

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 2234

By: Jett

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2001, Section 1290.11, as amended by Section  
9 3, Chapter 62, O.S.L. 2006 (21 O.S. Supp. 2008,  
10 Section 1290.11), which relates to the Oklahoma Self-  
11 Defense Act; modifying scope of temporary preclusions  
12 of the Oklahoma Self-Defense Act; adding new  
13 condition and preclusive period; and providing an  
14 effective date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1290.11, as  
17 amended by Section 3, Chapter 62, O.S.L. 2006 (21 O.S. Supp. 2008,  
18 Section 1290.11), is amended to read as follows:

19 Section 1290.11

20 OTHER PRECLUSIONS

21 A. The following conditions shall preclude a person from being  
22 eligible for a concealed handgun license pursuant to the provisions  
23 of the Oklahoma Self-Defense Act for a period of time as prescribed  
24 in each of the following paragraphs:

1. An arrest for an alleged commission of a felony offense or a  
felony charge pending in this state, another state or pursuant to

1 the United States Code. The preclusive period shall be until the  
2 final determination of the matter;

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

8 3. Any involuntary commitment for a mental illness, condition,  
9 or disorder pursuant to the provisions of Section 5-410 of Title 43A  
10 of the Oklahoma Statutes or any involuntary commitment in another  
11 state pursuant to any provisions of law of that state. The  
12 preclusive period shall be permanent as provided by Title 18 of the  
13 United States Code Section 922(g)(4);

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

23 5. Inpatient treatment for substance abuse. The preclusive  
24 period shall be three (3) years from the last date of treatment or

1 upon presentation of a certified statement from a licensed physician  
2 stating that the person has been free from substance use for twelve  
3 (12) months or more preceding the filing of an application for a  
4 handgun license;

5 6. Two or more convictions of public intoxication pursuant to  
6 Section 8 of Title 37 of the Oklahoma Statutes, or a similar law of  
7 another state. The preclusive period shall be three (3) years from  
8 the date of the completion of the last sentence;

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

15 8. A court order for a final Victim Protection Order against  
16 the applicant, as authorized by Section 60 et seq. of Title 22 of  
17 the Oklahoma Statutes, or any court order granting a final victim  
18 protection order against the applicant from another state. The  
19 preclusive period shall be three (3) years from the date of the  
20 entry of the final court order, or sixty (60) days from the date an  
21 order was vacated, cancelled or withdrawn;

22 9. An adjudicated delinquent or convicted felon residing in the  
23 residence of the applicant which may be a violation of Section 1283  
24 of this title. The preclusive period shall be thirty (30) days from

1 the date the person no longer resides in the same residence as the  
2 applicant; ~~or~~

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

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

10 ~~b. any aggravated assault and battery,~~

11 ~~e.~~ any stalking pursuant to Section 1173 of this title,  
12 or a similar law of another state,

13 ~~d.~~ c. any violation of the Protection from Domestic Abuse  
14 ~~Act, Section 60 et seq. of Title 22 of the Oklahoma~~  
15 ~~Statutes,~~ or any violation of a victim protection  
16 order of another state,

17 ~~e.~~ d. any violation relating to illegal drug use or  
18 possession, or

19 ~~f.~~ e. an act of domestic abuse as defined by Section 644 of  
20 this title or an act of domestic assault and battery  
21 or any comparable acts under the law of another state.

22 The preclusive period for this paragraph shall be three (3) years  
23 and shall begin upon the final determination of the matter; or

24

1       11. The person is subject to the provisions of a deferred  
2 sentence or a deferred prosecution for any one or more of the  
3 following misdemeanor offenses in this state or another state:

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

7           b. any stalking pursuant to Section 1173 of this title,  
8           or a similar law of another state,

9           c. any violation of the Protection from Domestic Abuse  
10           Act or any violation of a victim protection order of  
11           another state,

12           d. any violation relating to illegal drug use or  
13           possession, or

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

17 The preclusive period for this paragraph shall be two (2) years and  
18 shall begin upon the final determination of the matter.

19       B. Nothing in this section shall be construed to require a full  
20 investigation of the applicant by the Oklahoma State Bureau of  
21 Investigation.

22       SECTION 2. This act shall become effective November 1, 2009.

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24       52-1-5145           GRS           01/05/09