

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1610

6 By: Shaw of the Senate

7 and

8 Wright of the House

9 COMMITTEE SUBSTITUTE

10 An Act relating to Oklahoma Self Defense Act;
11 amending 21 O.S. 2011, Section 1290.2, as last
12 amended by Section 4, Chapter 63, O.S.L. 2019 (21
13 O.S. Supp. 2019, Section 1290.2), which relates to
14 definitions; modifying included definitions; amending
15 21 O.S. 2011, Section 1290.5, as last amended by
16 Section 3, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
17 2019, Section 1290.5), which relates to term of
18 license and renewal; modifying certain procedure;
19 updating statutory language; amending 21 O.S. 2011,
20 Section 1290.12, as last amended by Section 7,
21 Chapter 406, O.S.L. 2019 (21 O.S. Supp. 2019, Section
22 1290.12), which relates to procedure for application;
23 modifying certain requirements; amending 21 O.S.
24 2011, Section 1290.18, as last amended by Section 1,
Chapter 200, O.S.L. 2015 (21 O.S. Supp. 2019, Section
1290.18), which relates to application form contents;
modifying required documents; and providing an
effective date.

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

1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.2, as
2 last amended by Section 4, Chapter 63, O.S.L. 2019 (21 O.S. Supp.
3 2019, Section 1290.2), is amended to read as follows:

4 Section 1290.2.

5 DEFINITIONS

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

7 1. "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. "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. "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; and

17 4. "Completed application" means all fields are completed,
18 questions answered and contains all required signatures on the
19 Application for Self-Defense Act License and all required documents
20 including legible fingerprints, if applicable.

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

24

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.5, as
2 last amended by Section 3, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
3 2019, Section 1290.5), is amended to read as follows:

4 Section 1290.5.

5 TERM OF LICENSE AND RENEWAL

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

17 B. A license may be renewed any time within ninety (90) days
18 prior to the expiration date as provided in this subsection. The
19 Bureau may notify each eligible licensee with an email address on
20 file at least ninety (90) days prior to the expiration of the
21 license. There shall be a ninety-day grace period on license
22 renewals beginning on the date of expiration; thereafter the license
23 is considered expired. However, any applicant shall have three (3)

24

1 years from the expiration of the license to comply with the renewal
2 requirements of this section.

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

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

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

23 C. Beginning November 1, 2007, any person making application
24 for a handgun license or any licensee seeking to renew a handgun

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

9 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.12, as
10 last amended by Section 7, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
11 2019, Section 1290.12), is amended to read as follows:

12 Section 1290.12.

13 PROCEDURE FOR APPLICATION

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

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

23 a. an application form,
24

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

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

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

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

9 b. a nationally recognized credit card issued to the
10 applicant. For purposes of this paragraph,

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

21 c. electronic funds transfer.

22 Any person paying application fees to the Oklahoma State Bureau of
23 Investigation by means of a nationally recognized credit card or by
24 means of an electronic funds transfer shall be required to complete

1 and submit his or her application through the online application
2 process of the Bureau.

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

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

21 6. Two passport-size photographs of the applicant shall be
22 submitted with the completed application. The cost of the
23 photographs shall be the responsibility of the applicant. The
24 sheriff is authorized to take the photograph of the applicant for

1 purposes of the Oklahoma Self-Defense Act and, if such photographs
2 are taken by the sheriff, the cost of the photographs shall not
3 exceed Ten Dollars (\$10.00) for the two photos. All money received
4 by the sheriff from photographing applicants pursuant to the
5 provisions of this paragraph shall be retained by the sheriff and
6 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. The sheriff may charge a fee of up to Twenty-five
24 Dollars (\$25.00) for the two sets of fingerprints. All fees

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

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

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

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

22 12. The Oklahoma State Bureau of Investigation shall make a
23 reasonable effort to investigate the information submitted by the
24 applicant and the sheriff, to ascertain whether or not the issuance

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

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

20 (1) with a "Yes" answer, if the records of the
21 Department indicate that the person was
22 involuntarily committed to a mental institution
23 in Oklahoma,
24

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

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

15 b. In the course of the investigation by the Bureau, it
16 shall check the name of any applicant who is twenty-
17 eight (28) years of age or younger along with any
18 known aliases, the address of the applicant and the
19 Social Security number of the applicant against the
20 records in the Juvenile Online Tracking System (JOLTS)
21 of the Office of Juvenile Affairs. The Office of
22 Juvenile Affairs shall provide the Bureau direct
23 access to check the applicant against the records
24 available on JOLTS:

- 1 (1) if the Bureau finds a record on the JOLTS that
2 indicates the person was adjudicated a delinquent
3 for an offense that would constitute a felony
4 offense if committed by an adult within the last
5 ten (10) years the Bureau shall deny the license,
6 (2) if the Bureau finds no record on the JOLTS
7 indicating the named person was adjudicated
8 delinquent for an offense that would constitute a
9 felony offense if committed by an adult within
10 the last ten (10) years, or
11 (3) if the records suggest the applicant may have
12 been adjudicated delinquent for an offense that
13 would constitute a felony offense if committed by
14 an adult but such record is inconclusive, the
15 Bureau shall ask the applicant whether he or she
16 was adjudicated a delinquent for an offense that
17 would constitute a felony offense if committed by
18 an adult within the last ten (10) years. If the
19 applicant states under penalty of perjury that he
20 or she was not adjudicated a delinquent within
21 ten (10) years, the Bureau shall continue
22 processing the application for a license; and

23 13. ~~If the background check set forth in paragraph 12 of this~~
24 ~~subsection reveals no records pertaining to the applicant, the~~

1 ~~Oklahoma State Bureau of Investigation shall either issue a handgun~~
2 ~~license or deny the application within sixty (60) days of the date~~
3 ~~of receipt of the applicant's completed application and the required~~
4 ~~information from the sheriff. In all other cases, the Oklahoma~~
5 ~~State Bureau of Investigation shall either issue a handgun license~~
6 ~~or deny the application within ninety (90) days of the date of the~~
7 ~~receipt of the applicant's completed application and the required~~
8 ~~information from the sheriff. The Bureau shall approve an applicant~~
9 ~~who appears to be in full compliance with the provisions of the~~
10 ~~Oklahoma Self-Defense Act, if completion of the federal fingerprint~~
11 ~~search is the only reason for delay of the issuance of the handgun~~
12 ~~license to that applicant. Upon receipt of the federal fingerprint~~
13 ~~search information, if the Bureau receives information which~~
14 ~~precludes the person from having a handgun license, the Bureau shall~~
15 ~~revoke the handgun license previously issued to the applicant. The~~
16 Bureau shall deny a license when the applicant fails to properly
17 complete the application form or application process or, based on
18 the background check set forth in paragraph 12 of this subsection,
19 is determined not to be eligible as specified by the provisions of
20 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall
21 approve an application in all other cases. If an application is
22 denied, the Bureau shall notify the applicant in writing of its
23 decision. The notification shall state the grounds for the denial
24 and inform the applicant of the right to an appeal as may be

1 provided by the provisions of the Administrative Procedures Act.
2 All notices of denial shall be mailed by first-class mail to the
3 address of the applicant listed in the application. Within sixty
4 (60) calendar days from the date of mailing a denial of application
5 to an applicant, the applicant shall notify the Bureau in writing of
6 the intent to appeal the decision of denial or the right of the
7 applicant to appeal shall be deemed waived. Any administrative
8 hearing on a denial which may be provided shall be conducted by a
9 hearing examiner appointed by the Bureau. The decision of the
10 hearing examiner shall be a final decision appealable to a district
11 court in accordance with the Administrative Procedures Act. When an
12 application is approved, the Bureau shall issue the license and
13 shall mail the license by first-class mail to the address of the
14 applicant listed in the application.

15 B. Nothing contained in any provision of the Oklahoma Self-
16 Defense Act shall be construed to require or authorize the
17 registration, documentation or providing of serial numbers with
18 regard to any firearm. For purposes of the Oklahoma Self-Defense
19 Act, the sheriff may designate a person to receive, fingerprint,
20 photograph or otherwise process applications for handgun licenses.

21 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.18, as
22 last amended by Section 1, Chapter 200, O.S.L. 2015 (21 O.S. Supp.
23 2019, Section 1290.18), is amended to read as follows:

24 Section 1290.18.

1 APPLICATION FORM CONTENTS

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

- 7 1. Applicant's full legal name;
- 8 2. Applicant's birth name, alias names or nicknames;
- 9 3. Maiden name, if applicable;
- 10 4. County of residence;
- 11 5. Length of residency at the current address;
- 12 6. Previous addresses for the preceding three (3) years;
- 13 7. Place of birth;
- 14 8. Date of birth;
- 15 9. Declaration of citizenship ~~and date United States~~
16 ~~citizenship was acquired, if applicable~~ or Alien or Admission number
17 for non-United States citizens;
- 18 10. Race;
- 19 11. Weight;
- 20 12. Height;
- 21 13. Sex;
- 22 14. Color of eyes;
- 23 15. Current driver license number;
- 24 16. Military service number, if applicable;

1 17. Law enforcement identification numbers, if applicable;

2 18. Current occupation;

3 19. Authorized type or types of pistol for which the applicant
4 qualified as stated on the certificate of training or exemption of
5 training which shall be stated as either derringer, revolver,
6 semiautomatic pistol, or some combination of derringer, revolver and
7 semiautomatic pistol and the maximum ammunition capacity of the
8 firearm shall be .45 caliber;

9 20. An acknowledgment that the applicant desires a handgun
10 license as a means of lawful self-defense and self-protection and
11 for no other intent or purpose;

12 21. A statement that the applicant has never been convicted of
13 any felony offense in this state, another state or pursuant to any
14 federal offense;

15 22. A statement that the applicant has none of the conditions
16 which would preclude the issuing of a handgun license pursuant to
17 any of the provisions of Sections 1290.10 and 1290.11 of this title
18 and that the applicant further meets all of the eligibility criteria
19 required by Section 1290.9 of this title;

20 23. An authorization for the Oklahoma State Bureau of
21 Investigation to investigate the applicant and any or all records
22 relating to the applicant for purposes of approving or denying a
23 handgun license pursuant to the provisions of the Oklahoma Self-
24 Defense Act;

1 24. An acknowledgment that the applicant has been furnished a
2 copy of the Oklahoma Self-Defense Act and is knowledgeable about its
3 provisions;

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

11 26. A conspicuous warning that the application is executed upon
12 the sworn oath of the applicant and that any false or misleading
13 answer to any question or the submission of any false information or
14 documentation by the applicant is punishable by criminal penalty as
15 provided in paragraph 5 of Section 1290.12 of this title;

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

18 28. Two separate places for the original signature of the
19 applicant;

20 29. A place for attachment of a passport size photograph of the
21 applicant; and

22 30. A place for the signature and verification of the identity
23 of the applicant by the sheriff or the sheriff's designee.
24

1 Information provided by the person on an application for a
2 handgun license shall be confidential except to law enforcement
3 officers or law enforcement agencies.

4 SECTION 5. This act shall become effective November 1, 2020.

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