

1 ENGROSSED SENATE  
2 BILL NO. 2239

By: Russell of the Senate

3 and

4 Enns of the House

5  
6 An Act relating to crimes and punishments; amending  
7 21 O.S. 2001, Section 1290.12, as amended by Section  
8 3, Chapter 549, O.S.L. 2004 (21 O.S. Supp. 2009,  
9 Section 1290.12), which relates to procedure to apply  
10 for a concealed handgun license; directing  
11 fingerprints meet certain standards; modifying time  
12 frame for application issuance; and providing an  
13 effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1290.12, as  
16 amended by Section 3, Chapter 549, O.S.L. 2004 (21 O.S. Supp. 2009,  
17 Section 1290.12), is amended to read as follows:

18 Section 1290.12 A. The procedure for applying for a concealed  
19 handgun license and processing the application shall be as follows:

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

a. an application form,

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

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, or
- 9           b. by 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.

21           The processing fee shall not be refundable in the event of a  
22 denial of a handgun license or any suspension or revocation  
23 subsequent to the issuance of a license. Persons making application  
24 for a firearms instructor shall not be required to pay the

1 application fee as provided in this section, but shall be required  
2 to pay the costs provided in paragraphs 6 and 8 of this subsection;

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

16 6. Two passport size photographs of the applicant shall be  
17 submitted with the completed application. The cost of the  
18 photographs shall be the responsibility of the applicant. The  
19 sheriff is authorized to take the applicant's photograph for  
20 purposes of the Oklahoma Self-Defense Act and, if such photographs  
21 are taken by the sheriff the cost of the photographs shall not  
22 exceed Ten Dollars (\$10.00) for the two photos. All money received  
23 by the sheriff from photographing applicants pursuant to the  
24

1 provisions of this paragraph shall be retained by the sheriff and  
2 deposited into the Sheriff's Service Fee Account;

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

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

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

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

21           11. The Oklahoma State Bureau of Investigation shall make a  
22 reasonable effort to investigate the information submitted by the  
23 applicant and the sheriff, to ascertain whether or not the issuance  
24 of a handgun license would be in violation of the provisions of the

1 Oklahoma Self-Defense Act. The Bureau's investigation of an  
2 applicant shall include, but shall not be limited to: a statewide  
3 criminal history records search, a national criminal history records  
4 search, a Federal Bureau of Investigation fingerprint search, and if  
5 applicable, an investigation of medical records or other records or  
6 information deemed by the Bureau to be relevant to the application.

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

15 (1) with a "Yes" answer, if the Department's records  
16 indicate that the person was involuntarily  
17 committed to a mental institution in Oklahoma, or

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

22 (3) with an "Inconclusive" answer if the Department's  
23 records suggest the applicant may be a formerly  
24 committed person. In the case of an inconclusive

1 answer, the Bureau shall ask the applicant  
2 whether he or she was involuntarily committed.  
3 If the applicant states under penalty of perjury  
4 that he or she has not been involuntarily  
5 committed, the Bureau shall continue processing  
6 the application for a license.

7 b. In the course of the Bureau's investigation, it shall  
8 check the name of any applicant who is twenty-eight  
9 (28) years of age or younger along with any known  
10 aliases, the address of the applicant and the social  
11 security number of the applicant against the records  
12 in the Juvenile Online Tracking System (JOLTS) of the  
13 Office of Juvenile Affairs. The Office of Juvenile  
14 Affairs shall provide the Bureau direct access to  
15 check the applicant against the records available on  
16 JOLTS.

17 (1) If the Bureau finds a record on the JOLTS that  
18 indicates the person was adjudicated a delinquent  
19 for an offense that would constitute a felony  
20 offense if committed by an adult within the last  
21 ten (10) years the Bureau shall deny the license,

22 (2) If the Bureau finds no record on the JOLTS  
23 indicating the named person was adjudicated  
24 delinquent for an offense that would constitute a

1 felony offense if committed by an adult within  
2 the last ten (10) years, or

3 (3) If the records suggest the applicant may have  
4 been adjudicated delinquent for an offense that  
5 would constitute a felony offense if committed by  
6 an adult but such record is inconclusive, the  
7 Bureau shall ask the applicant whether he or she  
8 was adjudicated a delinquent for an offense that  
9 would constitute a felony offense if committed by  
10 an adult within the last ten (10) years. If the  
11 applicant states under penalty of perjury that he  
12 or she was not adjudicated a delinquent within  
13 ten (10) years, the Bureau shall continue  
14 processing the application for a license;

15 12. ~~The~~ If the background check set forth in subsection 11 of  
16 this section reveals no records pertaining to the applicant, the  
17 Oklahoma State Bureau of Investigation shall either issue a  
18 concealed handgun license or deny the application within ~~ninety (90)~~  
19 sixty (60) days of the date of receipt of the applicant's completed  
20 application and the required information from the sheriff. In all  
21 other cases, the Oklahoma State Bureau of Investigation shall either  
22 issue a concealed handgun license or deny the application within  
23 ninety (90) days of the date of the receipt of the applicant's  
24 completed application and the required information from the sheriff.

1 The Bureau shall approve an applicant who appears to be in full  
2 compliance with the provisions of the Oklahoma Self-Defense Act, if  
3 completion of the federal fingerprint search is the only reason for  
4 delay of the issuance of the handgun license to that applicant.  
5 Upon receipt of the federal fingerprint search information, if the  
6 Bureau receives information which precludes the person from having a  
7 concealed handgun license, the Bureau shall revoke the concealed  
8 handgun license previously issued to the applicant. The Bureau  
9 shall deny a license when the applicant fails to properly complete  
10 the application form or application process or is determined not to  
11 be eligible as specified by the provisions of Section 1290.9,  
12 1290.10 or 1290.11 of this title. The Bureau shall approve an  
13 application in all other cases. If an application is denied, the  
14 Bureau shall notify the applicant in writing of its decision. The  
15 notification shall state the grounds for the denial and inform the  
16 applicant of the right to an appeal as may be provided by the  
17 provisions of the Administrative Procedures Act. All notices of  
18 denial shall be mailed by first class mail to the applicant's  
19 address listed in the application. Within sixty (60) calendar days  
20 from the date of mailing a denial of application to an applicant,  
21 the applicant shall notify the Bureau in writing of the intent to  
22 appeal the decision of denial or the applicant's right to appeal  
23 shall be deemed waived. Any administrative hearing on a denial  
24 which may be provided shall be conducted by a hearing examiner

1 appointed by the Bureau. The hearing examiner's decision shall be a  
2 final decision appealable to a district court in accordance with the  
3 Administrative Procedures Act. When an application is approved, the  
4 Bureau shall issue the license and mail it to the sheriff of the  
5 county wherein the applicant resides. The applicant may pick up the  
6 concealed handgun license from the sheriff's office.

7 B. Nothing contained in any provision of the Oklahoma Self-  
8 Defense Act shall be construed to require or authorize the  
9 registration, documentation or providing of serial numbers with  
10 regard to any firearm. For purposes of the Oklahoma Self-Defense  
11 Act, the sheriff may designate a person to receive, fingerprint,  
12 photograph or otherwise process applications for concealed handgun  
13 licenses.

14 SECTION 2. This act shall become effective November 1, 2010.

15 Passed the Senate the 3rd day of March, 2010.

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Presiding Officer of the Senate

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19 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

20 2010.

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Presiding Officer of the House  
of Representatives

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