SENATE FLOOR VERSION
February 28, 2012

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1055

By: Russell and Simpson of the Senate

and

Enns of the House

An Act relating to the Oklahoma Self-Defense Act; amending 21 O.S. 2011, Section 1290.10, which relates to mandatory preclusions; clarifying certain prohibited condition; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.10, is amended to read as follows:

Section 1290.10

MANDATORY PRECLUSIONS

In addition to the requirements stated in Section 1290.9 of this title, the conditions stated in this section shall preclude a person from eligibility for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act~~, Section 1290.1 et seq. of this title~~. The occurrence of any one of the following conditions shall deny the person the right to have a handgun license pursuant to the

provisions of the Oklahoma Self-Defense Act. Prohibited conditions are:

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

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

3. Adjudication as an incompetent person pursuant to the provisions of the Oklahoma Mental Health Law, ~~Section 1-101 et seq. of Title 43A of the Oklahoma Statutes or~~ an adjudication of incompetency entered in another state pursuant to any provision of law of that state <u>or adjudication as an incompetent person in accordance with the following:</u>

<u>a. a determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition or disease:</u>

<u>(1) is a danger to himself or herself or to others, or</u>

(2) lacks the mental capacity to contract or manage his or her own affairs,

b. a finding of insanity by a court in a criminal case, or

c. a finding of incompetency to stand trial or a finding of not guilty by reason of lack of mental responsibility pursuant to Articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a and 876b.

Nothing in this section shall be construed to prohibit licensing of any person, veteran or nonveteran, who has been successfully treated for post-traumatic stress disorder or who does not meet the conditions in this paragraph;

4. Any false or misleading statement on the application for a handgun license as provided by paragraph 5 of Section 1290.12 of this title;

5. Conviction of any one of the following misdemeanor offenses 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" means the person has been diagnosed by a licensed physician as being afflicted with a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life;

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

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

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

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

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

SECTION 2. This act shall become effective November 1, 2012.

COMMITTEE REPORT BY: COMMITTEE ON VETERANS & MILITARY AFFAIRS, dated 2-22-12 - DO PASS, As Amended and Coauthored.