

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2538

By: Smithson

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2001, Section 1290.10, which relates to the  
9 Oklahoma Self-Defense Act; providing exception to the  
list of mandatory preclusions; and providing an  
effective date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1290.10, is  
14 amended to read as follows:

15 Section 1290.10

16 MANDATORY PRECLUSIONS

17 In addition to the requirements stated in Section 1290.9 of this  
18 title, the conditions stated in this section shall preclude a person  
19 from eligibility for a handgun license pursuant to the provisions of  
20 the Oklahoma Self-Defense Act, Section 1290.1 et seq. of this title.  
21 The occurrence of any one of the following conditions shall deny the  
22 person the right to have a handgun license pursuant to the  
23 provisions of the Oklahoma Self-Defense Act. Prohibited conditions  
24 are:

1 1. Ineligible to possess a pistol due to any felony conviction  
2 or adjudication as a delinquent as provided by Section 1283 of this  
3 title, except as provided in subsection B of Section 1283 of this  
4 title;

5 2. Any felony conviction pursuant to any law of another state,  
6 a felony conviction pursuant to any provision of the United States  
7 Code, or any conviction pursuant to the laws of any foreign country,  
8 provided such foreign conviction would constitute a felony offense  
9 in this state if the offense had been committed in this state,  
10 except as provided in subsection B of Section 1283 of this title;

11 3. Adjudication as an incompetent person pursuant to the  
12 provisions of the Oklahoma Mental Health Law, Section 1-101 et seq.  
13 of Title 43A of the Oklahoma Statutes or an adjudication of  
14 incompetency entered in another state pursuant to any provision of  
15 law of that state;

16 4. Any false or misleading statement on the application for a  
17 handgun license as provided by paragraph 5 of Section 1290.12 of  
18 this title; provided, failure to disclose a previous arrest for a  
19 crime on the application for a handgun license shall not  
20 automatically preclude the issuance of a handgun license unless such  
21 arrest would have been grounds for denial pursuant to the provisions  
22 of this section or Section 1290.11 of this title;

23 5. Conviction of any one of the following misdemeanor offenses  
24 in this state or in any other state:

- a. any assault and battery which caused serious physical injury to the victim, or any second or subsequent assault and battery conviction,
- b. any aggravated assault and battery,
- c. any stalking pursuant to Section 1173 of this title, or a similar law of another state,
- d. a violation relating to the Protection from Domestic Abuse Act, Section 60 et seq. of Title 22 of the Oklahoma Statutes, or any violation of a victim protection order of another state,
- e. any conviction relating to illegal drug use or possession; or
- f. an act of domestic abuse as defined by Section 644 of this title or an act of domestic assault and battery or any comparable acts under the laws of another state;

6. An attempted suicide or other condition relating to or indicating mental instability or an unsound mind which occurred within the preceding ten-year period from the date of the application for a license to carry a concealed firearm or that occurs during the period of licensure;

7. Currently undergoing treatment for a mental illness, condition, or disorder. For purposes of this paragraph, "currently undergoing treatment for a mental illness, condition, or disorder"

1 means the person has been diagnosed by a licensed physician as being  
2 afflicted with a substantial disorder of thought, mood, perception,  
3 psychological orientation, or memory that significantly impairs  
4 judgment, behavior, capacity to recognize reality, or ability to  
5 meet the ordinary demands of life;

6 8. Significant character defects of the applicant as evidenced  
7 by a misdemeanor criminal record indicating habitual criminal  
8 activity;

9 9. Ineligible to possess a pistol due to any provision of law  
10 of this state or the United States Code, except as provided in  
11 subsection B of Section 1283 of this title;

12 10. Failure to pay an assessed fine or surrender the handgun  
13 license as required by a decision by the administrative hearing  
14 examiner pursuant to authority of the Oklahoma Self-Defense Act;

15 11. Being subject to an outstanding felony warrant issued in  
16 this state or another state or the United States; or

17 12. Adjudication as a delinquent as provided by Section 1283 of  
18 this title, except as provided in subsection B of Section 1283 of  
19 this title.

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

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22 52-2-8696 GRS 01/10/10

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