

1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.8, as
2 last amended by Section 4, Chapter 366, O.S.L. 2013 (21 O.S. Supp.
3 2016, 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~~:

10 1. The person has been issued a handgun license from the
11 Oklahoma State Bureau of Investigation pursuant to the provisions of
12 the Oklahoma Self-Defense Act, provided the person is in compliance
13 with the provisions of the Oklahoma Self-Defense Act, and the
14 license has not expired or been subsequently suspended or revoked;
15 or

16 2. The person is twenty-one (21) years of age or older, and is
17 either:

18 a. active military, or

19 b. a member of the Reserve or National Guard to include
20 Drill Status Guard and Reserve, Active Guard Reserves
21 or Military Technicians,

22 and presents a valid military identification card that shall be
23 considered a valid handgun license issued pursuant to the Oklahoma
24 Self-Defense Act.

1 B. A person in possession of a valid handgun license or meets
2 the criteria and presents a valid military identification card as
3 provided for in this section and in compliance with the provisions
4 of the Oklahoma Self-Defense Act shall be authorized to carry such
5 concealed or unconcealed handgun while bow hunting or fishing.

6 ~~B.~~ C. The person shall be required to have possession of his or
7 her valid handgun license or valid military identification card as
8 provided for qualified persons in this section and a valid Oklahoma
9 driver license or an Oklahoma State photo identification at all
10 times when in possession of an authorized pistol. The person shall
11 display the handgun license or a valid military identification card
12 as provided for qualified persons in this section on demand of a law
13 enforcement officer; provided, however, that in the absence of
14 reasonable and articulable suspicion of other criminal activity, an
15 individual carrying an unconcealed or concealed handgun shall not be
16 disarmed or physically restrained unless the individual fails to
17 display a valid handgun license or a valid military identification
18 card as provided for qualified persons in this section in response
19 to that demand. Any violation of the provisions of this subsection
20 may be punishable as a criminal offense as authorized by Section
21 1272 of this title or pursuant to any other applicable provision of
22 law. Any second or subsequent violation of the provisions of this
23 subsection shall be grounds for the Bureau to suspend the handgun
24

1 license for a period of six (6) months, in addition to any other
2 penalty imposed.

3 Upon the arrest of any person for a violation of the provisions
4 of this subsection, the person may show proof to the court that a
5 valid handgun license and the other required identification has been
6 issued to such person and the person may state any reason why the
7 handgun license, a valid military identification card as provided
8 for qualified persons in this section or the other required
9 identification was not carried by the person as required by the
10 Oklahoma Self-Defense Act. The court shall dismiss an alleged
11 violation of Section 1272 of this title upon payment of court costs,
12 if proof of a valid handgun license and other required
13 identification is shown to the court within ten (10) days of the
14 arrest of the person. The court shall report a dismissal of a
15 charge to the Bureau for consideration of administrative proceedings
16 against the licensee.

17 ~~C.~~ D. It shall be unlawful for any person to fail or refuse to
18 identify the fact that the person is in actual possession of a
19 concealed or unconcealed handgun pursuant to the authority of the
20 Oklahoma Self-Defense Act when the person comes into contact with
21 any law enforcement officer of this state or its political
22 subdivisions or a federal law enforcement officer during the course
23 of any arrest, detainment, or routine traffic stop. Said
24 identification to the law enforcement officer shall be made at

1 thefirst opportunity. No person shall be required to identify
2 himself or herself as a handgun licensee when no handgun is in the
3 possession of the person or in any vehicle in which the person is
4 driving or is a passenger. Any violation of the provisions of this
5 subsection shall, upon conviction, be a misdemeanor punishable by a
6 fine not exceeding One Hundred Dollars (\$100.00).

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

14 ~~E.~~ F. Nothing in this section shall be construed to authorize a
15 law enforcement officer to inspect any weapon properly concealed or
16 unconcealed without probable cause that a crime has been committed.

17 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.12, as
18 last amended by Section 2, Chapter 256, O.S.L. 2016 (21 O.S. Supp.
19 2016, Section 1290.12), is amended to read as follows:

20 Section 1290.12

21 PROCEDURE FOR APPLICATION

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

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

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

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

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

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

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

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

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

10 c. electronic funds transfer.

11 Any person paying application fees to the Oklahoma State Bureau of
12 Investigation by means of a nationally recognized credit card or by
13 means of an electronic funds transfer shall be required to complete
14 and submit his or her application through the online application
15 process of the Bureau.

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

22 5. The completed application form shall be signed by the
23 applicant in person before the sheriff. The signature shall be
24 given voluntarily upon a sworn oath that the person knows the

1 contents of the application and that the information contained in
2 the application is true and correct. Any person making any false or
3 misleading statement on an application for a handgun license shall,
4 upon conviction, be guilty of perjury as defined by Section 491 of
5 this title. Any conviction shall be punished as provided in Section
6 500 of this title. In addition to a criminal conviction, the person
7 shall be denied the right to have a handgun license pursuant to the
8 provisions of Section 1290.10 of this title and the Oklahoma State
9 Bureau of Investigation shall revoke the handgun license, if issued;

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

20 7. The sheriff shall witness the signature of the applicant and
21 review or take the photographs of the applicant and shall verify
22 that the person making application for a handgun license is the same
23 person in the photographs submitted and the same person who signed
24 the application form. Proof of a valid Oklahoma driver license with

1 a photograph of the applicant or an Oklahoma state photo
2 identification for the applicant shall be required to be presented
3 by the applicant to the sheriff for verification of the person's
4 identity;

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

17 9. The sheriff shall submit to the Oklahoma State Bureau of
18 Investigation within the fourteen-day period, together with the
19 completed application, including the certificate of training,
20 certificate of competency and qualification ~~or exemption~~
21 ~~certificate~~, photographs, processing fee and legible fingerprints
22 meeting the Oklahoma State Bureau of Investigation's Automated
23 Fingerprint Identification System (AFIS) submission standards, and a
24 report of information deemed pertinent to an investigation of the

1 applicant for a handgun license. The sheriff shall make a
2 preliminary investigation of pertinent information about the
3 applicant and the court clerk shall assist the sheriff in locating
4 pertinent information in court records for this purpose. If no
5 pertinent information is found to exist either for or against the
6 applicant, the sheriff shall so indicate in the report;

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

14 11. Notwithstanding the provisions of the Oklahoma Self-Defense
15 Act, or any other provisions of law, any person who has been granted
16 a permanent victim protective order by the court, as provided for in
17 the Protection from Domestic Abuse Act, may be issued a temporary
18 handgun license for a period not to exceed six (6) months. A
19 temporary handgun license may be issued if the person has
20 successfully passed the required weapons course, completed the
21 application process for the handgun license, passed the preliminary
22 investigation of the person by the sheriff and court clerk, and
23 provided the sheriff proof of a certified permanent victim
24 protective order and a valid Oklahoma state photo identification

1 card or driver license. The sheriff shall issue a temporary handgun
2 license on a form approved by the Oklahoma State Bureau of
3 Investigation, at no cost. Any person who has been issued a
4 temporary license shall carry the temporary handgun license and a
5 valid Oklahoma state photo identification on his or her person at
6 all times, and shall be subject to all the requirements of the
7 Oklahoma Self-Defense Act when carrying a handgun. The person may
8 proceed with the handgun licensing process. In the event the victim
9 protective order is no longer enforceable, the temporary handgun
10 license shall cease to be valid;

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

21 a. In the course of the investigation by the Bureau, it
22 shall present the name of the applicant along with any
23 known aliases, the address of the applicant and the
24 social security number of the applicant to the

1 Department of Mental Health and Substance Abuse
2 Services. The Department of Mental Health and
3 Substance Abuse Services shall respond within ten (10)
4 days of receiving such information to the Bureau as
5 follows:

- 6 (1) with a "Yes" answer, if the records of the
7 Department indicate that the person was
8 involuntarily committed to a mental institution
9 in Oklahoma,
- 10 (2) with a "No" answer, if there are no records
11 indicating the name of the person as a person
12 involuntarily committed to a mental institution
13 in Oklahoma, or
- 14 (3) with an "Inconclusive" answer if the records of
15 the Department suggest the applicant may be a
16 formerly committed person. In the case of an
17 inconclusive answer, the Bureau shall ask the
18 applicant whether he or she was involuntarily
19 committed. If the applicant states under penalty
20 of perjury that he or she has not been
21 involuntarily committed, the Bureau shall
22 continue processing the application for a
23 license.
- 24

1 b. In the course of the investigation by the Bureau, it
2 shall check the name of any applicant who is twenty-
3 eight (28) years of age or younger along with any
4 known aliases, the address of the applicant and the
5 social security number of the applicant against the
6 records in the Juvenile Online Tracking System (JOLTS)
7 of the Office of Juvenile Affairs. The Office of
8 Juvenile Affairs shall provide the Bureau direct
9 access to check the applicant against the records
10 available on JOLTS:

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

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

21 (3) if the records suggest the applicant may have
22 been adjudicated delinquent for an offense that
23 would constitute a felony offense if committed by
24 an adult but such record is inconclusive, the

1 Bureau shall ask the applicant whether he or she
2 was adjudicated a delinquent for an offense that
3 would constitute a felony offense if committed by
4 an adult within the last ten (10) years. If the
5 applicant states under penalty of perjury that he
6 or she was not adjudicated a delinquent within
7 ten (10) years, the Bureau shall continue
8 processing the application for a license; and

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

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

24

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

7 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.15, as
8 last amended by Section 2, Chapter 86, O.S.L. 2013 (21 O.S. Supp.
9 2016, Section 1290.15), is amended to read as follows:

10 Section 1290.15

11 PERSONS EXEMPT FROM TRAINING COURSE

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

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

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

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

23 4. A ~~CLEET-certified~~ Council on Law Enforcement Education and
24 Training (CLEET) certified armed security officer, armed guard,

1 correctional officer, or any other person having a CLEET
2 certification to carry a firearm in the course of their employment;

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

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

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

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

18 ~~Provided, however, persons applying for an exemption pursuant to~~
19 ~~paragraph 3, 4, 5, 6 or 7 of this subsection may be required to~~
20 ~~successfully complete the classroom portion of the training course.~~
21 ~~The fee for the classroom portion of the training course shall be~~
22 ~~determined by the instructor or entity that is conducting the~~
23 ~~course.~~

24

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, the person shall~~
6 ~~present the required proof of exemption to a registered firearms~~
7 ~~instructor. Each person determined to be exempt from training or~~
8 ~~qualification as provided in this subsection shall receive an~~
9 ~~exemption certificate from the registered firearms instructor. The~~
10 ~~rules promulgated by CLEET to implement the provisions of this~~
11 ~~section and Section 1290.14 of this title may require that a fee not~~
12 ~~to exceed Five Dollars (\$5.00) be charged for processing an~~
13 ~~exemption certificate. The original exemption certificate must be~~
14 ~~submitted with an application for a handgun license as provided in~~
15 ~~paragraph 2 of Section 1290.12 of this title. No person who is~~
16 ~~determined to be exempt from training or qualification may carry a~~
17 ~~concealed or unconcealed firearm pursuant to the authority of the~~
18 ~~Oklahoma Self-Defense Act until issued a valid handgun license or~~
19 ~~possesses a valid military identification card as provided for~~
20 ~~qualified persons in Section 1290.8 of this title.~~

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

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

4 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.26, as
5 last amended by Section 18, Chapter 15, O.S.L. 2013 (21 O.S. Supp.
6 2016, Section 1290.26), is amended to read as follows:

7 Section 1290.26

8 RECIPROCAL AGREEMENT AUTHORITY

9 The State of Oklahoma hereby recognizes any valid concealed or
10 unconcealed carry weapons permit, valid military identification card
11 as provided for qualified persons in Section 1290.8 of this title or
12 license issued by another state, or if the state is a nonpermitting
13 carry state, this state shall reciprocate under the permitting law
14 of that state.

15 A. Any person entering this state in possession of a firearm
16 authorized for concealed or unconcealed carry upon the authority and
17 license of another state or a valid military identification card as
18 provided for qualified persons in Section 1290.8 of this title is
19 authorized to continue to carry a concealed or unconcealed firearm
20 and license in this state; provided the license from the other state
21 or valid military identification card as provided for qualified
22 persons in Section 1290.8 of this title remains valid. The firearm
23 must either be carried unconcealed or concealed ~~from detection and~~
24 ~~view~~, and upon coming in contact with any peace officer of this

1 state, the person must disclose the fact that he or she is in
2 possession of a concealed or unconcealed firearm pursuant to a valid
3 concealed or unconcealed carry weapons permit ~~or~~, license or a valid
4 military identification card as provided for qualified persons in
5 Section 1290.8 of this title issued in another state.

6 B. Any person entering this state in possession of a firearm
7 authorized for concealed carry upon the authority of a state that is
8 a nonpermitted carry state and the person is in compliance with the
9 Oklahoma Self-Defense Act, the person is authorized to carry a
10 concealed or unconcealed firearm in this state. The firearm must be
11 carried fully concealed ~~from detection and view~~, or unconcealed and
12 upon coming in contact with any peace officer of this state, the
13 person must disclose the fact that he or she is in possession of a
14 concealed or unconcealed firearm pursuant to the nonpermitting laws
15 of the state in which he or she is a legal resident. The person
16 shall present proper identification by a valid photo ID as proof
17 that he or she is a legal resident in such a non-permitting state.
18 The Department of Public Safety shall keep a current list of non-
19 permitting states for law enforcement officers to confirm that a
20 state is nonpermitting.

21 C. Any person who is twenty-one (21) years of age or older
22 having a valid firearm license from another state may apply for a
23 handgun license in this state immediately upon establishing a
24 residence in this state.

SECTION 5. This act shall become effective November 1, 2017.

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
04/11/2017 - DO PASS, As Amended and Coauthored.