

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 1243

By Martin (Steve)

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1279, which relates to penalties for pointing a firearm; updating description of handgun license; amending 21 O.S. 2011, Section 1290.11, as amended by Section 31, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012, Section 1290.11), which relates to the Oklahoma Self-Defense Act; clarifying temporary preclusive period for deferred sentences; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1279, is amended to read as follows:

Section 1279.

MISDEMEANOR POINTING A FIREARM

Except for an act of self-defense, it shall be unlawful for any person to point any pistol or any other deadly weapon whether loaded or not, at any other person or persons. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable as provided in Section 1280 of this title.

1 Any person convicted of violating the provisions of this section
2 after having been issued a ~~concealed~~ handgun license pursuant to the
3 provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through 25~~
4 ~~of this act~~, may be subject to an administrative violation as
5 provided in Section 1280 of this title.

6 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.11, as
7 amended by Section 31, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
8 Section 1290.11), is amended to read as follows:

9 Section 1290.11

10 OTHER PRECLUSIONS

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

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

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

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

7 4. The person has previously undergone treatment for a mental
8 illness, condition, or disorder which required medication or
9 supervision as defined by paragraph 7 of Section 1290.10 of this
10 title. The preclusive period shall be three (3) years from the last
11 date of treatment or upon presentation of a certified statement from
12 a licensed physician stating that the person is either no longer
13 disabled by any mental or psychiatric illness, condition, or
14 disorder or that the person has been stabilized on medication for
15 ten (10) years or more;

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

22 6. Two or more convictions of public intoxication pursuant to
23 Section 8 of Title 37 of the Oklahoma Statutes, or a similar law of
24

1 another state. The preclusive period shall be three (3) years from
2 the date of the completion of the last sentence;

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

9 8. A court order for a final Victim Protection Order against
10 the applicant, as authorized by the Protection from Domestic Abuse
11 Act, or any court order granting a final victim protection order
12 against the applicant from another state. The preclusive period
13 shall be three (3) years from the date of the entry of the final
14 court order, or sixty (60) days from the date an order was vacated,
15 canceled or withdrawn;

16 9. An adjudicated delinquent or convicted felon residing in the
17 residence of the applicant which may be a violation of Section 1283
18 of this title. The preclusive period shall be thirty (30) days from
19 the date the person no longer resides in the same residence as the
20 applicant; or

21 10. An arrest for an alleged commission of, a charge pending
22 for, or the person is subject to the provisions of a ~~deferred~~
23 ~~sentence or~~ a deferred prosecution for any one or more of the
24 following misdemeanor offenses in this state or another state:

- a. any assault and battery which caused serious physical injury to the victim or any second or subsequent assault and battery,
- b. any aggravated assault and battery,
- c. any stalking pursuant to Section 1173 of this title, or a similar law of another state,
- d. any violation of the Protection from Domestic Abuse Act or any violation of a victim protection order of another state,
- e. any violation 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 law of another state.

The preclusive period ~~for this paragraph~~ shall be ~~three (3) years~~ and ~~shall begin upon~~ until the final determination of the matter.

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

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

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

54-1-5365 GRS 01/12/13