalty for certain unlawful
15 act; amending 21 O.S. 2011, Section 1280, which
16 relates to penalties for pointing weapons at others;
17 updating statutory reference; modifying revocation
18 penalty for certain unlawful act; amending 21 O.S.
19 2011, Section 1287, as amended by Section 10, Chapter
20 259, O.S.L. 2012 (21 O.S. Supp. 2020, Section 1287),
21 which relates to use of a firearm while committing a
22 felony; modifying revocation penalty for certain
23 unlawful act; amending 21 O.S. 2011, Sections 1290.2,
24 as last amended by Section 4, Chapter 63, O.S.L.
2019, 1290.5, as last amended by Section 3, Chapter
406, O.S.L. 2019, 1290.11, as last amended by Section
6, Chapter 406, O.S.L. 2019, 1290.12, as last amended
by Section 7, Chapter 406, O.S.L. 2019, 1290.18, as
last amended by Section 1, Chapter 200, O.S.L. 2015
and 1290.19, as amended by Section 38, Chapter 259,
O.S.L. 2012 (21 O.S. Supp. 2020, Sections 1290.2,
1290.5, 1290.11, 1290.12, 1290.18 and 1290.19), which
relate to the Oklahoma Self-Defense Act; defining
term; eliminating grace period for license renewals;
providing for the denial of renewal applications
under certain circumstances; modifying certain
background check procedure; excluding fingerprint
search requirement; modifying certain preclusion to

1 allow for the submission of a certain certified
2 statement; adding preclusion; stating preclusive
3 period and handgun license application requirement;
4 allowing the submission of certain certificates when
5 applying for a handgun license; directing sheriffs to
6 submit certain certificates to the Oklahoma State
7 Bureau of Investigation; directing the Oklahoma State
8 Bureau of Investigation to conduct certain inquiry
9 for noncitizens; requiring the Bureau to continue
10 processing license applications upon certain finding;
11 removing mandate that requires the Bureau to approve
12 certain handgun license applications; clarifying
13 circumstances that require the Bureau to deny handgun
14 license applications; modifying citizenship
15 information required on application forms; requiring
16 acknowledgement by applicant that certain documents
17 have been reviewed; directing the Bureau to include
18 the issuance date on handgun licenses; and providing
19 an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1278, as amended by Section 7, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020, Section 1278), is amended to read as follows:

Section 1278.

UNLAWFUL INTENT TO CARRY

Any person in this state who carries or wears any deadly weapons or dangerous instrument whatsoever with the intent or for the avowed purpose of unlawfully injuring another person shall, upon conviction, ~~shall~~ be guilty of a felony punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the custody of the Department of Corrections for a period not

1 exceeding two (2) years, or by both such fine and imprisonment. The
2 mere possession of such a weapon or dangerous instrument, without
3 more, however, shall not be sufficient to establish intent as
4 required by this section.

5 Any person convicted of violating the provisions of this section
6 after having been issued a handgun license pursuant to the
7 provisions of the Oklahoma Self-Defense Act shall have the license
8 ~~permanently~~ revoked and shall be liable for an administrative fine
9 of One Thousand Dollars (\$1,000.00) upon a hearing and determination
10 by the Oklahoma State Bureau of Investigation that the person is in
11 violation of the provisions of this section.

12 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280, is
13 amended to read as follows:

14 Section 1280.

15 PENALTY FOR 1279

16 Any person violating the provisions of Section 1279 of this
17 title shall, upon conviction, ~~shall~~ be guilty of a misdemeanor. ~~The~~
18 ~~person offending shall be punished~~ punishable by a fine of not less
19 than One Hundred Dollars (\$100.00) nor more than One Thousand
20 Dollars (\$1,000.00) and shall be imprisoned in the county jail for a
21 period not less than three (3) nor more than twelve (12) months.

22 Any person convicted of violating the provisions of Section 1279 of
23 this title after having been issued a handgun license pursuant to
24 the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through~~

1 ~~25 of this act,~~ shall have the handgun license ~~permanently~~ revoked
2 and shall be liable for an administrative fine of Fifty Dollars
3 (\$50.00) upon a hearing and determination by the Oklahoma State
4 Bureau of Investigation that the person is in violation of the
5 provisions of this section.

6 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1287, as
7 amended by Section 10, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
8 Section 1287), is amended to read as follows:

9 Section 1287.

10 USE OF FIREARM WHILE COMMITTING A FELONY

11 A. Any person who, while committing or attempting to commit a
12 felony, possesses a pistol, shotgun or rifle or any other offensive
13 weapon in such commission or attempt, whether the pistol, shotgun or
14 rifle is loaded or not, or who possesses a blank or imitation
15 pistol, altered air or toy pistol, shotgun or rifle capable of
16 raising in the mind of one threatened with such device a fear that
17 it is a real pistol, shotgun or rifle, or who possesses an air gun
18 or carbon dioxide or other gas-filled weapon, electronic dart gun,
19 conductive energy weapon, knife, dagger, dirk, switchblade knife,
20 blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in
21 addition to the penalty provided by statute for the felony committed
22 or attempted shall, upon conviction ~~shall~~, be guilty of a felony for
23 possessing such weapon or device, which shall be a separate offense
24 from the felony committed or attempted and shall be punishable by

1 imprisonment in the custody of the Department of Corrections for a
2 period of not less than two (2) years nor for more than ten (10)
3 years for the first offense, and for a period of not less than ten
4 (10) years nor more than thirty (30) years for any second or
5 subsequent offense.

6 B. Any person convicted of violating the provisions of this
7 section after having been issued a handgun license pursuant to the
8 provisions of the Oklahoma Self-Defense Act shall have the license
9 ~~permanently~~ revoked and shall be liable for an administrative fine
10 of One Thousand Dollars (\$1,000.00) upon a hearing and determination
11 by the Oklahoma State Bureau of Investigation that the person is in
12 violation of the provisions of this section.

13 C. As used in this section, ~~"altered toy pistol":~~

14 1. "Altered toy pistol" shall mean any toy weapon which has
15 been altered from its original manufactured state to resemble a real
16 weapon.

17 ~~D. As used in this section, "altered air pistol"; and~~

18 2. "Altered air pistol" shall mean any air pistol manufactured
19 to propel projectiles by air pressure which has been altered from
20 its original manufactured state.

21 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.2, as
22 last amended by Section 4, Chapter 63, O.S.L. 2019 (21 O.S. Supp.
23 2020, Section 1290.2), is amended to read as follows:

24 Section 1290.2

1 DEFINITIONS

2 A. As used in the Oklahoma Self-Defense Act:

3 1. "Completed application" means all fields are completed, all
4 questions are answered and the required signatures are present on
5 the application for a handgun license, and the required documents
6 are attached to the application, including legible fingerprints, if
7 applicable;

8 2. "Concealed handgun" means a loaded or unloaded pistol or
9 handgun not openly visible to the ordinary observation of a
10 reasonable person;

11 ~~2.~~ 3. "Unconcealed handgun" or "open carry" means a loaded or
12 unloaded pistol or handgun carried upon the person in a holster
13 where the firearm is visible, or carried upon the person using a
14 scabbard, sling or case designed for carrying firearms; and

15 ~~3.~~ 4. "Pistol" or "handgun" shall have the same definition as
16 provided in the Oklahoma Firearms Act of 1971, defined in Section
17 1289.3 of this title.

18 B. The definition of pistol or handgun for purposes of the
19 Oklahoma Self-Defense Act shall not apply to imitation pistols,
20 flare guns, underwater fishing guns or blank pistols.

21 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1290.5, as
22 last amended by Section 3, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
23 2020, Section 1290.5), is amended to read as follows:

24 Section 1290.5

1 TERM OF LICENSE AND RENEWAL

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

13 B. A license may be renewed any time within ninety (90) days
14 prior to the expiration date as provided in this subsection. The
15 Bureau may notify each eligible licensee ~~with an~~ at the email
16 address on file at least ninety (90) days prior to the expiration of
17 the license. ~~There shall be a ninety-day grace period on license~~
18 ~~renewals beginning on the date of expiration; thereafter the license~~
19 ~~is considered expired.~~ However, any applicant shall have three (3)
20 years from the expiration of the license to comply with the renewal
21 requirements of this section. Renewal applications shall be denied
22 by the Oklahoma State Bureau of Investigation if a current license
23 is subject to being suspended or revoked or if the license has
24 previously been suspended or revoked by the Bureau.

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~~ passport-size photographs of the applicant,
5 and submit a renewal fee in the amount of Eighty-five Dollars
6 (\$85.00) to the Bureau. The renewal fee may be paid with a
7 nationally recognized credit card as provided in subparagraph b of
8 paragraph 4 of subsection A of Section 1290.12 of this title, by
9 electronic funds transfer, or by a cashier's check or money order
10 made payable to the Oklahoma State Bureau of Investigation.

11 3. Upon receipt of the renewal application, photographs and
12 fee, the Bureau will conduct a ~~criminal history records name search,~~
13 an background check and investigation of medical records or other
14 ~~records or information deemed by the Bureau to be relevant to the~~
15 ~~renewal application. If the applicant appears not to have any~~
16 ~~prohibition to renewing the handgun license, the Bureau shall issue~~
17 ~~the renewed license for a period of five (5) or ten (10) years~~
18 pursuant to Section 1290.12 of this title, excluding the
19 requirements of a state fingerprint search and Federal Bureau of
20 Investigation fingerprint search.

21 C. Beginning November 1, 2007, any person making application
22 for a handgun license or any licensee seeking to renew a handgun
23 license shall have the option to request that ~~said~~ the license be
24 valid for a period of ten (10) years. The fee for any handgun

1 license issued for a period of ten (10) years shall be double the
2 amount of the fee provided for in paragraph 4 of subsection A of
3 Section 1290.12 of this title. The renewal fee for a handgun
4 license issued for a period of ten (10) years shall be double the
5 amount of the fee provided for in paragraph 2 of subsection B of
6 this section.

7 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1290.11, as
8 last amended by Section 6, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
9 2020, Section 1290.11), is amended to read as follows:

10 Section 1290.11

11 OTHER PRECLUSIONS

12 A. The following conditions shall preclude a person from being
13 eligible for a handgun license pursuant to the provisions of the
14 Oklahoma Self-Defense Act for a period of time as prescribed in each
15 of the following paragraphs:

16 1. An arrest for an alleged commission of a felony offense or a
17 felony charge pending in this state, another state or pursuant to
18 the United States Code. The preclusive period shall be until the
19 final determination of the matter;

20 2. The person is subject to the provisions of a deferred
21 sentence or deferred prosecution in this state or another state or
22 pursuant to federal authority for the commission of a felony
23 offense. The preclusive period shall be three (3) years and shall
24 begin upon the final determination of the matter;

1 3. Any involuntary commitment for a mental illness, condition,
2 or disorder pursuant to the provisions of Section 5-410 of Title 43A
3 of the Oklahoma Statutes or any involuntary commitment in another
4 state pursuant to any provisions of law of that state. The
5 preclusive period shall be permanent as provided by Title 18 of the
6 United States Code Section 922(g)(4) unless the person has been
7 granted relief from the disqualifying disability pursuant to Section
8 1290.27 of this title;

9 4. The person has previously undergone treatment for a mental
10 illness, condition, or disorder which required medication or
11 supervision as defined by paragraph 7 of Section 1290.10 of this
12 title. The preclusive period shall be three (3) years from the last
13 date of treatment or upon presentation of a certified statement from
14 a licensed physician stating that the person is either no longer
15 disabled by any mental or psychiatric illness, condition, or
16 disorder or that the person has been stabilized on medication for
17 ten (10) years or more;

18 5. Inpatient treatment for substance abuse. The preclusive
19 period shall be three (3) years from the last date of treatment or
20 upon presentation of a certified statement from a licensed physician
21 stating that the person has been free from substance use for twelve
22 (12) months or more preceding the filing of an application for a
23 handgun license;

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1 6. Two or more convictions of public intoxication pursuant to
2 subsection D of Section 6-101 of Title 37A of the Oklahoma Statutes,
3 or a similar law of another state. The preclusive period shall be
4 three (3) years from the date of the completion of the last sentence
5 or shall require a certified statement from a licensed physician
6 stating that the person is not in need of substance abuse treatment;

7 7. Two or more misdemeanor convictions relating to intoxication
8 or driving under the influence of an intoxicating substance or
9 alcohol. The preclusive period shall be three (3) years from the
10 date of the completion of the last sentence or shall require a
11 certified statement from a licensed physician stating that the
12 person is not in need of substance abuse treatment;

13 8. A court order for a final Victim Protection Order against
14 the applicant, as authorized by the Protection from Domestic Abuse
15 Act, or any court order granting a final victim protection order
16 against the applicant from another state. The preclusive period
17 shall be sixty (60) days from the date an order was vacated,
18 canceled, withdrawn or is otherwise no longer in effect;

19 9. An adjudicated delinquent or convicted felon residing in the
20 residence of the applicant which may be a violation of Section 1283
21 of this title. The preclusive period shall be thirty (30) days from
22 the date the person no longer resides in the same residence as the
23 applicant; ~~or~~

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1 10. An arrest for an alleged commission of, a charge pending
2 for, or the person is subject to the provisions of a deferred
3 prosecution for any one or more of the following misdemeanor
4 offenses in this state or another state:

5 a. any assault and battery which caused serious physical
6 injury to the victim or any second or subsequent
7 assault and battery,

8 b. any aggravated assault and battery,

9 c. any stalking pursuant to Section 1173 of this title,
10 or a similar law of another state,

11 d. any violation of the Protection from Domestic Abuse
12 Act or any violation of a victim protection order of
13 another state,

14 e. any violation relating to illegal drug use or
15 possession, or

16 f. an act of domestic abuse as defined by Section 644 of
17 this title or an act of domestic assault and battery
18 or any comparable acts under the law of another state.

19 The preclusive period shall be until the final determination of the
20 matter. The preclusive period for a person subject to the
21 provisions of a deferred sentence for the offenses mentioned in this
22 paragraph shall be three (3) years and shall begin upon the final
23 determination of the matter; or

1 11. A previously issued handgun license has been revoked. The
2 preclusive period shall be five (5) years from the date of
3 revocation and shall require the person to submit a new application
4 for a handgun license pursuant to the provisions of Section 1290.12
5 of this title.

6 B. Nothing in this section shall be construed to require a full
7 investigation of the applicant by the Oklahoma State Bureau of
8 Investigation.

9 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1290.12, as
10 last amended by Section 7, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
11 2020, Section 1290.12), is amended to read as follows:

12 Section 1290.12

13 PROCEDURE FOR APPLICATION

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

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

23 a. an application form,

- 1 b. procedures to follow to process the application form,
2 and
3 c. if available, a copy of the Oklahoma Self-Defense Act
4 with any 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 or exemption from training certificate shall be submitted
18 with the application for a handgun license. No duplicate, copy,
19 facsimile or other reproduction of the certificate of training,
20 certificate of competency and qualification or exemption from
21 training certificate shall be acceptable as proof of training as
22 required by the provisions of the Oklahoma Self-Defense Act;

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

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

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

12 b. a nationally recognized credit card issued to the
13 applicant. For purposes of this paragraph,
14 "nationally recognized credit card" means any
15 instrument or device, whether known as a credit card,
16 credit plate, charge plate, or by any other name,
17 issued with or without fee by the issuer for the use
18 of the cardholder in obtaining goods, services, or
19 anything else of value on credit which is accepted by
20 over one thousand merchants in the state. The
21 Oklahoma State Bureau of Investigation shall determine
22 which nationally recognized credit cards will be
23 accepted by the Bureau, or

24 c. electronic funds transfer.

1 Any person paying application fees to the Oklahoma State Bureau of
2 Investigation by means of a nationally recognized credit card or by
3 means of an electronic funds transfer shall be required to complete
4 and submit his or her application through the online application
5 process of the Bureau.

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

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

24

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

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

20 8. Upon verification of the identity of the applicant, the
21 sheriff shall take two complete sets of fingerprints of the
22 applicant. Both sets of fingerprints shall be submitted by the
23 sheriff with the completed application, certificate of training,
24 certificate of competency and qualification or an exemption from

1 training certificate, photographs and processing fee to the Oklahoma
2 State Bureau of Investigation within fourteen (14) days of taking
3 the fingerprints. The cost of the fingerprints shall be paid by the
4 applicant. The sheriff may charge a fee of up to Twenty-five
5 Dollars (\$25.00) for the two sets of fingerprints. All fees
6 collected by the sheriff from taking fingerprints pursuant to the
7 provisions of this paragraph shall be retained by the sheriff and
8 deposited into the Sheriff's Service Fee Account;

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

23 10. The Oklahoma State Bureau of Investigation, upon receipt of
24 the application and required information from the sheriff, shall

1 forward one full set of fingerprints of the applicant to the Federal
2 Bureau of Investigation for a national criminal history records
3 search. The cost of processing the fingerprints nationally shall be
4 paid from the processing fee collected by the Oklahoma State Bureau
5 of Investigation;

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

1 protective order is no longer enforceable, the temporary handgun
2 license shall cease to be valid;

3 12. The Oklahoma State Bureau of Investigation shall make a
4 reasonable effort to investigate the information submitted by the
5 applicant and the sheriff, to ascertain whether or not the issuance
6 of a handgun license would be in violation of the provisions of the
7 Oklahoma Self-Defense Act. The investigation by the Bureau of an
8 applicant shall include, but shall not be limited to: a statewide
9 criminal history records search, a national criminal history records
10 search, a Federal Bureau of Investigation fingerprint search, a
11 check of the National Instant Criminal Background Check System
12 (NICS), an Immigration Alien Query (IAQ) for non-United-States
13 citizens and, if applicable, an investigation of medical records or
14 other records or information deemed by the Bureau to be relevant to
15 the application.

16 a. In the course of the investigation by the Bureau, it
17 shall present the name of the applicant along with any
18 known aliases, the address of the applicant and the
19 Social Security number of the applicant to the
20 Department of Mental Health and Substance Abuse
21 Services. The Department of Mental Health and
22 Substance Abuse Services shall respond within ten (10)
23 days of receiving such information to the Bureau as
24 follows:

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

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

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

19 b. In the course of the investigation by the Bureau, it
20 shall check the name of any applicant who is twenty-
21 eight (28) years of age or younger along with any
22 known aliases, the address of the applicant and the
23 Social Security number of the applicant against the
24 records in the Juvenile Online Tracking System (JOLTS)

1 of the Office of Juvenile Affairs. The Office of
2 Juvenile Affairs shall provide the Bureau direct
3 access to check the applicant against the records
4 available on JOLTS:

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

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

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

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

6 13. If the background check set forth in paragraph 12 of this
7 subsection reveals no records pertaining to the applicant, the
8 Oklahoma State Bureau of Investigation shall either issue a handgun
9 license or deny the application within sixty (60) days of the date
10 of receipt of the applicant's completed application and the required
11 information from the sheriff. In all other cases, the Oklahoma
12 State Bureau of Investigation shall either issue a handgun license
13 or deny the application within ninety (90) days of the date of the
14 receipt of the applicant's completed application and the required
15 information from the sheriff. ~~The Bureau shall approve an applicant~~
16 ~~who appears to be in full compliance with the provisions of the~~
17 ~~Oklahoma Self-Defense Act, if completion of the federal fingerprint~~
18 ~~search is the only reason for delay of the issuance of the handgun~~
19 ~~license to that applicant. Upon receipt of the federal fingerprint~~
20 ~~search information, if the Bureau receives information which~~
21 ~~precludes the person from having a handgun license, the Bureau shall~~
22 ~~revoke the handgun license previously issued to the applicant. The~~
23 Bureau shall deny a license when the applicant fails to properly
24 complete the application form or application process or, based on

1 the background check set forth in paragraph 12 of this subsection,
2 is determined not to be eligible as specified by the provisions of
3 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall
4 approve an application in all other cases. If an application is
5 denied, the Bureau shall notify the applicant in writing of its
6 decision. The notification shall state the grounds for the denial
7 and inform the applicant of the right to an appeal as may be
8 provided by the provisions of the Administrative Procedures Act.
9 All notices of denial shall be mailed by first-class mail to the
10 address of the applicant listed in the application. Within sixty
11 (60) calendar days from the date of mailing a denial of application
12 to an applicant, the applicant shall notify the Bureau in writing of
13 the intent to appeal the decision of denial or the right of the
14 applicant to appeal shall be deemed waived. Any administrative
15 hearing on a denial which may be provided shall be conducted by a
16 hearing examiner appointed by the Bureau. The decision of the
17 hearing examiner shall be a final decision appealable to a district
18 court in accordance with the Administrative Procedures Act. When an
19 application is approved, the Bureau shall issue the license and
20 shall mail the license by first-class mail to the address of the
21 applicant listed in the application.

22 B. Nothing contained in any provision of the Oklahoma Self-
23 Defense Act shall be construed to require or authorize the
24 registration, documentation or providing of serial numbers with

1 regard to any firearm. For purposes of the Oklahoma Self-Defense
2 Act, the sheriff may designate a person to receive, fingerprint,
3 photograph or otherwise process applications for handgun licenses.

4 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1290.18, as
5 last amended by Section 1, Chapter 200, O.S.L. 2015 (21 O.S. Supp.
6 2020, Section 1290.18), is amended to read as follows:

7 Section 1290.18

8 APPLICATION FORM CONTENTS

9 The application for a handgun license shall be completed upon
10 the sworn oath of the applicant as provided in paragraph 5 of
11 Section 1290.12 of this title. The application form shall be
12 provided by the Oklahoma State Bureau of Investigation and shall
13 contain the following information in addition to any other
14 information deemed relevant by the Bureau:

- 15 1. Applicant's full legal name;
- 16 2. Applicant's birth name, alias names or nicknames;
- 17 3. ~~Maiden~~ Applicant's maiden name, if applicable;
- 18 4. County of residence;
- 19 5. Length of residency at the current address;
- 20 6. Previous addresses for the preceding three (3) years;
- 21 7. Place of birth;
- 22 8. Date of birth;

23

24

- 1 9. Declaration of citizenship ~~and date United States~~
2 ~~citizenship was acquired, if applicable~~ or alien or admission number
3 for a non-United-States citizen;
- 4 10. Race;
- 5 11. Weight;
- 6 12. Height;
- 7 13. Sex;
- 8 14. Color of eyes;
- 9 15. Current driver license number;
- 10 16. Military service number, if applicable;
- 11 17. Law enforcement identification numbers, if applicable;
- 12 18. Current occupation;
- 13 19. Authorized type or types of pistol for which the applicant
14 qualified as stated on the certificate of training or exemption of
15 training which shall be stated as either derringer, revolver,
16 semiautomatic pistol, or some combination of derringer, revolver and
17 semiautomatic pistol and the maximum ammunition capacity of the
18 firearm shall be .45 caliber;
- 19 20. An acknowledgment that the applicant desires a handgun
20 license as a means of lawful self-defense and self-protection and
21 for no other intent or purpose;
- 22 21. A statement that the applicant has never been convicted of
23 any felony offense in this state, another state or pursuant to any
24 federal offense;

1 22. A statement that the applicant has none of the conditions
2 which would preclude the issuing of a handgun license pursuant to
3 any of the provisions of Sections 1290.10 and 1290.11 of this title
4 and that the applicant further meets all of the eligibility criteria
5 required by Section 1290.9 of this title;

6 23. An authorization for the Oklahoma State Bureau of
7 Investigation to investigate the applicant and any or all records
8 relating to the applicant for purposes of approving or denying a
9 handgun license pursuant to the provisions of the Oklahoma Self-
10 Defense Act;

11 24. An acknowledgment that the applicant has ~~been furnished a~~
12 ~~copy of~~ reviewed the Federal Bureau of Investigation Privacy Act
13 Statement and the Oklahoma Self-Defense Act and is knowledgeable
14 about its provisions;

15 25. A statement that the applicant is the identical person who
16 completed the firearms training course for which the original
17 training certificate is submitted as part of the application or a
18 statement that the applicant is the identical person who is exempt
19 from firearms training for which the original exemption certificate
20 is submitted as part of the application, whichever is applicable to
21 the applicant;

22 26. A conspicuous warning that the application is executed upon
23 the sworn oath of the applicant and that any false or misleading
24 answer to any question or the submission of any false information or

1 documentation by the applicant is punishable by criminal penalty as
2 provided in paragraph 5 of Section 1290.12 of this title;

3 27. A signed verification that the contents of the application
4 are known to the applicant and are true and correct;

5 28. Two separate places for the original signature of the
6 applicant;

7 29. A place for attachment of a ~~passport size~~ passport-size
8 photograph of the applicant; and

9 30. A place for the signature and verification of the identity
10 of the applicant by the sheriff or the sheriff's designee.

11 Information provided by the person on an application for a
12 handgun license shall be confidential except to law enforcement
13 officers or law enforcement agencies.

14 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1290.19, as
15 amended by Section 38, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
16 Section 1290.19), is amended to read as follows:

17 Section 1290.19

18 LICENSE FORM

19 The handgun license shall be on a form prescribed by the
20 Oklahoma State Bureau of Investigation and shall contain the
21 following information in addition to any other information deemed
22 relevant by the Bureau:

23 1. The full name of the person;

24 2. Current address;

- 1 3. County of residence;
- 2 4. Date of birth;
- 3 5. Weight;
- 4 6. Height;
- 5 7. Sex;
- 6 8. Race;
- 7 9. Color of eyes;
- 8 10. Handgun license identification number;
- 9 11. Expiration date of the handgun license; ~~and~~
- 10 12. Date of issuance of the handgun license; and
- 11 13. Authorized pistol to be either: (D) derringer, (R)
- 12 revolver, (S) semiautomatic pistol, or some combination of
- 13 derringer, revolver and semiautomatic pistol as may be authorized by
- 14 the Oklahoma Self-Defense Act for which the person demonstrated
- 15 qualification pursuant to the certificate of training or an
- 16 exemption certificate.

17 SECTION 10. This act shall become effective November 1, 2021.

18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
19 March 29, 2021 - DO PASS
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