

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1240

By: Martin (Steve)

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6 AS INTRODUCED

7 An Act relating to firearms; directing court clerks
8 to forward commitment orders to certain entities;
9 directing court clerks to provide certain notice;
10 authorizing petition for relief; requiring service of
11 petition; directing courts to consider certain
evidence; providing hearing procedures; directing
12 court clerks to forward orders to certain entities;
13 providing for codification; and providing an
effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1290.27 of Title 21, unless
17 there is created a duplication in numbering, reads as follows:

18 A. When a court orders a commitment or makes a finding or
19 adjudication under the laws of this state by which a person becomes
20 subject to the provisions of Section 922(d)(4) and (g)(4) of Title
21 18 of the United States Code, the clerk of the court shall forward a
22 certified copy of the commitment order to the Federal Bureau of
23 Investigation or its successor agency for the sole purpose of
24 inclusion in the National Instant Criminal Background Check system

1 database and to the Oklahoma State Bureau of Investigation. The
2 clerk of the court shall also notify the person of the prohibitions
3 contained within the provisions of Section 922(d)(4) and (g)(4) of
4 Title 18 of the United States Code. If the person does not have a
5 handgun license, the Oklahoma State Bureau of Investigation shall
6 destroy the information within three (3) days of receiving such
7 information.

8 B. A person who is subject to the disabilities of Section
9 922(d)(4) and (g)(4) of Title 18 of the United States Code or of
10 Sections 1290.11(A)(3) and (4) of this title because of an
11 adjudication or commitment that occurred under the laws of this
12 state may petition the court in which such adjudication or
13 commitment proceedings occurred or the district court of the county
14 in which the person currently resides to remove all such
15 disabilities. Not less than thirty (30) days prior to any hearing
16 on the matter, a copy of the petition for relief shall be served
17 upon the district attorney for that county.

18 C. The court shall receive and consider evidence in a closed
19 hearing, including evidence offered by the petitioner, concerning:

20 1. The circumstances regarding the firearm disabilities from
21 which relief is sought;

22 2. The mental health and criminal history records of the
23 petitioner, if any;

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1 3. The reputation of the petitioner, developed at a minimum
2 through character witness statements, testimony, or other character
3 evidence; and

4 4. Changes in the condition or circumstances of the petitioner
5 since the original adjudication or commitment relevant to the relief
6 sought.

7 The court shall grant the petition for relief if it finds by a
8 preponderance of the evidence that the petitioner will not be likely
9 to act in a manner dangerous to public safety and that granting the
10 relief will not be contrary to the interests of the public. A
11 record shall be kept of the proceedings, but it shall remain
12 confidential and be disclosed only to a court or the parties in the
13 event of an appeal. The petitioner may appeal a denial of the
14 requested relief, and review on appeal shall be de novo.

15 D. The clerk of the court shall promptly forward to the Federal
16 Bureau of Investigation or its successor agency for the sole purpose
17 of inclusion in the National Instant Criminal Background Check
18 system database and to the Oklahoma State Bureau of Investigation a
19 certified copy of the order granting relief under this section. If
20 the person does not have a handgun license, the Oklahoma State
21 Bureau of Investigation shall destroy the information within three
22 (3) days of receiving such information.

23 E. A person may petition for relief under this section not more
24 than once every two (2) years and, in the case of a person who was

1 committed to a mental institution, not before the person has been
2 discharged from such commitment.

3 SECTION 2. This act shall become effective November 1, 2013.

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5 54-1-5360 GRS 12/27/12

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