An Act

ENROLLED SENATE
BILL NO. 164

By: Stanislawski of the Senate

and

Vaughan, Walker, and Faught
of the House

An Act relating to eligibility for handgun license; amending 21 O.S. 2011, Section 1290.10, as amended by Section 1, Chapter 259, O.S.L. 2014 (21 O.S. Supp. 2014, Section 1290.10), which relates to mandatory preclusions; modifying preclusive period for certain convictions; and providing an effective date.

SUBJECT: Preclusive period for handgun license eligibility

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.10, as amended by Section 1, Chapter 259, O.S.L. 2014 (21 O.S. Supp. 2014, 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. 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 a mentally incompetent person pursuant to the provisions of the Oklahoma Mental Health Law, or an adjudication of incompetency entered in another state pursuant to any provision of law of that state, unless the person has been granted relief from the disqualifying disability pursuant to ~~Section 3 of this act~~ Section 1290.27 of this title;

4. Any false or misleading statement on the application for a handgun license as provided by paragraph 5 of subsection A 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 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.

The preclusive period for a misdemeanor conviction related to illegal drug use or possession shall be ten (10) years from the date of completion of a sentence. For purposes of this subsection, "date of completion of a sentence" shall mean the day an offender completes all incarceration, probation, and parole pertaining to such sentence;

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, 2015.

Passed the Senate the 24th day of February, 2015.

Presiding Officer of the Senate

Passed the House of Representatives the 13th day of April, 2015.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 14th
day of April, 20 15, at 3:35 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 17th
day of April, 20 15, at 2:57 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 17th
day of April, 20 15, at 3:38 o'clock P. M.
By: