

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1076

By: Russell

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5
6 AS INTRODUCED

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

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

13 SECTION 1. AMENDATORY 21 O.S. 2011, 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 or adjudication as an incompetent person in
16 accordance with the following:

17 a. a determination by a court, board, commission, or
18 other lawful authority that a person, as a result of
19 marked subnormal intelligence, or mental illness,
20 incompetency, condition or disease:

21 (1) is a danger to himself or herself or to others,
22 or
23 (2) lacks the mental capacity to contract or manage
24 his or her own affairs,

- 1 b. a finding of insanity by a court in a criminal case,
2 or
3 c. a finding of incompetency to stand trial or a finding
4 of not guilty by reason of lack of mental
5 responsibility pursuant to Articles 50a and 72b of the
6 Uniform Code of Military Justice, 10 U.S.C. 850a and
7 876b.

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

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

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

- 17 a. any assault and battery which caused serious physical
18 injury to the victim, or any second or subsequent
19 assault and battery conviction,
20 b. any aggravated assault and battery,
21 c. any stalking pursuant to Section 1173 of this title,
22 or a similar law of another state,
23 d. a violation relating to the Protection from Domestic
24 Abuse Act, Section 60 et seq. of Title 22 of the

1 Oklahoma Statutes, or any violation of a victim
2 protection order of another state,

3 e. any conviction relating to illegal drug use or
4 possession; or

5 f. an act of domestic abuse as defined by Section 644 of
6 this title or an act of domestic assault and battery
7 or any comparable acts under the laws of another
8 state;

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

14 7. Currently undergoing treatment for a mental illness,
15 condition, or disorder. For purposes of this paragraph, "currently
16 undergoing treatment for a mental illness, condition, or disorder"
17 means the person has been diagnosed by a licensed physician as being
18 afflicted with a substantial disorder of thought, mood, perception,
19 psychological orientation, or memory that significantly impairs
20 judgment, behavior, capacity to recognize reality, or ability to
21 meet the ordinary demands of life;

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

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

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

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

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

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

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