

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 ENGROSSED SENATE
5 BILL NO. 1024

By: Bice of the Senate

and

Kannady of the House

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8
9 An Act relating to the Oklahoma Self Defense Act;
10 amending 21 O.S. 2011, Section 1290.9, as last
11 amended by Section 2, Chapter 4, O.S.L. 2017 (21 O.S.
12 Supp. 2017, Section 1290.9), which relates to
13 eligibility; modifying eligible persons to make
14 application; amending 21 O.S. 2011, Section 1290.18,
15 as last amended by Section 1, Chapter 200, O.S.L.
16 2015 (21 O.S. Supp. 2017, Section 1290.18), which
17 relates to application form contents; modifying
18 inclusions; amending 21 O.S. Supp. 2011, Section
19 1290.25, as amended by Section 43, Chapter 259,
20 O.S.L. 2012 (21 O.S. Supp. 2017, Section 1290.25),
21 which relates to legislative intent; clarifying
22 language; and providing an effective date.

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

24 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.9, as
last amended by Section 2, Chapter 4, O.S.L. 2017 (21 O.S. Supp.
2017, Section 1290.9), is amended to read as follows:

Section 1290.9.

ELIGIBILITY

1 The following requirements shall apply to any person making
2 application to the Oklahoma State Bureau of Investigation for a
3 handgun license pursuant to the provisions of the Oklahoma Self-
4 Defense Act. The person must:

5 1. Be a citizen of the United States or a lawful permanent
6 resident;

7 2. Establish a residency in the State of Oklahoma. For
8 purposes of the Oklahoma Self-Defense Act, the term "residency"
9 shall apply to any person who either possesses a valid Oklahoma
10 driver license or state photo identification card, and physically
11 maintains a residence in this state or to any person, including the
12 spouse of such person, who has permanent military orders within this
13 state and possesses a valid driver license from another state where
14 such person and spouse of such person claim residency;

15 3. Be at least:

16 a. twenty-one (21) years of age, or

17 b. eighteen (18) years of age but not yet twenty-one (21)
18 years of age and the person is a member or veteran of
19 the United States Armed Forces, the Reserves or
20 National Guard, or the person was discharged under
21 honorable conditions from the United States Armed
22 Forces, Reserves or National Guard;

23 4. Complete a firearms safety and training course and
24 demonstrate competence and qualifications with the type of pistol to

1 be carried by the person as provided in Section 1290.14 of this
2 title, and submit proof of training and qualification or an
3 exemption for training and qualification as authorized by Section
4 1290.14 of this title;

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

7 6. Comply in good faith with the provisions of the Oklahoma
8 Self-Defense Act.

9 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.18, as
10 last amended by Section 1, Chapter 200, O.S.L. 2015 (21 O.S. Supp.
11 2017, Section 1290.18), is amended to read as follows:

12 Section 1290.18.

13 APPLICATION FORM CONTENTS

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

- 19 1. Applicant's full legal name;
- 20 2. Applicant's birth name, alias names or nicknames;
- 21 3. Maiden name, if applicable;
- 22 4. County of residence;
- 23 5. Length of residency at the current address;
- 24 6. Previous addresses for the preceding three (3) years;

- 1 7. Place of birth;
- 2 8. Date of birth;
- 3 9. Declaration of citizenship and date United States
4 citizenship was acquired, if applicable;
- 5 10. Confirmation of status of lawful permanent residency, if
6 applicable;
- 7 11. Race;
- 8 ~~11.~~ 12. Weight;
- 9 ~~12.~~ 13. Height;
- 10 ~~13.~~ 14. Sex;
- 11 ~~14.~~ 15. Color of eyes;
- 12 ~~15.~~ 16. Current driver license number;
- 13 ~~16.~~ 17. Military service number, if applicable;
- 14 ~~17.~~ 18. Law enforcement identification numbers, if applicable;
- 15 ~~18.~~ 19. Current occupation;
- 16 ~~19.~~ 20. Authorized type or types of pistol for which the
17 applicant qualified as stated on the certificate of training or
18 exemption of training which shall be stated as either derringer,
19 revolver, semiautomatic pistol, or some combination of derringer,
20 revolver and semiautomatic pistol and the maximum ammunition
21 capacity of the firearm shall be .45 caliber;
- 22 ~~20.~~ 21. An acknowledgment that the applicant desires a handgun
23 license as a means of lawful self-defense and self-protection and
24 for no other intent or purpose;

1 ~~21.~~ 22. A statement that the applicant has never been convicted
2 of any felony offense in this state, another state or pursuant to
3 any federal offense;

4 ~~22.~~ 23. A statement that the applicant has none of the
5 conditions which would preclude the issuing of a handgun license
6 pursuant to any of the provisions of Sections 1290.10 and 1290.11 of
7 this title and that the applicant further meets all of the
8 eligibility criteria required by Section 1290.9 of this title;

9 ~~23.~~ 24. An authorization for the Oklahoma State Bureau of
10 Investigation to investigate the applicant and any or all records
11 relating to the applicant for purposes of approving or denying a
12 handgun license pursuant to the provisions of the Oklahoma Self-
13 Defense Act;

14 ~~24.~~ 25. An acknowledgment that the applicant has been furnished
15 a copy of the Oklahoma Self-Defense Act and is knowledgeable about
16 its provisions;

17 ~~25.~~ 26. A statement that the applicant is the identical person
18 who completed the firearms training course for which the original
19 training certificate is submitted as part of the application or a
20 statement that the applicant is the identical person who is exempt
21 from firearms training for which the original exemption certificate
22 is submitted as part of the application, whichever is applicable to
23 the applicant;

24

1 ~~26.~~ 27. A conspicuous warning that the application is executed
2 upon the sworn oath of the applicant and that any false or
3 misleading answer to any question or the submission of any false
4 information or documentation by the applicant is punishable by
5 criminal penalty as provided in paragraph 5 of Section 1290.12 of
6 this title;

7 ~~27.~~ 28. A signed verification that the contents of the
8 application are known to the applicant and are true and correct;

9 ~~28.~~ 29. Two separate places for the original signature of the
10 applicant;

11 ~~29.~~ 30. A place for attachment of a passport size photograph of
12 the applicant; and

13 ~~30.~~ 31. A place for the signature and verification of the
14 identity of the applicant by the sheriff or the sheriff's designee.

15 Information provided by the person on an application for a
16 handgun license shall be confidential except to law enforcement
17 officers or law enforcement agencies.

18 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.25, as
19 amended by Section 43, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,
20 Section 1290.25), is amended to read as follows:

21 Section 1290.25.

22 LEGISLATIVE INTENT

23 The Legislature finds as a matter of public policy and fact that
24 it is necessary to provide statewide uniform standards for issuing

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

21 However, the conditions that mandate the administrative actions
22 of license denial, suspension, revocation or an administrative fine
23 are intended to protect the health, safety and ~~public~~ welfare of the
24 ~~citizens of this state~~ public. The restricting conditions specified

1 in the Oklahoma Self-Defense Act generally involve the criminal
2 history, mental state, alcohol or substance abuse of the applicant
3 or licensee, a hazard of domestic violence, a danger to police
4 officers, or the ability of the Oklahoma State Bureau of
5 Investigation to properly administer the Oklahoma Self-Defense Act.
6 The restricting conditions that establish a risk of injury or harm
7 to the public are tailored to reduce the risks and to ~~the~~ benefit of
8 the ~~citizens of this state~~ public.

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

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11 DIRECT TO CALENDAR.