

CS for EHB 3354

THE STATE SENATE
Monday, April 05, 2010

Committee Substitute for
ENGROSSED

House Bill No. 3354

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 3354 - By: Duncan, Thompson, Osborn, Johnson, Christian, Martin (Steve), Tibbs, Key and Derby of the House and Sykes and Brogdon of the Senate.

An Act relating to firearms; amending 21 O.S. 2001, Sections 1272, as last amended by Section 1, Chapter 128, O.S.L. 2007, 1272.1, 1272.2, 1273, 1276, 1277, as amended by Section 2, Chapter 128, O.S.L. 2007, 1278, 1280.1, as amended by Section 2, Chapter 465, O.S.L. 2003, 1283, as last amended by Section 1, Chapter 13, O.S.L. 2009 and 1287, as last amended by Section 2, Chapter 162, O.S.L. 2007 (21 O.S. Supp. 2009, Sections 1272, 1277, 1280.1, 1283 and 1287), which relate to the carrying, use and possession of firearms; providing exception to prohibited acts for certain state court justices and judges; modifying description of handgun licenses; clarifying manner in which firearms may be carried by handgun licensees; deleting certain statutory references; amending 21 O.S. 2001, Section 1289.7, 1289.9, 1289.10, 1289.11, 1289.12, 1289.13, as last amended by Section 1, Chapter 549, O.S.L. 2004, Section 4, Chapter 465, O.S.L. 2003, as amended by Section 2, Chapter 549, O.S.L. 2004, 1289.16 and 1289.23, as amended by Section 1, Chapter 538, O.S.L. 2004 (21 O.S. Supp. 2009, Sections 1289.13, 1289.13A and 1289.23), which relate to the Oklahoma Firearms Act of 1971; modifying description of handgun licenses; clarifying manner in which firearms may be carried by handgun licensees; deleting certain statutory references; amending 21 O.S. 2001, Section 1290.2, 1290.3, 1290.4, 1290.5, as last amended by Section 1, Chapter 225, O.S.L. 2009, 1290.6, 1290.7, 1290.8, as amended by Section 6, Chapter 465, O.S.L. 2003, 1290.9, as amended by Section 7, Chapter 465, O.S.L. 2003, 1290.11, as amended by Section 3, Chapter 62, O.S.L. 2006, 1290.12, as amended by Section 3, Chapter 549, O.S.L. 2004, 1290.13, 1290.14, as last amended by Section 1, Chapter 455, O.S.L. 2005, 1290.15, 1290.17, 1290.18, 1290.19, 1290.20, 1290.21, 1290.23, 1290.24,

1 1290.25 and 1290.26, as amended by Section 9, Chapter 465,
2 O.S.L. 2003 (21 O.S. Supp. 2009, Section 1290.5, 1290.8,
3 1290.9, 1290.11, 1290.12, 1290.14 and 1290.26), which relate
4 to the Oklahoma Self-Defense Act; modifying and deleting
5 certain statutory references; defining term; modifying
6 certain definition; modifying description of handgun
7 licenses; clarifying manner in which firearms may be carried
8 by handgun licensees; amending 21 O.S. 2001, Section 1364,
9 which relates to discharging firearms; modifying description
10 of handgun license; deleting certain statutory reference;
11 amending 63 O.S. 2001, Section 2-110, as amended by Section
12 4, Chapter 359, O.S.L. 2008 (63 O.S. Supp. 2009, Section 2-
13 110), which relates to the Uniform Controlled Dangerous
14 Substances Act; modifying manner in which weapons may be
15 carried by attorneys of the Oklahoma State Bureau of
16 Narcotics and Dangerous Drugs Control; amending 63 O.S.
17 2001, Section 4210.3, which relates to the Oklahoma Boating
18 Safety Regulation Act; modifying scope of certain prohibited
19 act; and providing an effective date.

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

21 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1272, as
22 last amended by Section 1, Chapter 128, O.S.L. 2007 (21 O.S. Supp.
23 2009, Section 1272), is amended to read as follows:

24 Section 1272.

25 UNLAWFUL CARRY

26 A. It shall be unlawful for any person to carry upon or about
27 his or her person, or in a purse or other container belonging to the
28 person, any pistol, revolver, shotgun or rifle whether loaded or
29 unloaded or any dagger, bowie knife, dirk knife, switchblade knife,
30 spring-type knife, sword cane, knife having a blade which opens
31 automatically by hand pressure applied to a button, spring, or other
32 device in the handle of the knife, blackjack, loaded cane, billy,

1 hand chain, metal knuckles, or any other offensive weapon, whether
2 such weapon be concealed or unconcealed, except this section shall
3 not prohibit:

4 1. The proper use of guns and knives for hunting, fishing,
5 educational or recreational purposes;

6 2. The carrying or use of weapons in a manner otherwise
7 permitted by statute or authorized by the Oklahoma Self-Defense Act;

8 3. The carrying, possession and use of any weapon by a peace
9 officer or other person authorized by law to carry a weapon in the
10 performance of official duties and in compliance with the rules of
11 the employing agency;

12 4. The carrying or use of weapons in a courthouse by a district
13 judge, associate district judge or special district judge within
14 this state, who is in possession of a valid ~~concealed~~ handgun
15 license issued pursuant to the provisions of the Oklahoma Self-
16 Defense Act and whose name appears on a list maintained by the
17 Administrative Director of the Courts; ~~or~~

18 5. The carrying or use of weapons in any state courthouse
19 within this state, to include the State Capitol Building and other
20 structures in the Oklahoma State Capitol Complex in which courtrooms
21 or judicial offices are maintained and any state, county or
22 municipal courthouse or other structure in which courtrooms or
23 judicial offices are maintained by a justice of the Oklahoma Supreme

1 Court, judge of the Court of Civil Appeals, judge of the Court of
2 Criminal Appeals, or judge of the Workers' Compensation Court, who
3 is in possession of a valid handgun license issued pursuant to the
4 provisions of the Oklahoma Self-Defense Act and whose name appears
5 on a list maintained by the Administrative Director of the Courts;
6 or

7 6. The carrying and use of firearms and other weapons provided
8 in this subsection when used for the purpose of living history
9 reenactment. For purposes of this paragraph, "living history
10 reenactment" means depiction of historical characters, scenes,
11 historical life or events for entertainment, education, or
12 historical documentation through the wearing or use of period,
13 historical, antique or vintage clothing, accessories, firearms,
14 weapons, and other implements of the historical period.

15 B. Any person convicted of violating the foregoing provision
16 shall be guilty of a misdemeanor punishable as provided in Section
17 1276 of this title.

18 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1272.1, is
19 amended to read as follows:

20 Section 1272.1

21 CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

22 A. It shall be unlawful for any person to carry or possess any
23 weapon designated in Section 1272 of this title in any establishment

1 where low-point beer, as defined by Section 163.2 of Title 37 of the
2 Oklahoma Statutes, or alcoholic beverages, as defined by Section 506
3 of Title 37 of the Oklahoma Statutes, are consumed. This provision
4 shall not apply to a peace officer, as defined in Section 99 of this
5 title, or to private investigators with a firearms authorization
6 when acting in the scope and course of employment, and shall not
7 apply to an owner or proprietor of the establishment having a
8 pistol, rifle, or shotgun on the premises. Provided however, a
9 person possessing a valid ~~concealed~~ handgun license pursuant to the
10 provisions of the Oklahoma Self-Defense Act, ~~Section 1290.1 et seq.~~
11 ~~of this title~~ may carry the concealed or unconcealed handgun into
12 any restaurant or other establishment licensed to dispense low-point
13 beer or alcoholic beverages where the sale of low-point beer or
14 alcoholic beverages does not constitute the primary purpose of the
15 business.

16 Provided further, nothing in this section shall be interpreted
17 to authorize any peace officer in actual physical possession of a
18 weapon to consume low-point beer or alcoholic beverages, except in
19 the authorized line of duty as an undercover officer.

20 Nothing in this section shall be interpreted to authorize any
21 private investigator with a firearms authorization in actual
22 physical possession of a weapon to consume low-point beer or

1 alcoholic beverages in any establishment where low-point beer or
2 alcoholic beverages are consumed.

3 B. Any person violating the provisions of this section shall be
4 punished as provided in Section 1272.2 of this title.

5 SECTION 3. AMENDATORY 21 O.S. 2001, Section 1272.2, is
6 amended to read as follows:

7 Section 1272.2

8 PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

9 Any person who intentionally or knowingly carries on his or her
10 person any weapon in violation of Section 1272.1 of this title,
11 shall, upon conviction, be guilty of a felony punishable by a fine
12 not to exceed One Thousand Dollars (\$1,000.00), or imprisonment in
13 the ~~State Penitentiary~~ custody of the Department of Corrections for
14 a period not to exceed two (2) years, or by both such fine and
15 imprisonment.

16 Any person convicted of violating the provisions of this section
17 after having been issued a ~~concealed~~ handgun license pursuant to the
18 provisions of the Oklahoma Self-Defense Act, ~~Sections 1290.1 through~~
19 ~~1290.26 of this title,~~ shall have the license revoked by the
20 Oklahoma State Bureau of Investigation after a hearing and
21 determination that the person is in violation of Section 1272.1 of
22 this title.

1 SECTION 4. AMENDATORY 21 O.S. 2001, Section 1273, is
2 amended to read as follows:

3 Section 1273.

4 ALLOWING MINORS TO POSSESS FIREARMS

5 A. It shall be unlawful for any person within this state to
6 sell or give to any child any of the arms or weapons designated in
7 Section 1272 of this title; provided, the provisions of this section
8 shall not prohibit a parent from giving his or her child a rifle or
9 shotgun for participation in hunting animals or fowl, hunter safety
10 classes, target shooting, skeet, trap or other recognized sporting
11 events, except as provided in subsection B of this section.

12 B. It shall be unlawful for any parent or guardian to
13 intentionally, knowingly, or recklessly permit his or her child to
14 possess any of the arms or weapons designated in Section 1272 of
15 this title, including any rifle or shotgun, if such parent is aware
16 of a substantial risk that the child will use the weapon to commit a
17 criminal offense or if the child has either been adjudicated a
18 delinquent or has been convicted as an adult for any criminal
19 offense.

20 C. It shall be unlawful for any child to possess any of the
21 arms or weapons designated in Section 1272 of this title, except
22 rifles or shotguns used for participation in hunting animals or
23 fowl, hunter safety classes, target shooting, skeet, trap or other

1 recognized sporting event. Provided, the possession of rifles or
2 shotguns authorized by this section shall not authorize the
3 possession of such weapons by any person who is subject to the
4 provisions of Section 1283 of this title.

5 D. Any person violating the provisions of this section shall,
6 upon conviction, be punished as provided in Section 1276 of this
7 title, and, any child violating the provisions of this section shall
8 be subject to adjudication as a delinquent. In addition, any person
9 violating the provisions of this section shall be liable for civil
10 damages for any injury or death to any person and for any damage to
11 property resulting from any discharge of a firearm or use of any
12 other weapon as provided in Section 10 of Title 23 of the Oklahoma
13 Statutes. Any person convicted of violating the provisions of this
14 section after having been issued a ~~concealed~~ handgun license
15 pursuant to the provisions of the Oklahoma Self-Defense Act, may be
16 liable for an administrative violation as provided in Section 1276
17 of this title.

18 E. As used in this section, "child" means a person under
19 eighteen (18) years of age.

20 SECTION 5. AMENDATORY 21 O.S. 2001, Section 1276, is
21 amended to read as follows:

22 Section 1276.

23 PENALTY FOR 1272 AND 1273

1 Any person violating the provisions of Section 1272 or 1273
2 shall, upon a first conviction, be adjudged guilty of a misdemeanor
3 and the party offending shall be punished by a fine of not less than
4 One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty
5 Dollars (\$250.00), or by imprisonment in the county jail for a
6 period not to exceed thirty (30) days or both such fine and
7 imprisonment. On the second and every subsequent violation, the
8 party offending shall, upon conviction, be punished by a fine of not
9 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
10 Hundred Dollars (\$500.00), or by imprisonment in the county jail for
11 a period not less than thirty (30) days nor more than three (3)
12 months, or by both such fine and imprisonment.

13 Any person convicted of violating the provisions of Section 1272
14 or 1273 after having been issued a ~~concealed~~ handgun license
15 pursuant to the provisions of the Oklahoma Self-Defense Act,
16 ~~Sections 1 through 25 of this act,~~ shall have the license suspended
17 for a period of six (6) months and shall be liable for an
18 administrative fine of Fifty Dollars (\$50.00) upon a hearing and
19 determination by the Oklahoma State Bureau of Investigation that the
20 person is in violation of the provisions of this section.

21 SECTION 6. AMENDATORY 21 O.S. 2001, Section 1277, as
22 amended by Section 2, Chapter 128, O.S.L. 2007 (21 O.S. Supp. 2009,
23 Section 1277), is amended to read as follows:

1 Section 1277.

2 UNLAWFUL CARRY IN CERTAIN PLACES

3 A. It shall be unlawful for any person in possession of a valid
4 ~~concealed~~ handgun license issued pursuant to the provisions of the
5 Oklahoma Self-Defense Act to carry any concealed or unconcealed
6 handgun into any of the following places:

7 1. Any structure, building, or office space which is owned or
8 leased by a city, town, county, state, or federal governmental
9 authority for the purpose of conducting business with the public;

10 2. Any meeting of any city, town, county, state or federal
11 officials, school board members, legislative members, or any other
12 elected or appointed officials;

13 3. Any prison, jail, detention facility or any facility used to
14 process, hold, or house arrested persons, prisoners or persons
15 alleged delinquent or adjudicated delinquent;

16 4. Any elementary or secondary school, or technology center
17 school property;

18 5. Any sports arena during a professional sporting event;

19 6. Any place where pari-mutuel wagering is authorized by law;

20 and

21 7. Any other place specifically prohibited by law.

1 B. For purposes of paragraphs 1, 2, 3, 5 and 6 of subsection A
2 of this section, the prohibited place does not include and
3 specifically excludes the following property:

4 1. Any property set aside for the use of any vehicle, whether
5 attended or unattended, by a city, town, county, state, or federal
6 governmental authority;

7 2. Any property set aside for the use of any vehicle, whether
8 attended or unattended, by any entity offering any professional
9 sporting event which is open to the public for admission, or by any
10 entity engaged in pari-mutuel wagering authorized by law;

11 3. Any property adjacent to a structure, building, or office
12 space in which concealed or unconcealed weapons are prohibited by
13 the provisions of this section; and

14 4. Any property designated by a city, town, county, or state,
15 governmental authority as a park, recreational area, or fairgrounds;
16 provided, nothing in this paragraph shall be construed to authorize
17 any entry by a person in possession of a concealed or unconcealed
18 handgun into any structure, building, or office space which is
19 specifically prohibited by the provisions of subsection A of this
20 section.

21 Nothing contained in any provision of this subsection shall be
22 construed to authorize or allow any person in control of any place
23 described in paragraph 1, 2, 3, 5 or 6 of subsection A of this

1 section to establish any policy or rule that has the effect of
2 prohibiting any person in lawful possession of a ~~concealed~~ handgun
3 license from possession of a handgun allowable under such license in
4 places described in paragraph 1, 2, 3 or 4 of this subsection.

5 C. Any person violating the provisions of subsection A of this
6 section shall, upon conviction, be guilty of a misdemeanor
7 punishable by a fine not to exceed Two Hundred Fifty Dollars
8 (\$250.00). Any person convicted of violating the provisions of this
9 section may be liable for an administrative fine of Two Hundred
10 Fifty Dollars (\$250.00) upon a hearing and determination by the
11 Oklahoma State Bureau of Investigation that the person is in
12 violation of the provisions of this section.

13 D. No person in possession of any concealed or unconcealed
14 handgun pursuant to the Oklahoma Self-Defense Act shall be
15 authorized to carry the handgun into or upon any college or
16 university property, except as provided in this subsection. For
17 purposes of this subsection, the following property shall not be
18 construed as prohibited for persons having a valid ~~concealed~~ handgun
19 license:

20 1. Any property set aside for the use of any vehicle, whether
21 attended or unattended, provided the handgun is carried or stored as
22 required by law and the handgun is not removed from the vehicle

1 without the prior consent of the college or university president
2 while the vehicle is on any college or university property;

3 2. Any property authorized for possession or use of handguns by
4 college or university policy; and

5 3. Any property authorized by the written consent of the
6 college or university president, provided the written consent is
7 carried with the handgun and the valid ~~concealed~~ handgun license
8 while on college or university property.

9 The college or university may notify the Oklahoma State Bureau
10 of Investigation within ten (10) days of a violation of any
11 provision of this subsection by a licensee. Upon receipt of a
12 written notification of violation, the Bureau shall give a
13 reasonable notice to the licensee and hold a hearing. At the
14 hearing upon a determination that the licensee has violated any
15 provision of this subsection, the licensee may be subject to an
16 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
17 have the ~~concealed~~ handgun license suspended for three (3) months.

18 Nothing contained in any provision of this subsection shall be
19 construed to authorize or allow any college or university to
20 establish any policy or rule that has the effect of prohibiting any
21 person in lawful possession of a ~~concealed~~ handgun license from
22 possession of a handgun allowable under such license in places
23 described in paragraphs 1, 2 and 3 of this subsection. Nothing

1 contained in any provision of this subsection shall be construed to
2 limit the authority of any college or university in this state from
3 taking administrative action against any student for any violation
4 of any provision of this subsection.

5 E. The provisions of this section shall not apply to any peace
6 officer or to any person authorized by law to carry a pistol in the
7 course of employment. ~~District~~ Justices and judges of the Oklahoma
8 Supreme Court, Court of Civil Appeals, Court of Criminal Appeals or
9 Workers' Compensation Court and district judges, associate district
10 judges and special district judges, who are in possession of a valid
11 ~~concealed~~ handgun license issued pursuant to the provisions of the
12 Oklahoma Self-Defense Act and whose names appear on a list
13 maintained by the Administrative Director of the Courts, shall be
14 exempt from this section when acting in the course and scope of
15 employment within the courthouses of this state. Private
16 investigators with a firearms authorization shall be exempt from
17 this section when acting in the course and scope of employment.

18 SECTION 7. AMENDATORY 21 O.S. 2001, Section 1278, is
19 amended to read as follows:

20 Section 1278.

21 UNLAWFUL INTENT TO CARRY

22 Any person in this state who carries or wears any deadly weapons
23 or dangerous instrument whatsoever with the intent or for the avowed

1 purpose of unlawfully injuring another person, upon conviction,
2 shall be guilty of a felony punishable by a fine not exceeding Five
3 Thousand Dollars (\$5,000.00), by imprisonment in the custody of the
4 Department of Corrections for a period not exceeding two (2) years,
5 or by both such fine and imprisonment. The mere possession of such
6 a weapon or dangerous instrument, without more, however, shall not
7 be sufficient to establish intent as required by this section.

8 Any person convicted of violating the provisions of this section
9 after having been issued a ~~concealed~~ handgun license pursuant to the
10 provisions of the Oklahoma Self-Defense Act, ~~Section 1290.1 et seq.~~
11 ~~of this title~~, shall have the license permanently revoked and shall
12 be liable for an administrative fine of One Thousand Dollars
13 (\$1,000.00) upon a hearing and determination by the Oklahoma State
14 Bureau of Investigation that the person is in violation of the
15 provisions of this section.

16 SECTION 8. AMENDATORY 21 O.S. 2001, Section 1280.1, as
17 amended by Section 2, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2009,
18 Section 1280.1), is amended to read as follows:

19 Section 1280.1

20 POSSESSION OF FIREARM ON SCHOOL PROPERTY

21 A. It shall be unlawful for any person to have in his or her
22 possession on any public or private school property or while in any
23 school bus or vehicle used by any school for transportation of

1 students or teachers any firearm or weapon designated in Section
2 1272 of this title, except as provided in subsection C of this
3 section or as otherwise authorized by law.

4 B. "School property" means any publicly or privately owned
5 property held for purposes of elementary, secondary or vocational-
6 technical education, and shall not include property owned by public
7 school districts or private educational entities where such property
8 is leased or rented to an individual or corporation and used for
9 purposes other than educational.

10 C. Firearms and weapons are allowed on school property and
11 deemed not in violation of subsection A of this section as follows:

12 1. A gun or knife designed for hunting or fishing purposes kept
13 in a privately owned vehicle and properly displayed or stored as
14 required by law, or a handgun carried in a vehicle pursuant to a
15 valid handgun license authorized by the Oklahoma Self-Defense Act,
16 provided such vehicle containing said gun or knife is driven onto
17 school property only to transport a student to and from school and
18 such vehicle does not remain unattended on school property;

19 2. A gun or knife used for the purposes of participating in the
20 Oklahoma Department of Wildlife Conservation certified hunter
21 training education course or any other hunting, fishing, safety or
22 firearms training courses, or a recognized firearms sports event,
23 team shooting program or competition, or living history reenactment,

1 provided the course or event is approved by the principal or chief
2 administrator of the school where the course or event is offered,
3 and provided the weapon is properly displayed or stored as required
4 by law pending participation in the course, event, program or
5 competition; and

6 3. Weapons in the possession of any peace officer or other
7 person authorized by law to possess a weapon in the performance of
8 their duties and responsibilities.

9 D. Any person violating the provisions of this section shall,
10 upon conviction, be guilty of a felony punishable by a fine not to
11 exceed Five Thousand Dollars (\$5,000.00), and imprisonment in the
12 custody of the Department of Corrections for not more than two (2)
13 years. Any person convicted of violating the provisions of this
14 section after having been issued a ~~concealed~~ handgun license
15 pursuant to the provisions of the Oklahoma Self-Defense Act shall
16 have the license permanently revoked and shall be liable for an
17 administrative fine of One Hundred Dollars (\$100.00) upon a hearing
18 and determination by the Oklahoma State Bureau of Investigation that
19 the person is in violation of the provisions of this section.

20 SECTION 9. AMENDATORY 21 O.S. 2001, Section 1283, as
21 last amended by Section 1, Chapter 13, O.S.L. 2009 (21 O.S. Supp.
22 2009, Section 1283), is amended to read as follows:

23 Section 1283.

1 CONVICTED FELONS AND DELINQUENTS

2 A. Except as provided in subsection B of this section, it shall
3 be unlawful for any person convicted of any felony in any court of
4 this state or of another state or of the United States to have in
5 his or her possession or under his or her immediate control, or in
6 any vehicle which the person is operating, or in which the person is
7 riding as a passenger, or at the residence where the convicted
8 person resides, any pistol, imitation or homemade pistol, altered
9 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
10 other dangerous or deadly firearm.

11 B. Any person who has previously been convicted of a nonviolent
12 felony in any court of this state or of another state or of the
13 United States, and who has received a full and complete pardon from
14 the proper authority and has not been convicted of any other felony
15 offense which has not been pardoned, shall have restored the right
16 to possess any firearm or other weapon prohibited by subsection A of
17 this section, the right to apply for and carry a ~~concealed~~ handgun,
18 concealed or unconcealed, pursuant to the Oklahoma Self-Defense Act
19 and the right to perform the duties of a peace officer, gunsmith, or
20 for firearms repair.

21 C. It shall be unlawful for any person supervised by the
22 Department of Corrections or any division thereof to have in his or
23 her possession or under his or her immediate control, or at his or

1 her residence, or in any passenger vehicle which the supervised
2 person is operating or is riding as a passenger, any pistol, shotgun
3 or rifle, including any imitation or homemade pistol, altered air or
4 toy pistol, shotgun or rifle, while such person is subject to
5 supervision, probation, parole or inmate status.

6 D. It shall be unlawful for any person previously adjudicated
7 as a delinquent child or a youthful offender for the commission of
8 an offense, which would have constituted a felony offense if
9 committed by an adult, to have in the ~~person's~~ possession of the
10 person or under the ~~person's~~ immediate control of the person, or
11 have in any vehicle which he or she is driving or in which the
12 person is riding as a passenger, or at the ~~person's~~ residence of the
13 person, any pistol, imitation or homemade pistol, altered air or toy
14 pistol, machine gun, sawed-off shotgun or rifle, or any other
15 dangerous or deadly firearm within ten (10) years after such
16 adjudication; provided, that nothing in this subsection shall be
17 construed to prohibit the placement of the person in a home with a
18 full-time duly appointed peace officer who is certified by the
19 Council on Law Enforcement Education and Training (CLEET) pursuant
20 to the provisions of Section 3311 of Title 70 of the Oklahoma
21 Statutes.

22 E. Any person having been issued a ~~concealed~~ handgun license
23 pursuant to the provisions of the Oklahoma Self-Defense Act and who

1 thereafter knowingly or intentionally allows a convicted felon or
2 adjudicated delinquent or a youthful offender as prohibited by the
3 provisions of subsection A, C, or D of this section to possess or
4 have control of any pistol authorized by the Oklahoma Self-Defense
5 Act shall, upon conviction, be guilty of a felony punishable by a
6 fine not to exceed Five Thousand Dollars (\$5,000.00). In addition,
7 the person shall have the handgun license revoked by the Oklahoma
8 State Bureau of Investigation after a hearing and determination that
9 the person has violated the provisions of this section.

10 F. Any convicted or adjudicated person violating the provisions
11 of this section shall, upon conviction, be guilty of a felony
12 punishable as provided in Section 1284 of this title.

13 G. For purposes of this section, "sawed-off shotgun or rifle"
14 shall mean any shotgun or rifle which has been shortened to any
15 length.

16 H. For purposes of this section, "altered toy pistol" shall
17 mean any toy weapon which has been altered from its original
18 manufactured state to resemble a real weapon.

19 I. For purposes of this section, "altered air pistol" shall
20 mean any air pistol manufactured to propel projectiles by air
21 pressure which has been altered from its original manufactured
22 state.

1 SECTION 10. AMENDATORY 21 O.S. 2001, Section 1287, as
2 last amended by Section 2, Chapter 162, O.S.L. 2007 (21 O.S. Supp.
3 2009, Section 1287), is amended to read as follows:

4 Section 1287.

5 USE OF FIREARM WHILE COMMITTING A FELONY

6 A. Any person who, while committing or attempting to commit a
7 felony, possesses a pistol, shotgun or rifle or any other offensive
8 weapon in such commission or attempt, whether the pistol, shotgun or
9 rifle is loaded or not, or who possesses a blank or imitation
10 pistol, altered air or toy pistol, shotgun or rifle capable of
11 raising in the mind of one threatened with such device a fear that
12 it is a real pistol, shotgun or rifle, or who possesses an air gun
13 or carbon dioxide or other gas-filled weapon, electronic dart gun,
14 conductive energy weapon, knife, dagger, dirk, switchblade knife,
15 blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in
16 addition to the penalty provided by statute for the felony committed
17 or attempted, upon conviction shall be guilty of a felony for
18 possessing such weapon or device, which shall be a separate offense
19 from the felony committed or attempted and shall be punishable by
20 imprisonment in the custody of the Department of Corrections for a
21 period of not less than two (2) years nor for more than ten (10)
22 years for the first offense, and for a period of not less than ten

1 (10) years nor more than thirty (30) years for any second or
2 subsequent offense.

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

11 C. As used in this section, "altered toy pistol" shall mean any
12 toy weapon which has been altered from its original manufactured
13 state to resemble a real weapon.

14 D. As used in this section, "altered air pistol" shall mean any
15 air pistol manufactured to propel projectiles by air pressure which
16 has been altered from its original manufactured state.

17 SECTION 11. AMENDATORY 21 O.S. 2001, Section 1289.7, is
18 amended to read as follows:

19 Section 1289.7

20 FIREARMS IN VEHICLES

21 Any person, except a convicted felon, may transport in a motor
22 vehicle a rifle, shotgun or pistol, open and unloaded, at any time.
23 For purposes of this section "open" means the firearm is transported

1 in plain view, in a case designed for carrying firearms, which case
2 is wholly or partially visible, in a gun rack mounted in the
3 vehicle, in an exterior locked compartment or a trunk of a vehicle.

4 Any person, except a convicted felon, may transport in a motor
5 vehicle a rifle or shotgun concealed behind a seat of the vehicle or
6 within the interior of the vehicle provided the rifle or shotgun is
7 not clip, magazine or chamber loaded. The authority to transport a
8 clip or magazine loaded rifle or shotgun shall be pursuant to
9 Section 1289.13 of this title.

10 Any person who is the operator of a vehicle or is a passenger in
11 any vehicle wherein another person who is licensed pursuant to the
12 Oklahoma Self-Defense Act, ~~Sections 1290.1 through 1290.25 of Title~~
13 ~~21 of the Oklahoma Statutes,~~ to carry a concealed handgun, concealed
14 or unconcealed, and is carrying a ~~concealed~~ handgun or has ~~concealed~~
15 the handgun in such vehicle, shall not be deemed in violation of the
16 provisions of this section provided the licensee is in or near the
17 vehicle.

18 SECTION 12. AMENDATORY 21 O.S. 2001, Section 1289.9, is
19 amended to read as follows:

20 Section 1289.9

21 CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

22 It shall be unlawful for any person to carry or use shotguns,
23 rifles or pistols in any circumstances while under the influence of

1 beer, intoxicating liquors or any hallucinogenic, or any unlawful or
2 unprescribed drug, and it shall be unlawful for any person to carry
3 or use shotguns, rifles or pistols when under the influence of any
4 drug prescribed by a licensed physician if the aftereffects of such
5 consumption affect mental, emotional or physical processes to a
6 degree that would result in abnormal behavior. Any person convicted
7 of a violation of the provisions of this section shall be punished
8 as provided in Section 1289.15 of this title.

9 Any person convicted of a violation of the provisions of this
10 section after having been issued a ~~concealed~~ handgun license
11 pursuant to the provisions of the Oklahoma Self-Defense Act shall
12 have the license suspended for a term of six (6) months and shall be
13 subject to an administrative fine of Fifty Dollars (\$50.00), upon a
14 hearing and determination by the Oklahoma State Bureau of
15 Investigation that the person is in violation of the provisions of
16 this section.

17 SECTION 13. AMENDATORY 21 O.S. 2001, Section 1289.10, is
18 amended to read as follows:

19 Section 1289.10

20 FURNISHING FIREARMS TO INCOMPETENT PERSONS

21 It shall be unlawful for any person to knowingly transmit,
22 transfer, sell, lend or furnish any shotgun, rifle or pistol to any
23 person who is under an adjudication of mental incompetency, or to

1 any person who is mentally deficient or of unsound mind. Any person
2 convicted of a violation of the provisions of this section shall be
3 punished as provided in Section 1289.15 of this title.

4 Any person convicted of a violation of the provisions of this
5 section after having been issued a ~~concealed~~ handgun license
6 pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Section~~
7 ~~1290.1 et seq. of this title,~~ shall have the license suspended for a
8 term of six (6) months and shall be subject to an administrative
9 fine of Fifty Dollars (\$50.00), upon a hearing and determination by
10 the Oklahoma State Bureau of Investigation that the person is in
11 violation of the provisions of this section.

12 SECTION 14. AMENDATORY 21 O.S. 2001, Section 1289.11, is
13 amended to read as follows:

14 Section 1289.11

15 RECKLESS CONDUCT

16 It shall be unlawful for any person to engage in reckless
17 conduct while having in his or her possession any shotgun, rifle or
18 pistol, such actions consisting of creating a situation of
19 unreasonable risk and probability of death or great bodily harm to
20 another, and demonstrating a conscious disregard for the safety of
21 another person. Any person convicted of violating the provisions of
22 this section shall be punished as provided in Section 1289.15 of
23 this title.

1 Any person convicted of a violation of the provisions of this
2 section after having been issued a ~~concealed~~ handgun license
3 pursuant to the Oklahoma Self-Defense Act, ~~Sections 1 through 25 of~~
4 ~~this act~~, shall have the license revoked and shall be subject to an
5 administrative fine of One Thousand Dollars (\$1,000.00), upon a
6 hearing and determination by the Oklahoma State Bureau of
7 Investigation that the person is in violation of the provisions of
8 this section.

9 SECTION 15. AMENDATORY 21 O.S. 2001, Section 1289.12, is
10 amended to read as follows:

11 Section 1289.12

12 GIVING FIREARMS TO CONVICTED PERSONS

13 It shall be unlawful for any person within this state to
14 knowingly sell, trade, give, transmit or otherwise cause the
15 transfer of rifles, shotguns or pistols to any convicted felon or an
16 adjudicated delinquent, and it shall be unlawful for any person
17 within this state to knowingly sell, trade, give, transmit or
18 otherwise cause the transfer of any shotgun, rifle or pistol to any
19 individual who is under the influence of alcohol or drugs or is
20 mentally or emotionally unbalanced or disturbed. All persons who
21 engage in selling, trading or otherwise transferring firearms will
22 display this section prominently in full view at or near the point
23 of normal firearms sale, trade or transfer. Any person convicted of

1 violating the provisions of this section shall be punished as
2 provided in Section 1289.15 of this title.

3 Any person convicted of a violation of this section after having
4 been issued a ~~concealed~~ handgun license pursuant to the Oklahoma
5 Self-Defense Act, ~~Sections 1 through 25 of this act,~~ shall have the
6 license suspended for six (6) months and shall be liable for an
7 administrative fine of Fifty Dollars (\$50.00), upon a hearing and
8 determination by the Oklahoma State Bureau of Investigation that the
9 person is in violation of the provisions of this section.

10 SECTION 16. AMENDATORY 21 O.S. 2001, Section 1289.13, as
11 last amended by Section 1, Chapter 549, O.S.L. 2004 (21 O.S. Supp.
12 2009, Section 1289.13), is amended to read as follows:

13 Section 1289.13

14 TRANSPORTING A LOADED FIREARM

15 Except as otherwise provided by the provisions of the Oklahoma
16 Self-Defense Act or another provision of law, it shall be unlawful
17 to transport a loaded pistol, rifle or shotgun in a landborne motor
18 vehicle over a public highway or roadway. However, a rifle or
19 shotgun may be transported clip or magazine loaded and not chamber
20 loaded when transported in an exterior locked compartment of the
21 vehicle or trunk of the vehicle or in the interior compartment of
22 the vehicle notwithstanding the provisions of Section 1289.7 of this

1 title when the person is in possession of a valid handgun license
2 pursuant to the Oklahoma Self-Defense Act.

3 Any person convicted of a violation of this section shall be
4 punished as provided in Section 1289.15 of this title.

5 Any person who is the operator of a vehicle or is a passenger in
6 any vehicle wherein another person who is licensed pursuant to the
7 Oklahoma Self-Defense Act to carry a ~~concealed~~ handgun, concealed or
8 unconcealed, and is carrying a ~~concealed~~ handgun or has ~~concealed~~ a
9 handgun or rifle or shotgun in such vehicle shall not be deemed in
10 violation of the provisions of this section provided the licensee is
11 in or near the vehicle.

12 SECTION 17. AMENDATORY Section 4, Chapter 465, O.S.L.
13 2003, as amended by Section 2, Chapter 549, O.S.L. 2004 (21 O.S.
14 Supp. 2009, Section 1289.13A), is amended to read as follows:

15 Section 1289.13A

16 IMPROPER TRANSPORTATION OF FIREARMS

17 A. Notwithstanding the provisions of Section 1272 or 1289.13
18 of this title, any person stopped pursuant to a moving traffic
19 violation who is transporting a loaded pistol in the motor vehicle
20 without a valid ~~concealed~~ handgun ~~permit~~ license authorized by the
21 Oklahoma Self-Defense Act or valid license from another state,
22 whether the loaded firearm is concealed or open in the vehicle,
23 shall be issued a traffic citation in the amount of Seventy Dollars

1 (\$70.00), plus court costs for transporting a firearm improperly.
2 In addition to the traffic citation provided in this section, the
3 person may also be arrested for any other violation of law.

4 B. When the arresting officer determines that a valid handgun
5 license exists, pursuant to the Oklahoma Self-Defense Act or any
6 provision of law from another state, for any person in the stopped
7 vehicle, any firearms permitted to be carried pursuant to that
8 license shall not be confiscated, unless:

- 9 1. The person is arrested for violating another provision of
10 law other than a violation of subsection A of this section;
11 provided, however, if the person is never charged with an offense
12 pursuant to this paragraph or if the charges are dismissed or the
13 person is acquitted, the weapon shall be returned to the person; or
14 2. The officer has probable cause to believe the weapon is:
15 a. contraband, or
16 b. a firearm used in the commission of a crime other than
17 a violation of subsection A of this section.

18 C. Nothing in this section shall be construed to require
19 confiscation of any firearm.

20 SECTION 18. AMENDATORY 21 O.S. 2001, Section 1289.16, is
21 amended to read as follows:

22 Section 1289.16

23 FELONY POINTING FIREARMS

1 It shall be unlawful for any person to willfully or without
2 lawful cause point a shotgun, rifle or pistol, or any deadly weapon,
3 whether loaded or not, at any person or persons for the purpose of
4 threatening or with the intention of discharging the firearm or with
5 any malice or for any purpose of injuring, either through physical
6 injury or mental or emotional intimidation or for purposes of
7 whimsy, humor or prank, or in anger or otherwise, but not to include
8 the pointing of shotguns, rifles or pistols by law enforcement
9 authorities in the performance of their duties, members of the state
10 military forces in the performance of their duties, members of the
11 federal military reserve and active military components in the
12 performance of their duties, or any federal government law
13 enforcement officer in the performance of any duty, or in the
14 performance of a play on stage, rodeo, television or on film, or in
15 defense of any person, one's home or property. Any person convicted
16 of a violation of the provisions of this section shall be punished
17 as provided in Section 1289.17 of this title.

18 Any person convicted of a violation of the provisions of this
19 section after having been issued a ~~concealed~~ handgun license
20 pursuant to the Oklahoma Self-Defense Act, ~~Sections 1 through 25 of~~
21 ~~this act,~~ shall have the license revoked and shall be subject to an
22 administrative fine of One Thousand Dollars (\$1,000.00), upon a
23 hearing and determination by the Oklahoma State Bureau of

1 Investigation that the person is in violation of the provisions of
2 this section.

3 SECTION 19. AMENDATORY 21 O.S. 2001, Section 1289.23, as
4 amended by Section 1, Chapter 538, O.S.L. 2004 (21 O.S. Supp. 2009,
5 Section 1289.23), is amended to read as follows:

6 Section 1289.23

7 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

8 A. A full-time duly appointed peace officer who is certified by
9 the Council on Law Enforcement Education and Training (CLEET),
10 pursuant to the provisions of Section 3311 of Title 70 of the
11 Oklahoma Statutes, is hereby authorized to carry a weapon certified
12 and approved by the employing agency during periods when the officer
13 is not on active duty as provided by the provisions of subsection B
14 of this section.

15 B. When an off-duty officer carries a certified weapon, the
16 officer shall be wearing the law enforcement uniform prescribed by
17 the employing agency or when not wearing the prescribed law
18 enforcement uniform, the officer shall be required:

19 1. To have the official peace officers badge, Commission Card
20 and CLEET Certification Card on his or her person at all times when
21 carrying a weapon certified and approved by the employing agency;
22 and

1 2. To keep the authorized weapon concealed from view at all
2 times, except when the weapon is used within the guidelines
3 established by the employing agency.

4 C. Nothing in this section shall be construed to alter or amend
5 the provisions of Section 1272.1 of this title or expand the duties,
6 authority or jurisdiction of any peace officer.

7 D. A reserve peace officer who has satisfactorily completed a
8 basic police course of not less than one hundred twenty (120) hours
9 of accredited instruction for reserve police officers and reserve
10 deputies from the Council on Law Enforcement Education and Training
11 or a course of study approved by CLEET may carry a certified weapon
12 when such officer is off duty as provided by subsection E of this
13 section, provided:

14 1. The officer has been granted written authorization signed by
15 the director of the employing agency; and

16 2. The employing agency shall maintain a current list of any
17 officers authorized to carry a certified weapon while said officers
18 are off duty, and shall provide a copy of such list to the Council
19 on Law Enforcement Education and Training. Any change to the list
20 shall be made in writing and mailed to the Council on Law
21 Enforcement Education and Training within five (5) days.

22 E. When an off-duty reserve peace officer carries a certified
23 weapon, the officer shall be wearing the law enforcement uniform

1 prescribed by the employing agency or when not wearing the
2 prescribed law enforcement uniform, the officer shall be required:

3 1. To have his or her official peace officer's badge,
4 Commission Card, CLEET Certification Card and written authorization
5 on his or her person at all times when carrying a weapon certified
6 and approved by the employing agency; and

7 2. To keep the authorized weapon concealed from view at all
8 times, except when the weapon is used within the guidelines
9 established by the employing agency.

10 F. Nothing in subsection D of this section shall be construed
11 to alter or amend the provisions of Section 1750.2 of Title 59 of
12 the Oklahoma Statutes or expand the duties, jurisdiction or
13 authority of any reserve peace officer.

14 G. Nothing in this section shall be construed to limit or
15 restrict any peace officer or reserve peace officer from carrying a
16 ~~concealed~~ handgun, concealed or unconcealed, as allowed by the
17 Oklahoma Self-Defense Act after issuance of a valid license. When
18 an off-duty officer elects to carry a ~~concealed~~ handgun under the
19 authority of the Oklahoma Self-Defense Act, the person shall comply
20 with all provisions of such act and shall not be representing the
21 employing agency.

22 H. Any off-duty peace officer who carries any weapon in
23 violation of the provisions of this section shall be deemed to be in

1 violation of Section 1272 of this title and may be prosecuted as
2 provided by law for a violation of that section.

3 I. On ~~the effective date of this act~~ November 1, 2004, a
4 reserve or full-time commissioned peace officer may apply to carry a
5 weapon pursuant to the Oklahoma Self-Defense Act as follows:

6 1. The officer shall apply in writing to the Council on Law
7 Enforcement Education and Training (CLEET) stating that the officer
8 desires to have a ~~concealed permit~~ handgun license pursuant to the
9 Oklahoma Self-Defense Act and certifying that he or she has no
10 preclusions to having such ~~concealed~~ handgun license. The officer
11 shall submit with the application:

- 12 a. an official letter from his or her employing agency
13 confirming the officer's employment and status as a
14 full-time commissioned peace officer or an active
15 reserve peace officer,
16 b. a fee of Twenty-five Dollars (\$25.00) for the
17 ~~concealed~~ handgun license, and
18 c. two passport-size photographs of the peace officer
19 applicant.

20 2. Upon receiving the required information, CLEET shall
21 determine whether the peace officer is in good standing, has CLEET
22 certification and training, and is otherwise eligible for a
23 ~~concealed~~ handgun license. Upon verification of the officer's

1 eligibility, CLEET shall send the information to the Oklahoma State
2 Bureau of Investigation (OSBI) and OSBI shall issue a ~~concealed~~
3 handgun license in the same or similar form as other handgun
4 licenses. All other requirements in Section 1290.12 of this title
5 concerning application for a ~~concealed~~ handgun license shall be
6 waived for active duty peace officers except as provided in this
7 subsection, including but not limited to training, fingerprints and
8 criminal history records checks unless the officer does not have
9 fingerprints on file or a criminal history records background check
10 conducted prior to employment as a peace officer. The OSBI shall
11 not be required to conduct any further investigation into the
12 eligibility of the peace officer applicant and shall not deny a
13 ~~concealed~~ handgun license except when preclusions are found to
14 exist.

15 3. The term of the ~~concealed~~ handgun ~~permit~~ license for an
16 active duty reserve or full-time commissioned peace officer pursuant
17 to this section shall be as provided in Section 1290.5 of this
18 title, renewable in the same manner provided in this subsection for
19 an original application by a peace officer. The ~~concealed~~ handgun
20 license shall be valid when the peace officer is in possession of a
21 valid driver license and law enforcement commission card.

22 4. If ~~a~~ the commission card of a law enforcement officer's
23 ~~commission card~~ officer is terminated, revoked or suspended, the

1 ~~concealed~~ handgun license shall be immediately returned to CLEET.
2 When a peace officer in possession of a ~~concealed~~ handgun license
3 pursuant to this subsection changes employment, the person must
4 notify CLEET within ninety (90) days and send a new letter verifying
5 employment and status as a full-time commissioned or reserve peace
6 officer.

7 5. There shall be no refund of any fee for any unexpired term
8 of any ~~concealed~~ handgun license that is suspended, revoked, or
9 voluntarily returned to CLEET, or that is denied, suspended or
10 revoked by the OSBI.

11 6. CLEET may promulgate any rules, forms or procedures
12 necessary to implement the provisions of this section.

13 7. Nothing in this subsection shall be construed to change or
14 amend the application process, eligibility, effective date or fees
15 of any ~~concealed~~ handgun license pending issuance on the effective
16 date of this act or previously issued to any peace officer prior to
17 ~~the effective date of this act~~ November 1, 2004.

18 SECTION 20. AMENDATORY 21 O.S. 2001, Section 1290.2, is
19 amended to read as follows:

20 Section 1290.2

21 DEFINITIONS

22 A. As used in Sections ~~±~~ 1290.1 through ~~25~~ 1290.26 of this ~~act~~
23 title:

1 1. "Concealed handgun" means a loaded or unloaded pistol
2 carried hidden from the detection and view of another person either
3 upon or about the person, in a purse or other container belonging to
4 the person, or in a vehicle which is operated by the person or in
5 which the person is riding as a passenger; ~~and~~

6 2. "Unconcealed handgun" means a loaded or unloaded pistol
7 carried upon the person in a belt holster that is wholly or
8 partially visible, or carried upon the person in a scabbard or case
9 designed for carrying firearms that is wholly or partially visible;
10 and

11 3. "Pistol" means any derringer, revolver or semiautomatic
12 firearm which:

- 13 a. has an overall length of less than sixteen (16) inches
14 ~~and is able to be fully concealed from detection and~~
15 ~~view,~~
16 b. is capable of discharging a projectile composed of any
17 material which may reasonably be expected to be able
18 to cause lethal injury,
19 c. is designed to be held and fired by the use of a
20 single hand, and
21 d. uses either gunpowder, gas or any means of rocket
22 propulsion to discharge the projectile.

1 the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through~~
2 ~~25 of this act~~, or as may otherwise be provided by law.

3 SECTION 23. AMENDATORY 21 O.S. 2001, Section 1290.5, as
4 last amended by Section 1, Chapter 225, O.S.L. 2009 (21 O.S. Supp.
5 2009, Section 1290.5), is amended to read as follows:

6 Section 1290.5

7 TERM OF LICENSE AND RENEWAL

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

19 B. A license may be renewed any time within ninety (90) days
20 prior to the expiration date as provided in this subsection. The
21 Bureau shall send a renewal application to each eligible licensee
22 with a return address requested. There shall be a thirty-day grace
23 period on license renewals beginning on the date of expiration,

1 thereafter the license is considered expired. However, any
2 applicant shall have three (3) years from the expiration of the
3 license to comply with the renewal requirements of this section.

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

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

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

21 C. Beginning November 1, 2007, any person making application
22 for a ~~concealed~~ handgun license or any licensee seeking to renew a
23 ~~concealed~~ handgun license shall have the option to request that said

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

8 SECTION 24. AMENDATORY 21 O.S. 2001, Section 1290.6, is
9 amended to read as follows:

10 Section 1290.6

11 PROHIBITED AMMUNITION

12 Any concealed or unconcealed handgun when carried in a manner
13 authorized by the provisions of the Oklahoma Self-Defense Act,
14 ~~Sections 1 through 25 of this act,~~ and when loaded with any
15 ammunition which is either a restricted bullet as defined by Section
16 1289.19 of ~~Title 21 of the Oklahoma Statutes~~ this title or is larger
17 than .45 caliber or is otherwise prohibited by law shall be deemed a
18 prohibited weapon for purposes of the Oklahoma Self-Defense Act.
19 Any person violating the provisions of this section shall be
20 punished for a criminal offense as provided by Section 1272 of ~~Title~~
21 ~~21 of the Oklahoma Statutes~~ this title or any other applicable
22 provision of law. In addition to any criminal prosecution for a
23 violation of the provisions of this section, the licensee shall be

1 subject to an administrative fine of Five Hundred Dollars (\$500.00),
2 upon a hearing and determination by the Oklahoma State Bureau of
3 Investigation that the person is in violation of the provisions of
4 this section.

5 SECTION 25. AMENDATORY 21 O.S. 2001, Section 1290.7, is
6 amended to read as follows:

7 Section 1290.7

8 CONSTRUING AUTHORITY OF LICENSE

9 The authority to carry a concealed or unconcealed handgun
10 pursuant to a valid handgun license as authorized by the provisions
11 of the Oklahoma Self-Defense Act, ~~Sections 1 through 25 of this act,~~
12 shall not be construed to authorize any person to:

- 13 1. Carry or possess any weapon other than an authorized pistol
14 as defined by the provisions of Section ~~2~~ 1290.2 of this ~~act~~ title;
- 15 2. Carry or possess any pistol in any manner or in any place
16 otherwise prohibited by law;
- 17 3. Carry or possess any prohibited ammunition or any illegal,
18 imitation or homemade pistol;
- 19 4. Carry or possess any pistol when the person is prohibited by
20 state or federal law from carrying or possessing any firearm; or
- 21 5. Point, discharge, intentionally display the pistol, or use
22 the pistol in any manner not otherwise authorized by law.

1 SECTION 26. AMENDATORY 21 O.S. 2001, Section 1290.8, as
2 amended by Section 6, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2009,
3 Section 1290.8), is amended to read as follows:

4 Section 1290.8

5 POSSESSION OF LICENSE REQUIRED

6 NOTIFICATION TO POLICE OF GUN

7 A. Except as otherwise prohibited by law, an eligible person
8 shall have authority to carry a concealed or unconcealed handgun in
9 this state when the person has been issued a handgun license from
10 the Oklahoma State Bureau of Investigation pursuant to the
11 provisions of the Oklahoma Self-Defense Act, provided the person is
12 in compliance with the provisions of the Oklahoma Self-Defense Act,
13 and the license has not expired or been subsequently suspended or
14 revoked. A person in possession of a valid handgun license and in
15 compliance with the provisions of the Oklahoma Self-Defense Act
16 shall be authorized to carry such concealed or unconcealed handgun
17 while bow hunting or fishing.

18 B. The person shall be required to have possession of his or
19 her valid handgun license and a valid Oklahoma driver license or an
20 Oklahoma State photo identification at all times when in possession
21 of an authorized pistol. Any violation of the provisions of this
22 subsection may be punishable as a criminal offense as authorized by
23 Section 1272 of this title or pursuant to any other applicable

1 provision of law. In addition to any criminal prosecution which may
2 result from not carrying the handgun license and the required
3 identification with the authorized pistol as required by the
4 provisions of this subsection, the person may be subject to an
5 administrative fine for violation of the provisions of this
6 subsection. The administrative fine shall be Fifty Dollars (\$50.00)
7 and shall be assessed by the Oklahoma State Bureau of Investigation
8 after a hearing and determination that the licensee is in violation
9 of the provisions of this subsection. Any second or subsequent
10 violation of the provisions of this subsection shall be grounds for
11 the Bureau to suspend the handgun license for a period of six (6)
12 months, in addition to any other penalty imposed.

13 Upon the arrest of any person for a violation of the provisions
14 of this subsection, the person may show proof to the court that a
15 valid handgun license and the other required identification has been
16 issued to such person and the person may state any reason why the
17 handgun license or the other required identification was not carried
18 by the person as required by the Oklahoma Self-Defense Act. The
19 court shall dismiss an alleged violation of Section 1272 of this
20 title upon payment of court costs, if proof of a valid handgun
21 license and other required identification is shown to the court
22 within ten (10) days of the arrest of the person. The court shall

1 report a dismissal of a charge to the Bureau for consideration of
2 administrative proceedings against the licensee.

3 C. It shall be unlawful for any person to fail or refuse to
4 identify the fact that the person is in actual possession of a
5 concealed or unconcealed handgun pursuant to the authority of the
6 Oklahoma Self-Defense Act when the person first comes into contact
7 with any law enforcement officer of this state or its political
8 subdivisions or a federal law enforcement officer during the course
9 of any arrest, detainment, or routine traffic stop. No person shall
10 be required to identify himself or herself as a ~~concealed~~ handgun
11 licensee when no handgun is in the ~~person's~~ possession of the person
12 or in any vehicle in which the person is driving or is a passenger.
13 Any violation of the provisions of this subsection shall, upon
14 conviction, be a misdemeanor punishable by a fine not exceeding Five
15 Hundred Dollars (\$500.00), by imprisonment in the county jail for a
16 period not to exceed ninety (90) days, or by both such fine and
17 imprisonment. In addition to any criminal prosecution for a
18 violation of the provisions of this subsection, the licensee shall
19 be subject to a six-month suspension of the license and an
20 administrative fine of Fifty Dollars (\$50.00), upon a hearing and
21 determination by the Bureau that the person is in violation of the
22 provisions of this subsection.

1 D. Any law enforcement officer coming in contact with a person
2 whose handgun license is suspended, revoked, or expired, or who is
3 in possession of a handgun license which has not been lawfully
4 issued to that person, shall confiscate the license and return it to
5 the Oklahoma State Bureau of Investigation for appropriate
6 administrative proceedings against the licensee when the license is
7 no longer needed as evidence in any criminal proceeding.

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

11 SECTION 27. AMENDATORY 21 O.S. 2001, Section 1290.9, as
12 amended by Section 7, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2009,
13 Section 1290.9), is amended to read as follows:

14 Section 1290.9

15 ELIGIBILITY

16 The following requirements shall apply to any person making
17 application to the Oklahoma State Bureau of Investigation for a
18 ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma
19 Self-Defense Act. The person must:

- 20 1. Be a citizen of the United States;
- 21 2. Establish a residency in the State of Oklahoma. For
22 purposes of the Oklahoma Self-Defense Act, the term "residency"
23 shall apply to any person who either possesses a valid Oklahoma

1 driver license or state photo identification card, and physically
2 resides in this state or has permanent military orders within this
3 state and possesses a valid driver license from another state where
4 such person claims residency;

5 3. Be at least twenty-one (21) years of age;

6 4. Complete a firearms safety and training course and
7 demonstrate competence and qualifications with the type of pistol to
8 be carried by the person as provided in Section 1290.14 of this
9 title, and submit proof of training and qualification or an
10 exemption for training and qualification as authorized by Section
11 1290.14 of this title;

12 5. Submit the required fee and complete the application process
13 as provided in Section 1290.12 of this title; and

14 6. Comply in good faith with the provisions of the Oklahoma
15 Self-Defense Act.

16 SECTION 28. AMENDATORY 21 O.S. 2001, Section 1290.11, as
17 amended by Section 3, Chapter 62, O.S.L. 2006 (21 O.S. Supp. 2009,
18 Section 1290.11), is amended to read as follows:

19 Section 1290.11

20 OTHER PRECLUSIONS

21 A. The following conditions shall preclude a person from being
22 eligible for a ~~concealed~~ handgun license pursuant to the provisions

1 of the Oklahoma Self-Defense Act for a period of time as prescribed
2 in each of the following paragraphs:

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

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

12 3. Any involuntary commitment for a mental illness, condition,
13 or disorder pursuant to the provisions of Section 5-410 of Title 43A
14 of the Oklahoma Statutes or any involuntary commitment in another
15 state pursuant to any provisions of law of that state. The
16 preclusive period shall be permanent as provided by Title 18 of the
17 United States Code Section 922(g)(4);

18 4. The person has previously undergone treatment for a mental
19 illness, condition, or disorder which required medication or
20 supervision as defined by paragraph 7 of Section 1290.10 of this
21 title. The preclusive period shall be three (3) years from the last
22 date of treatment or upon presentation of a certified statement from
23 a licensed physician stating that the person is either no longer

1 disabled by any mental or psychiatric illness, condition, or
2 disorder or that the person has been stabilized on medication for
3 ten (10) years or more;

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

10 6. Two or more convictions of public intoxication pursuant to
11 Section 8 of Title 37 of the Oklahoma Statutes, or a similar law of
12 another state. The preclusive period shall be three (3) years from
13 the date of the completion of the last sentence;

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

20 8. A court order for a final Victim Protection Order against
21 the applicant, as authorized by Section 60 et seq. of Title 22 of
22 the Oklahoma Statutes, or any court order granting a final victim
23 protection order against the applicant from another state. The

1 preclusive period shall be three (3) years from the date of the
2 entry of the final court order, or sixty (60) days from the date an
3 order was vacated, cancelled or withdrawn;

4 9. An adjudicated delinquent or convicted felon residing in the
5 residence of the applicant which may be a violation of Section 1283
6 of this title. The preclusive period shall be thirty (30) days from
7 the date the person no longer resides in the same residence as the
8 applicant; or

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

- 13 a. any assault and battery which caused serious physical
14 injury to the victim or any second or subsequent
15 assault and battery,
- 16 b. any aggravated assault and battery,
- 17 c. any stalking pursuant to Section 1173 of this title,
18 or a similar law of another state,
- 19 d. any violation of the Protection from Domestic Abuse
20 Act, Section 60 et seq. of Title 22 of the Oklahoma
21 Statutes, or any violation of a victim protection
22 order of another state,

- 1 e. any violation relating to illegal drug use or
- 2 possession, or
- 3 f. an act of domestic abuse as defined by Section 644 of
- 4 this title or an act of domestic assault and battery
- 5 or any comparable acts under the law of another state.

6 The preclusive period for this paragraph shall be three (3) years
7 and shall begin upon the final determination of the matter.

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

11 SECTION 29. AMENDATORY 21 O.S. 2001, Section 1290.12, as
12 amended by Section 3, Chapter 549, O.S.L. 2004 (21 O.S. Supp. 2009,
13 Section 1290.12), is amended to read as follows:

14 Section 1290.12

15 PROCEDURE FOR APPLICATION

16 A. The procedure for applying for a ~~concealed~~ handgun license
17 and processing the application shall be as follows:

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

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

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

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, or
12 b. by 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.

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

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

20 6. Two passport size photographs of the applicant shall be
21 submitted with the completed application. The cost of the
22 photographs shall be the responsibility of the applicant. The
23 sheriff is authorized to take the ~~applicant's~~ photograph of the

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

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

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

1 for the two sets. All fees collected by the sheriff from taking
2 fingerprints pursuant to the provisions of this paragraph shall be
3 retained by the sheriff and deposited into the Sheriff's Service Fee
4 Account;

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

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

1 11. 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 ~~Bureau's~~ investigation by the Bureau
6 of an applicant shall include, but shall not be limited to: a
7 statewide criminal history records search, a national criminal
8 history records search, a Federal Bureau of Investigation
9 fingerprint search, and if applicable, an investigation of medical
10 records or other records or information deemed by the Bureau to be
11 relevant to the application.

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

21 (1) with a "Yes" answer, if the ~~Department's~~ records
22 of the Department indicate that the person was

1 involuntarily committed to a mental institution
2 in Oklahoma, or

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

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

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

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

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

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

14 (3) If the records suggest the applicant may have
15 been adjudicated delinquent for an offense that
16 would constitute a felony offense if committed by
17 an adult but such record is inconclusive, the
18 Bureau shall ask the applicant whether he or she
19 was adjudicated a delinquent for an offense that
20 would constitute a felony offense if committed by
21 an adult within the last ten (10) years. If the
22 applicant states under penalty of perjury that he
23 or she was not adjudicated a delinquent within

1 ten (10) years, the Bureau shall continue
2 processing the application for a license;

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

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

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 ~~concealed~~ handgun
20 licenses.

21 SECTION 30. AMENDATORY 21 O.S. 2001, Section 1290.13, is
22 amended to read as follows:

23 Section 1290.13

1 SAFETY AND TRAINING COURSE

2 A. Each applicant for a license to carry a concealed or
3 unconcealed handgun pursuant to the Oklahoma Self-Defense Act must
4 successfully complete a firearms safety and training course in this
5 state conducted by a registered and approved firearms instructor as
6 provided by the provisions of this section. The applicant must
7 further demonstrate competence and qualification with an authorized
8 pistol of the type or types that the applicant desires to carry as a
9 concealed or unconcealed handgun pursuant to the provisions of the
10 Oklahoma Self-Defense Act, except certain persons may be exempt from
11 such training requirement as provided by the provisions of Section
12 1290.15 of this title.

13 B. The Council on Law Enforcement Education and Training
14 (CLEET) shall establish criteria for approving firearms instructors
15 for purposes of training and qualifying individuals for a ~~concealed~~
16 handgun license pursuant to the provisions of the Oklahoma Self-
17 Defense Act. Prior to submitting an application for CLEET approval
18 as a firearms instructor, applicants shall attend a firearms
19 instructor school, meeting the following minimum requirements:

20 1. Firearms instructor training conducted by one of the
21 following entities:

- 22 a. Council on Law Enforcement Education and Training,
- 23 b. National Rifle Association,

- 1 c. Oklahoma Rifle Association,
 - 2 d. federal law enforcement agencies, or
 - 3 e. other professionally recognized organizations;
- 4 2. The course shall be at least sixteen (16) hours in length;
 - 5 3. Upon completion of the course, the applicant shall be
 - 6 qualified to provide instruction on revolvers, semiautomatic
 - 7 pistols, or both; and
 - 8 4. Receive a course completion certificate.

9 All firearms instructors shall be required to meet the eligibility
10 requirements for a ~~concealed~~ handgun license as provided in Sections
11 1290.9, 1290.10, and 1290.11 of this title, and the application
12 shall be processed as provided for applicants in Section 1290.12 of
13 this title, including the state and national criminal history
14 records search and fingerprint search. A firearms instructor shall
15 be required to pay a fee of One Hundred Dollars (\$100.00) to the
16 Council on Law Enforcement Education and Training (CLEET) each time
17 the person makes application for CLEET approval as a firearms
18 instructor pursuant to the provisions of the Oklahoma Self-Defense
19 Act. The fee shall be retained by CLEET and shall be deposited into
20 the Firearms Instructors Revolving Fund. CLEET shall promulgate the
21 rules, forms and procedures necessary to implement the approval of
22 firearms instructors as authorized by the provisions of this
23 subsection. CLEET shall periodically review each approved

1 instructor during a training and qualification course to assure
2 compliance with the rules and course contents. Any violation of the
3 rules may result in the revocation or suspension of CLEET and
4 Oklahoma State Bureau of Investigation approval. Unless the
5 approval has been revoked or suspended, a firearms instructor's
6 CLEET approval shall be for a term of five (5) years. Beginning on
7 ~~the effective date of this act~~ July 1, 2003, any firearms instructor
8 who has been issued a four-year CLEET approval shall not be eligible
9 for the five-year approval until the expiration of the approval
10 previously issued. CLEET shall be responsible for notifying all
11 approved firearms instructors of statutory and policy changes
12 related to the Oklahoma Self-Defense Act.

13 C. 1. All firearms instructors approved by CLEET to train and
14 qualify individuals for a ~~concealed~~ handgun license shall be
15 required to apply for registration with the Oklahoma State Bureau of
16 Investigation after receiving CLEET approval. All firearms
17 instructors teaching the approved course for a ~~concealed~~ handgun
18 license must display their registration certificate during each
19 training and qualification course. Each approved firearms
20 instructor shall complete a registration form provided by the Bureau
21 and shall pay a registration fee of One Hundred Dollars (\$100.00) to
22 the Bureau at the time of each application for registration, except
23 as provided in paragraph 2 of this subsection. Registration

1 certificates issued by the Bureau shall be valid for five (5) years
2 from the date of issuance. The Bureau shall issue a five-year
3 handgun license to an approved firearms instructor at the time of
4 issuance of a registration certificate and no additional fee shall
5 be required or charged. The Bureau shall maintain a current listing
6 of all registered firearms instructors in this state. Nothing in
7 this paragraph shall be construed to eliminate the requirement for
8 registration and training with CLEET as provided in subsection B of
9 this section. Failure to register or be trained as required shall
10 result in a revocation or suspension of the instructor certificate
11 by the Bureau.

12 2. On ~~the effective date of this act~~ July 1, 2003, the
13 registered instructors listed in subparagraphs a and b of this
14 paragraph shall not be required to renew the firearms instructor
15 registration certificate with the Oklahoma State Bureau of
16 Investigation at the expiration of the registration term, provided
17 the instructor is not subject to any suspension or revocation of the
18 firearm instructor certificate. The firearms instructor
19 registration with the Oklahoma State Bureau of Investigation shall
20 automatically renew together with the handgun license authorized in
21 paragraph 1 of this subsection for an additional five-year term and
22 no additional cost or fee may be charged for the following
23 individuals:

- 1 a. an active duty law enforcement officer of this state
2 or any of its political subdivisions or of the federal
3 government who has a valid CLEET approval as a
4 firearms instructor pursuant to the Oklahoma Self-
5 Defense Act, and
- 6 b. a retired law enforcement officer authorized to carry
7 a firearm pursuant to Section 1289.8 of this title who
8 has a valid CLEET approval as a firearms instructor
9 pursuant to the Oklahoma Self-Defense Act.

10 D. The Oklahoma State Bureau of Investigation shall approve
11 registration for a firearms instructor applicant who is in full
12 compliance with CLEET rules regarding firearms instructors and the
13 provisions of subsection B of this section, if completion of the
14 federal fingerprint search is the only reason for delay of
15 registration of that firearms instructor applicant. Upon receipt of
16 the federal fingerprint search information, if the Bureau receives
17 information which precludes the person from having a ~~concealed~~
18 handgun license, the Bureau shall revoke both the registration and
19 the ~~concealed~~ handgun license previously issued to the firearms
20 instructor.

21 E. The required firearms safety and training course and the
22 actual demonstration of competency and qualification required of the
23 applicant shall be designed and conducted in such a manner that the

1 course can be reasonably completed by the applicant within an eight-
2 hour period. CLEET shall establish the course content and
3 promulgate rules, procedures and forms necessary to implement the
4 provisions of this subsection. For the training and qualification
5 course, an applicant may be charged a fee not to exceed Sixty
6 Dollars (\$60.00). The instructor to student ratio shall not exceed
7 ten students to any one instructor. CLEET may establish criteria
8 for assistant instructors, maximum class size and any other
9 requirements deemed necessary to conduct a safe and effective
10 training and qualification course. The course content shall include
11 a safety inspection of the firearm to be used by the applicant in
12 the training course; instruction on pistol handling, safety and
13 storage; dynamics of ammunition and firing; methods or positions for
14 firing a pistol; information about the criminal provisions of the
15 Oklahoma law relating to firearms; the requirements of the Oklahoma
16 Self-Defense Act as it relates to the applicant; self-defense and
17 the use of appropriate force; a practice shooting session; and a
18 familiarization course. The firearms instructor shall refuse to
19 train or qualify any person when the pistol to be used or carried by
20 the person is either deemed unsafe or unfit for firing or is a
21 weapon not authorized by the Oklahoma Self-Defense Act. The course
22 shall provide an opportunity for the applicant to qualify himself or
23 herself on either a derringer, a revolver, a semiautomatic pistol or

1 any combination of a derringer, a revolver and a semiautomatic
2 pistol, provided no pistol shall be capable of firing larger than
3 .45 caliber ammunition. Any applicant who successfully trains and
4 qualifies himself or herself with a semiautomatic pistol may be
5 approved by the firearms instructor on the training certificate for
6 a semiautomatic pistol, a revolver and a derringer upon request of
7 the applicant. Any person who qualifies on a derringer or revolver
8 shall not be eligible for a semiautomatic rating until the person
9 has demonstrated competence and qualifications on a semiautomatic
10 pistol. Upon successful completion of the training and
11 qualification course, a certificate shall be issued to each
12 applicant who successfully completes the course. The certificate of
13 training shall comply with the form established by CLEET and shall
14 be submitted with an application for a ~~concealed~~ handgun license
15 pursuant to the provisions of paragraph 2 of Section 1290.12 of this
16 title.

17 F. There is hereby created a revolving fund for the Council on
18 Law Enforcement Education and Training (CLEET), to be designated the
19 "Firearms Instructors Revolving Fund". The fund shall be a
20 continuing fund, not subject to fiscal year limitations, and shall
21 consist of all funds received for approval of firearms instructors
22 for purposes of the Oklahoma Self-Defense Act. All funds received
23 shall be deposited to the fund. All monies accruing to the credit

1 of said fund are hereby appropriated and may be budgeted and
2 expended by the Council on Law Enforcement Education and Training,
3 for implementation of the training and qualification course
4 contents, approval of firearms instructors and any other CLEET
5 requirement pursuant to the provisions of the Oklahoma Self-Defense
6 Act or as may otherwise be deemed appropriate by CLEET.
7 Expenditures from said fund shall be made upon warrants issued by
8 the State Treasurer against claims filed as prescribed by law with
9 the Director of State Finance for approval and payment.

10 SECTION 32. AMENDATORY 21 O.S. 2001, Section 1290.15, is
11 amended to read as follows:

12 Section 1290.15

13 PERSONS EXEMPT FROM TRAINING COURSE

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

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

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

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

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

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

7 6. A person honorably discharged from active military duty,
8 National Guard duty or military reserves within twenty (20) years
9 preceding the date of the application for a ~~concealed~~ handgun
10 license pursuant to the provisions of the Oklahoma Self-Defense Act,
11 who is a legal resident of this state, and who has been trained and
12 qualified in the use of handguns;

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

17 8. Any person who is otherwise deemed qualified for a training
18 exemption by CLEET.

19 Provided, however, persons applying for an exemption pursuant to
20 paragraph 3, 4, 5, 6 or 7 of this subsection may be required to
21 successfully complete the classroom portion of the training course.
22 The classroom portion of the training course shall not exceed a fee
23 of Thirty Dollars (\$30.00).

1 B. The Council on Law Enforcement Education and Training
2 (CLEET) shall establish criteria for providing proof of an
3 exemption. Before any person shall be considered exempt from all or
4 part of the required training and qualification pursuant to the
5 provisions of the Oklahoma Self-Defense Act, Section 1290.1 et seq.
6 of this title, the person shall present the required proof of
7 exemption to a registered firearms instructor. Each person
8 determined to be exempt from training or qualification as provided
9 in this subsection shall receive an exemption certificate from the
10 registered firearms instructor. The rules promulgated by CLEET to
11 implement the provisions of this section and Section 1290.14 of this
12 title may require that a fee not to exceed Five Dollars (\$5.00) be
13 charged for processing an exemption certificate. The original
14 exemption certificate must be submitted with an application for a
15 handgun license as provided in paragraph 2 of Section 1290.12 of
16 this title. No person who is determined to be exempt from training
17 or qualification may carry a concealed or unconcealed firearm
18 pursuant to the authority of the Oklahoma Self-Defense Act until
19 issued a valid handgun license.

20 C. Nothing contained in any provision of the Oklahoma Self-
21 Defense Act shall be construed to alter, amend, or modify the
22 authority of any active duty law enforcement officer, or any person
23 certified by the Council on Law Enforcement Education and Training

1 to carry a pistol during the course of their employment, from
2 carrying any pistol in any manner authorized by law or authorized by
3 the employing agency.

4 SECTION 33. AMENDATORY 21 O.S. 2001, Section 1290.17, is
5 amended to read as follows:

6 Section 1290.17

7 SUSPENSION AND REVOCATION OF LICENSE

8 A. The Oklahoma State Bureau of Investigation shall have
9 authority pursuant to the provisions of the Oklahoma Self-Defense
10 Act and any other provision of law to suspend or revoke any
11 ~~concealed~~ handgun license issued pursuant to the provisions of the
12 Oklahoma Self-Defense Act. A person whose license has been
13 suspended or revoked or against whom a fine has been assessed shall
14 be entitled to an appeal through a hearing in accordance with the
15 Administrative Procedures Act. Any administrative hearing on
16 suspensions, revocations or fines shall be conducted by a hearing
17 examiner appointed by the Bureau. The hearing examiner's decision
18 shall be a final decision appealable to a district court in
19 accordance with the Administrative Procedures Act. After a
20 ~~concealed~~ handgun license has been issued, the discovery of or the
21 occurrence of any condition which directly affects a person's
22 eligibility for a handgun license as provided by the provisions of
23 Section 1290.9 or 1290.10 of this title shall require a revocation

1 of the license by the Bureau. The discovery of or the occurrence of
2 any condition pursuant to Section 1290.11 of this title, after a
3 license has been issued, shall cause a suspension of the handgun
4 license for a period of time as prescribed for the condition. Any
5 provision of law that requires a revocation of a ~~concealed~~ handgun
6 license upon a conviction shall cause the Bureau to suspend the
7 ~~concealed~~ handgun license upon the discovery of the arrest of the
8 person for such offense until a determination of the criminal case
9 at which time the Bureau shall proceed with the appropriate
10 administrative action. A licensee may voluntarily surrender a
11 license to the Oklahoma State Bureau of Investigation at any time.
12 Such surrender of a handgun license will render the license invalid.
13 Nothing in this section may be interpreted to prevent a subsequent
14 new application for a license. The licensee shall be informed and
15 acknowledge in writing as follows:

16 1. The licensee understands that the voluntary surrender of the
17 license will not be deemed a suspension or revocation by the Bureau;

18 2. A voluntary surrender of a license will not be reviewable by
19 a hearing examiner or subject to judicial review under the
20 Administrative Procedures Act; and

21 3. By surrendering the license, the licensee shall forfeit all
22 fees paid to date.

1 B. Any ~~concealed~~ handgun license which is subsequently
2 suspended or revoked shall be immediately returned to the Oklahoma
3 State Bureau of Investigation upon notification. Any person
4 refusing or failing to return a license after notification of its
5 suspension or revocation shall, upon conviction, be guilty of a
6 misdemeanor punishable by a fine of not exceeding Five Hundred
7 Dollars (\$500.00), by imprisonment in the county jail for not
8 exceeding six (6) months, or by both such fine and imprisonment. In
9 addition, the person shall be subject to an administrative fine of
10 Five Hundred Dollars (\$500.00), upon a hearing and determination by
11 the Bureau that the person is in violation of the provisions of this
12 subsection.

13 C. Any law enforcement officer of this state shall confiscate a
14 ~~concealed~~ handgun license in the possession of any person and return
15 it to the Oklahoma State Bureau of Investigation for appropriate
16 administrative proceedings against the licensee when the license is
17 no longer needed as evidence in any criminal proceeding, as follows:

- 18 1. Upon the arrest of the person for any felony offense;
- 19 2. Upon the arrest of the person for any misdemeanor offense
20 enumerated as a preclusion to a handgun license;
- 21 3. For any violation of the provisions of the Oklahoma Self-
22 Defense Act;

1 4. When the officer has been called to assist or is
2 investigating any situation which would be a preclusion to having a
3 handgun license; or

4 5. As provided in subsection D of Section 1290.8 of this title.

5 D. Any administrative fine assessed in accordance with the
6 provisions of the Oklahoma Self-Defense Act shall be paid in full
7 within thirty (30) days of assessment. The Oklahoma State Bureau of
8 Investigation shall, without a hearing, suspend the ~~concealed-carry~~
9 handgun license of any person who fails to pay in full any
10 administrative fine assessed against the person in accordance with
11 the provisions of this subsection. The suspension of any ~~concealed~~
12 ~~carry~~ handgun license shall be automatic and shall begin thirty (30)
13 days from the date of the assessment of the administrative fine.
14 The suspension shall be removed and the ~~concealed-carry~~ handgun
15 license returned to its prior standing upon payment of the
16 administrative fine being paid in full to the Bureau.

17 E. Whenever a ~~concealed-carry~~ handgun license has been
18 suspended in accordance with the provisions of this act or the
19 administrative rules of the Bureau promulgated for purposes of this
20 act, the license shall remain under suspension and shall not be
21 reinstated until:

22 1. The person whose license has been suspended applies for
23 reinstatement in accordance with the administrative rules of the

1 Bureau. The Bureau shall not charge any fee in conjunction with an
2 application for a license reinstatement. The person whose license
3 has been suspended must demonstrate that the condition or preclusion
4 which was the basis for the suspension has lapsed and is no longer
5 in effect; and

6 2. Any and all administrative fines assessed against the person
7 have been paid in full.

8 In the event a ~~concealed-carry~~ handgun license expires during
9 the term of the suspension, the person shall be required to apply
10 for renewal of the license in accordance with Section 1290.5 of this
11 title.

12 SECTION 34. AMENDATORY 21 O.S. 2001, Section 1290.18, is
13 amended to read as follows:

14 Section 1290.18

15 APPLICATION FORM CONTENTS

16 The application shall be completed upon the sworn oath of the
17 applicant as provided in paragraph 5 of Section ~~12~~ 1290.12 of this
18 ~~act~~ title. The application form shall be provided by the Oklahoma
19 State Bureau of Investigation and shall contain the following
20 information in addition to any other information deemed relevant by
21 the Bureau:

- 22 1. Applicant's full legal name;
- 23 2. Applicant's birth name, alias names or nicknames;

- 1 3. Maiden name, if applicable;
- 2 4. County of residence;
- 3 5. Length of residency at the current address;
- 4 6. Previous addresses for the preceding three (3) years;
- 5 7. Place of birth;
- 6 8. Date of birth;
- 7 9. Declaration of citizenship and date United States
- 8 citizenship was acquired, if applicable;
- 9 10. Race;
- 10 11. Weight;
- 11 12. Height;
- 12 13. Sex;
- 13 14. Color of eyes;
- 14 15. Social Security number;
- 15 16. Current driver license number;
- 16 17. Military service number, if applicable;
- 17 18. Law enforcement identification numbers, if applicable;
- 18 19. Current occupation;
- 19 20. Authorized type or types of pistol for which the applicant
- 20 qualified as stated on the certificate of training or exemption of
- 21 training which shall be stated as either derringer, revolver,
- 22 semiautomatic pistol, or some combination of derringer, revolver and

1 semiautomatic pistol and the maximum ammunition capacity of the
2 firearm shall be .45 caliber;

3 21. An acknowledgment that the applicant desires a ~~concealed~~
4 handgun license as a means of lawful self-defense and self-
5 protection and for no other intent or purpose;

6 22. A statement that the applicant has never been convicted of
7 any felony offense in this state, another state or pursuant to any
8 federal offense;

9 23. A statement that the applicant has none of the conditions
10 which would preclude the issuing of a ~~concealed~~ handgun license
11 pursuant to any of the provisions of Sections ~~10~~ 1290.10 and ~~11~~
12 1290.11 of this ~~act~~ title and that the applicant further meets all
13 of the eligibility criteria required by Section ~~9~~ 1290.9 of this ~~act~~
14 title;

15 24. An authorization for the Oklahoma State Bureau of
16 Investigation to investigate the applicant and any or all records
17 relating to the applicant for purposes of approving or denying a
18 ~~concealed~~ handgun license pursuant to the provisions of the Oklahoma
19 Self-Defense Act;

20 25. An acknowledgment that the applicant has been furnished a
21 copy of the Oklahoma Self-Defense Act and is knowledgeable about its
22 provisions;

1 26. A statement that the applicant is the identical person who
2 completed the firearms training course for which the original
3 training certificate is submitted as part of the application or a
4 statement that the applicant is the identical person who is exempt
5 from firearms training for which the original exemption certificate
6 is submitted as part of the application, whichever is applicable to
7 the applicant;

8 27. A conspicuous warning that the application is executed upon
9 the sworn oath of the applicant and that any false or misleading
10 answer to any question or the submission of any false information or
11 documentation by the applicant is punishable by criminal penalty as
12 provided in paragraph 5 of Section ~~42~~ 1290.12 of this ~~act~~ title;

13 28. A signed verification that the contents of the application
14 are known to the applicant and are true and correct;

15 29. Two separate places for the original signature of the
16 applicant;

17 30. A place for attachment of a passport size photograph of the
18 applicant; and

19 31. A place for the signature and verification of the identity
20 of the applicant by the sheriff or the sheriff's designee.

21 Information provided by the person on an application for a
22 ~~concealed~~ handgun license shall be confidential except to law
23 enforcement officers or law enforcement agencies.

1 SECTION 35. AMENDATORY 21 O.S. 2001, Section 1290.19, is
2 amended to read as follows:

3 Section 1290.19

4 LICENSE FORM

5 The ~~concealed~~ handgun license shall be on a form prescribed by
6 the Oklahoma State Bureau of Investigation and shall contain the
7 following information in addition to any other information deemed
8 relevant by the Bureau:

- 9 1. The ~~person's~~ full name of the person;
- 10 2. Current address;
- 11 3. County of residence;
- 12 4. Date of birth;
- 13 5. Weight;
- 14 6. Height;
- 15 7. Sex;
- 16 8. Race;
- 17 9. Color of eyes;
- 18 10. Handgun license identification number;
- 19 11. Expiration date of the handgun license; and
- 20 12. Authorized pistol to be either: (D) derringer, (R)
21 revolver, (S) semiautomatic pistol, or some combination of
22 derringer, revolver and semiautomatic pistol as may be authorized by
23 the Oklahoma Self-Defense Act for which the person demonstrated

1 qualification pursuant to the certificate of training or an
2 exemption certificate.

3 SECTION 36. AMENDATORY 21 O.S. 2001, Section 1290.20, is
4 amended to read as follows:

5 Section 1290.20

6 PENALTY FOR REFUSAL TO SUBMIT OR FALSIFICATION

7 It shall be unlawful for any sheriff or designee to fail or
8 refuse to accept an application for a ~~concealed~~ handgun license as
9 authorized by the provisions of the Oklahoma Self-Defense Act,
10 ~~Sections 1 through 25 of this act,~~ or to fail or refuse to process
11 or submit the completed application to the Oklahoma State Bureau of
12 Investigation within the time prescribed by paragraph 8 of Section
13 ~~12~~ 1290.12 of this ~~act~~ title, or to falsify or knowingly allow any
14 person to falsify any information, documentation, fingerprint or
15 photograph submitted with a ~~concealed~~ handgun application. Any
16 violation shall, upon conviction, be a misdemeanor. There is a
17 presumption that the sheriff has acted in good faith to comply with
18 the provisions of the Oklahoma Self-Defense Act and any alleged
19 violation of the provisions of this section shall require proof
20 beyond a reasonable doubt.

21 SECTION 37. AMENDATORY 21 O.S. 2001, Section 1290.21, is
22 amended to read as follows:

23 Section 1290.21

REPLACEMENT LICENSE

1
2 A. In the event a ~~concealed~~ handgun license becomes missing,
3 lost, stolen or destroyed, the license shall be invalid, and the
4 person to whom the license was issued shall notify the Oklahoma
5 State Bureau of Investigation within thirty (30) days of the
6 discovery of the fact that the license is not in the possession of
7 the licensee. The person may obtain a substitute license upon
8 furnishing a notarized statement to the Bureau that the license is
9 missing, lost, stolen or destroyed and paying a fifteen-dollar
10 replacement fee. During any period when a license is missing, lost,
11 stolen or destroyed, the person shall have no authority to carry a
12 concealed or unconcealed handgun pursuant to the provisions of the
13 Oklahoma Self-Defense Act. The Bureau shall, upon receipt of the
14 notarized statement and fee from the licensee, issue a substitute
15 license with the same expiration date within ten (10) days of the
16 receipt of the notarized statement and fee.

17 B. Any person who knowingly or intentionally carries a
18 concealed or unconcealed handgun pursuant to a ~~concealed~~ handgun
19 license authorized and issued pursuant to the provisions of the
20 Oklahoma Self-Defense Act which is either stolen or belongs to
21 another person shall, upon conviction, be guilty of a felony
22 punishable by a fine of Five Thousand Dollars (\$5,000.00).

1 C. Any person having a valid ~~concealed~~ handgun license pursuant
2 to the Oklahoma Self-Defense Act may carry any make or model of an
3 authorized pistol listed on the license, provided the type of pistol
4 shall not be other than the type or types listed on the license. A
5 person may complete additional firearms training for an additional
6 type of pistol during any license period and upon successful
7 completion of the training may request the additional type of pistol
8 be included on the license. The person shall submit to the Bureau a
9 fifteen-dollar replacement fee, the original certificate of training
10 and qualification for the additional type of firearm, and a
11 statement requesting the license be updated to include the
12 additional type of pistol. The Bureau shall issue an updated
13 license with the same expiration date within ten (10) days of the
14 receipt of the request. The person shall have no authority to carry
15 any additional type of pistol pursuant to the provisions of the
16 Oklahoma Self-Defense Act until the updated license has been
17 received by the licensee. The original license shall be destroyed
18 upon receipt of an updated handgun license.

19 D. A person may request during any license period an update for
20 a change of address or change of name by submitting to the Bureau a
21 fifteen-dollar replacement fee, and a notarized statement that the
22 address or name of the licensee has changed. The Bureau shall issue
23 an updated license with the same expiration date within ten (10)

1 days of receipt of the request. The original license shall be
2 destroyed upon the receipt of the updated handgun license.

3 SECTION 38. AMENDATORY 21 O.S. 2001, Section 1290.23, is
4 amended to read as follows:

5 Section 1290.23

6 DEPOSIT OF FEES BY OSBI

7 All money submitted by the sheriffs to the Oklahoma State Bureau
8 of Investigation as processing fees for applications submitted for
9 ~~concealed~~ handgun licenses shall be deposited in the Oklahoma State
10 Bureau of Investigation Revolving Fund and shall be expended for
11 purposes of implementing the provisions of the Oklahoma Self-Defense
12 act or as otherwise provided by law.

13 SECTION 39. AMENDATORY 21 O.S. 2001, Section 1290.24, is
14 amended to read as follows:

15 Section 1290.24

16 IMMUNITY

17 A. The state, its officers, agents and employees shall be
18 immune from liability resulting or arising from:

19 1. Failure to prevent the licensing of an individual for whom
20 the receipt of the license is unlawful pursuant to the provisions of
21 the Oklahoma Self-Defense Act or any other provision of law of this
22 state;

1 The Legislature finds as a matter of public policy and fact that
2 it is necessary to provide statewide uniform standards for issuing
3 licenses to carry concealed or unconcealed handguns for lawful self-
4 defense and self-protection, and further finds it necessary to
5 occupy the field of regulation of the bearing of concealed or
6 unconcealed handguns to ensure that no honest, law-abiding citizen
7 who qualifies pursuant to the provisions of the Oklahoma Self-
8 Defense Act, ~~Section 1290.1 et seq. of this title,~~ is subjectively
9 or arbitrarily denied his or her rights. The Legislature does not
10 delegate to the Oklahoma State Bureau of Investigation any authority
11 to regulate or restrict the issuing of handgun licenses except as
12 provided by the provisions of this act. Subjective or arbitrary
13 actions or rules which encumber the issuing process by placing
14 burdens on the applicant beyond those requirements detailed in the
15 provisions of the Oklahoma Self-Defense Act or which create
16 restrictions beyond those specified in this act are deemed to be in
17 conflict with the intent of this act and are hereby prohibited. The
18 Oklahoma Self-Defense Act shall be liberally construed to carry out
19 the constitutional right to bear arms for self-defense and self-
20 protection. The provisions of the Oklahoma Self-Defense Act are
21 cumulative to existing rights to bear arms and nothing in Section
22 1290.1 et seq. of this title shall impair or diminish those rights.

1 from the other state remains valid. The firearm must either be
2 carried unconcealed and in plain view or fully concealed from
3 detection and view, and upon coming in contact with any peace
4 officer of this state, the person must disclose the fact that he or
5 she is in possession of a concealed or unconcealed firearm pursuant
6 to a valid concealed or unconcealed carry weapons permit or license
7 issued in another state. Any person who is twenty-one (21) years of
8 age or older having a valid firearm license from another state may
9 apply for a ~~concealed~~ handgun license in this state immediately upon
10 establishing a residence in this state.

11 SECTION 42. AMENDATORY 21 O.S. 2001, Section 1364, is
12 amended to read as follows:

13 Section 1364.

14 DISCHARGING FIREARM

15 Every person who willfully discharges any pistol, rifle,
16 shotgun, airgun or other weapon, or throws any other missile in any
17 public place, or in any place where there is any person to be
18 endangered thereby, although no injury to any person shall ensue, is
19 guilty of a misdemeanor. Any person convicted of a violation of the
20 provisions of this section after having been issued a ~~concealed~~
21 handgun license pursuant to the provisions of the Oklahoma Self-
22 Defense Act, ~~Sections 1 through 25 of this act,~~ shall have the
23 license suspended for a period of six (6) months and shall be

1 subject to an administrative fine of Fifty Dollars (\$50.00), upon a
2 hearing and determination by the Oklahoma State Bureau of
3 Investigation that the person is in violation of the provisions of
4 this section.

5 SECTION 43. AMENDATORY 63 O.S. 2001, Section 2-110, as
6 amended by Section 4, Chapter 359, O.S.L. 2008 (63 O.S. Supp. 2009,
7 Section 2-110), is amended to read as follows:

8 Section 2-110. The Director of the Oklahoma State Bureau of
9 Narcotics and Dangerous Drugs Control may employ attorneys, who
10 shall be unclassified employees of the state, or contract with
11 attorneys, as needed. These attorneys may advise the Director, the
12 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
13 Commission and Bureau personnel on all legal matters and shall
14 appear for and represent the Director, the Commission and Bureau
15 personnel in all administrative hearings and all litigation or other
16 proceedings which may arise in the discharge of their duties. At
17 the request of the Oklahoma State Bureau of Narcotics and Dangerous
18 Drugs Control Commission, such attorney shall assist the district
19 attorney in prosecuting charges of violators of the Uniform
20 Controlled Dangerous Substances Act or any felony relating to or
21 arising from a violation of the Uniform Controlled Dangerous
22 Substances Act. Attorneys for the Bureau who have been certified by
23 the Council on Law Enforcement Education and Training to carry a

1 ~~concealed~~ weapon or have been issued a ~~concealed~~ handgun license
2 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
3 allowed to carry weapons pursuant to paragraph 3 of subsection A of
4 Section 1272 of Title 21 of the Oklahoma Statutes. These attorneys,
5 pursuant to this provision, shall not be considered eligible to
6 participate in the Oklahoma Law Enforcement Retirement System. If a
7 conflict of interest would be created by such attorney representing
8 the Director, the Commission or Bureau personnel, additional counsel
9 may be hired upon approval of the Oklahoma State Bureau of Narcotics
10 and Dangerous Drugs Control Commission.

11 SECTION 44. AMENDATORY 63 O.S. 2001, Section 4210.3, is
12 amended to read as follows:

13 Section 4210.3 It shall be unlawful to transport a shotgun,
14 rifle or pistol in or to discharge such weapons from a vessel,
15 except for the purposes of hunting animals or fowl, and in
16 compliance with existing state and federal laws. Anyone violating
17 the provisions of this section, upon conviction, shall be guilty of
18 a misdemeanor and shall be punished by a fine of not less than Fifty
19 Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00), or
20 by imprisonment in the county jail for not less than ten (10) days
21 and not more than six (6) months, or by both such fine and
22 imprisonment. Any person in possession of a valid ~~concealed~~ handgun
23 license from this state or a reciprocal state authorized by the

1 Oklahoma Self-Defense Act shall not be deemed guilty of transporting
2 a pistol in violation of this section when a handgun is carried
3 concealed or unconcealed upon or about their person in compliance
4 with the provisions of the Oklahoma Self-Defense Act.

5 SECTION 45. This act shall become effective November 1, 2010.

6 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 3-31-10 - DO PASS, As
7 Amended and Coauthored.