

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2958

By: Cockroft

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to crimes and punishments; amending
10 21 O.S. 2011, Sections 1290.10 and 1290.11, as last
11 amended by Section 2, Chapter 171, O.S.L. 2013 (21
12 O.S. Supp. 2013, Section 1290.11), which relate to
13 the Oklahoma Self-Defense Act; updating statutory
14 references; deleting certain mandatory preclusion;
15 adding condition to list of temporary preclusions;
16 establishing time limitation for preclusive period;
17 defining term; and providing an effective date.

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24 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.~~

1 The occurrence of any one of the following conditions shall deny the
2 person the right to have a handgun license pursuant to the
3 provisions of the Oklahoma Self-Defense Act. Prohibited conditions
4 are:

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

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

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

20 4. Any false or misleading statement on the application for a
21 handgun license as provided by paragraph 5 of subsection A of
22 Section 1290.12 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, or
- 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. AMENDATORY 21 O.S. 2011, Section 1290.11, as
21 last amended by Section 2, Chapter 171, O.S.L. 2013 (21 O.S. Supp.
22 2013, Section 1290.11), is amended to read as follows:

23 Section 1290.11

24 OTHER PRECLUSIONS

1 A. The following conditions shall preclude a person from being
2 eligible for a handgun license pursuant to the provisions of the
3 Oklahoma Self-Defense Act for a period of time as prescribed in each
4 of the following paragraphs:

5 1. An arrest for an alleged commission of a felony offense or a
6 felony charge pending in this state, another state or pursuant to
7 the United States Code. The preclusive period shall be until the
8 final determination of the matter;

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

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

20 4. The person has previously undergone treatment for a mental
21 illness, condition, or disorder which required medication or
22 supervision as defined by paragraph 7 of Section 1290.10 of this
23 title. The preclusive period shall be three (3) years from the last
24 date of treatment or upon presentation of a certified statement from

1 a licensed physician stating that the person is either no longer
2 disabled by any mental or psychiatric illness, condition, or
3 disorder or that the person has been stabilized on medication for
4 ten (10) years or more;

5 5. Inpatient treatment for substance abuse. The preclusive
6 period shall be three (3) years from the last date of treatment or
7 upon presentation of a certified statement from a licensed physician
8 stating that the person has been free from substance use for twelve
9 (12) months or more preceding the filing of an application for a
10 handgun license;

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

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

21 8. A court order for a final Victim Protection Order against
22 the applicant, as authorized by the Protection from Domestic Abuse
23 Act, or any court order granting a final victim protection order
24 against the applicant from another state. The preclusive period

1 shall be three (3) years from the date of the entry of the final
2 court order, or sixty (60) days from the date an order was vacated,
3 canceled or withdrawn;

4 9. An adjudicated delinquent or convicted felon residing in the
5 residence of the applicant which may be a violation of Section 1283
6 of this title. The preclusive period shall be thirty (30) days from
7 the date the person no longer resides in the same residence as the
8 applicant; ~~or~~

9 10. An arrest for an alleged commission of, a charge pending
10 for, or the person is subject to the provisions of a deferred
11 prosecution for any one or more of the following misdemeanor
12 offenses in this state or another state:

- 13 a. any assault and battery which caused serious physical
14 injury to the victim or any second or subsequent
15 assault and battery,
- 16 b. any aggravated assault and battery,
- 17 c. any stalking pursuant to Section 1173 of this title,
18 or a similar law of another state,
- 19 d. any violation of the Protection from Domestic Abuse
20 Act or any violation of a victim protection order of
21 another state,
- 22 e. any violation relating to illegal drug use or
23 possession, or
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1 f. an act of domestic abuse as defined by Section 644 of
2 this title or an act of domestic assault and battery
3 or any comparable acts under the law of another state.

4 The preclusive period shall be until the final determination of
5 the matter. The preclusive period for a person subject to the
6 provisions of a deferred sentence for the offenses mentioned in this
7 paragraph shall be three (3) years and shall begin upon the final
8 determination of the matter; or

9 11. A misdemeanor conviction relating to illegal drug use or
10 possession in this state or another state or pursuant to the United
11 States Code. The preclusive period shall be twenty (20) years from
12 the date of completion of a sentence and, with the exception of
13 traffic-related violations, the person shall not have been convicted
14 of any other misdemeanor offense. For purposes of this paragraph,
15 "date of completion of a sentence" shall mean the day an offender
16 completes all incarceration, probation and parole pertaining to a
17 sentence.

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

21 SECTION 3. This act shall become effective November 1, 2014.

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23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/24/2014 - DO
24 PASS, As Amended.