

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1573

By: Brooks

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6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2021,
8 Section 1290.11, which relates to handgun license
9 preclusions; requiring certain licensed physician
10 specialization for certain certified statements;
11 clarifying language; and providing an effective date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1290.11, is
14 amended to read as follows:

15 Section 1290.11.

16 OTHER PRECLUSIONS

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

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

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

6 3. Any involuntary commitment for a mental illness, condition,
7 or disorder pursuant to the provisions of Section 5-410 of Title 43A
8 of the Oklahoma Statutes or any involuntary commitment in another
9 state pursuant to any provisions of law of that state. The
10 preclusive period shall be permanent as provided by Title 18 of the
11 United States Code Section 922(g) (4) unless the person has been
12 granted relief from the disqualifying disability pursuant to Section
13 1290.27 of this title;

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

23 5. Inpatient treatment for substance abuse. The preclusive
24 period shall be three (3) years from the last date of treatment or
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1 upon presentation of a certified statement from a licensed physician
2 specializing in mental health or substance abuse treatment stating
3 that the person has been free from substance use for twelve (12)
4 months or more preceding the filing of an application for a handgun
5 license;

6 6. Two or more convictions of public intoxication pursuant to
7 subsection D of Section 6-101 of Title 37A of the Oklahoma Statutes,
8 or a similar law of another state. The preclusive period shall be
9 three (3) years from the date of the completion of the last sentence
10 or shall require a certified statement from a licensed physician
11 specializing in mental health or substance abuse treatment stating
12 that the person is not in need of substance abuse treatment;

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

20 8. A court order for a final ~~Victim Protection Order~~ victim
21 protection order against the applicant, as authorized by the
22 Protection from Domestic Abuse Act, or any court order granting a
23 final victim protection order against the applicant from another
24 state. The preclusive period shall be sixty (60) days from the date

1 an order was vacated, canceled, withdrawn or is otherwise no longer
2 in effect;

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

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

- 12 a. any assault and battery which caused serious physical
13 injury to the victim or any second or subsequent
14 assault and battery,
- 15 b. any aggravated assault and battery,
- 16 c. any stalking pursuant to Section 1173 of this title,
17 or a similar law of another state,
- 18 d. any violation of the Protection from Domestic Abuse
19 Act or any violation of a victim protection order of
20 another state,
- 21 e. any violation relating to illegal drug use or
22 possession, or

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 the
5 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 previously issued handgun license has been revoked. The
10 preclusive period shall be five (5) years from the date of
11 revocation and shall require the person to submit a new application
12 for a handgun license pursuant to the provisions of Section 1290.12
13 of this title.

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

17 SECTION 2. This act shall become effective November 1, 2022.

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