

1 **SENATE FLOOR VERSION**

2 February 19, 2021

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 106

By: Allen of the Senate

and

O'Donnell of the House

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7  
8  
9 An Act relating to firearms; amending 21 O.S. 2011,  
10 Section 1278, as amended by Section 7, Chapter 259,  
O.S.L. 2012 (21 O.S. Supp. 2020, Section 1278), which  
11 relates to the unlawful intent to carry firearms;  
12 modifying revocation penalty for certain unlawful  
act; amending 21 O.S. 2011, Section 1280, which  
13 relates to penalties for pointing weapons at others;  
14 updating statutory reference; modifying revocation  
penalty for certain unlawful act; amending 21 O.S.  
15 2011, Section 1287, as amended by Section 10, Chapter  
259, O.S.L. 2012 (21 O.S. Supp. 2020, Section 1287),  
16 which relates to use of a firearm while committing a  
felony; modifying revocation penalty for certain  
17 unlawful act; amending 21 O.S. 2011, Sections 1290.2,  
as last amended by Section 4, Chapter 63, O.S.L.  
18 2019, 1290.5, as last amended by Section 3, Chapter  
406, O.S.L. 2019, 1290.11, as last amended by Section  
19 6, Chapter 406, O.S.L. 2019, 1290.12, as last amended  
by Section 7, Chapter 406, O.S.L. 2019, 1290.18, as  
20 last amended by Section 1, Chapter 200, O.S.L. 2015  
and 1290.19, as amended by Section 38, Chapter 259,  
O.S.L. 2012 (21 O.S. Supp. 2020, Sections 1290.2,  
21 1290.5, 1290.11, 1290.12, 1290.18 and 1290.19), which  
relate to the Oklahoma Self-Defense Act; defining  
22 term; eliminating grace period for license renewals;  
providing for the denial of renewal applications  
23 under certain circumstances; modifying certain  
background check procedure; excluding fingerprint  
24 search requirement; modifying certain preclusion to  
allow for the submission of a certain certified  
statement; adding preclusion; stating preclusive

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

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

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

22 Section 1278.

23 UNLAWFUL INTENT TO CARRY

24 Any person in this state who carries or wears any deadly weapons  
or dangerous instrument whatsoever with the intent or for the avowed  
purpose of unlawfully injuring another person shall, upon  
conviction, ~~shall~~ be guilty of a felony punishable by a fine not  
exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in  
the custody of the Department of Corrections for a period not  
exceeding two (2) years, or by both such fine and imprisonment. The

1 mere possession of such a weapon or dangerous instrument, without  
2 more, however, shall not be sufficient to establish intent as  
3 required by this section.

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

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

13 Section 1280.

14 PENALTY FOR 1279

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

21 Any person convicted of violating the provisions of Section 1279 of  
22 this title after having been issued a handgun license pursuant to  
23 the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through~~  
24 ~~25 of this act~~, shall have the handgun license ~~permanently~~ revoked

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

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

8 Section 1287.

9 USE OF FIREARM WHILE COMMITTING A FELONY

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

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

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

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

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

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

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

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

23 Section 1290.2.

24 DEFINITIONS

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

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

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

10 ~~2.~~ 3. "Unconcealed handgun" or "open carry" means a loaded or  
11 unloaded pistol or handgun carried upon the person in a holster  
12 where the firearm is visible, or carried upon the person using a  
13 scabbard, sling or case designed for carrying firearms; and

14 ~~3.~~ 4. "Pistol" or "handgun" shall have the same definition as  
15 provided in the Oklahoma Firearms Act of 1971, defined in Section  
16 1289.3 of this title.

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

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

23 Section 1290.5.

24 TERM OF LICENSE AND RENEWAL

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

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

24

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

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

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

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



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

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

10 Section 1290.11.

11 OTHER PRECLUSIONS

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

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

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

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

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

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

24

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

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

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

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

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

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

8           b. any aggravated assault and battery,

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

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

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

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

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



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

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

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

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

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

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

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

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

24



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

7 Section 1290.18.

8 APPLICATION FORM CONTENTS

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

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

23

24

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

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

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

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

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

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

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

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

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

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

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

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

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

17 Section 1290.19.

18 LICENSE FORM

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

23 1. The full name of the person;

24 2. Current address;

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
19 February 19, 2021 - DO PASS AS AMENDED  
20  
21  
22  
23  
24