

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1789

By: Dahm

AS INTRODUCED

An Act relating to the Oklahoma Self-Defense Act; amending 21 O.S. 2021, Sections 1290.10 and 1290.11, which relate to preclusions; modifying provisions of firearm possession; updating statutory language; updating statutory reference; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, 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 1. ~~Ineligible~~ Ineligibility to possess a pistol due to any
2 felony conviction or adjudication as a delinquent as provided by
3 Section 1283 of this title, except as provided in subsection B of
4 Section 1283 of this title;

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

12 3. Adjudication as a mentally incompetent person pursuant to
13 the provisions of the ~~Oklahoma~~ Mental Health Law, or an adjudication
14 of incompetency entered in another state pursuant to any provision
15 of law of that state, unless the person has been granted relief from
16 the disqualifying disability pursuant to Section 1290.27 of this
17 title;

18 4. ~~Any~~ A felony conviction for any false or misleading
19 statement on the application for a handgun license as provided by
20 paragraph 5 of subsection A of Section 1290.12 of this title;

21 5. Conviction of any one of the following misdemeanor offenses
22 in this state or in any other state within the previous fifteen (15)
23 years:

- 1 a. any assault and battery which caused serious physical
2 injury to the victim, or any second or subsequent
3 assault and battery conviction,
4 b. any aggravated assault and battery,
5 c. any stalking pursuant to Section 1173 of this title,
6 or a similar law of another state,
7 d. a violation relating to the Protection from Domestic
8 Abuse Act or any violation of a victim protection
9 order of another state,
10 e. ~~any conviction~~ two or more convictions relating to
11 illegal drug use or possession, or
12 f. an act of domestic abuse as defined by Section 644 of
13 this title or an act of domestic assault and battery
14 or any comparable acts under the laws of another
15 state.

16 The preclusive period for a misdemeanor conviction related to
17 illegal drug use or possession shall be ~~ten (10)~~ three (3) years
18 from the date of completion of ~~a~~ the last sentence. For purposes of
19 this subsection, "date of completion of ~~a~~ the last sentence" shall
20 mean the day an offender completes all incarceration, probation, and
21 parole pertaining to such sentence;

22 6. ~~An attempted suicide or other condition relating to or~~
23 ~~indicating mental instability or an unsound mind which occurred~~
24 ~~within the preceding ten-year period from the date of the~~
25

1 ~~application for a license to carry a concealed firearm or that~~
2 ~~occurs during the period of licensure;~~

3 ~~7. Currently undergoing treatment for a mental illness,~~
4 ~~condition, or disorder. For purposes of this paragraph, "currently~~
5 ~~undergoing treatment for a mental illness, condition, or disorder"~~
6 ~~means the person has been diagnosed by a licensed physician as being~~
7 ~~afflicted with a substantial disorder of thought, mood, perception,~~
8 ~~psychological orientation, or memory that significantly impairs~~
9 ~~judgment, behavior, capacity to recognize reality, or ability to~~
10 ~~meet the ordinary demands of life;~~

11 ~~8.~~ Significant character defects of the applicant as evidenced
12 by a criminal record indicating habitual criminal activity during
13 the previous ten (10) years;

14 ~~9.~~ 7. Ineligible Ineligibility to possess a pistol due to any
15 provision of law of this state or the United States Code, except as
16 provided in subsection B of Section 1283 of this title;

17 ~~10.~~ 8. Failure to pay an assessed fine or surrender the handgun
18 license as required by a decision by the administrative hearing
19 examiner pursuant to the authority of the Oklahoma Self-Defense Act
20 until the matter is resolved;

21 ~~11.~~ 9. Being subject to an outstanding felony warrant issued in
22 this state or another state ~~or~~ of the United States; or

1 in another state pursuant to any provisions of law of that state.

2 The preclusive period shall be permanent as provided by Title 18 of
3 the United States Code Section 922(g)(4) unless the person has been
4 granted relief from the disqualifying disability pursuant to Section
5 1290.27 of this title;

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

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

21 ~~6.~~ 3. Two or more convictions of public intoxication pursuant
22 to subsection D of Section 6-101 of Title 37A of the Oklahoma
23 Statutes, or a similar law of another state. The preclusive period
24 shall be three (3) years from the date of the completion of the last

1 sentence or shall require a certified statement from a licensed
2 physician stating that the person is not in need of substance abuse
3 treatment;

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

10 ~~8.~~ 5. A court order for a final ~~Victim Protection Order~~ victim
11 protection order against the applicant, as authorized by the
12 Protection from Domestic Abuse Act, or any court order granting a
13 final victim protection order against the applicant from another
14 state. The preclusive period shall be sixty (60) days from the date
15 an order was vacated, canceled, withdrawn or is otherwise no longer
16 in effect;

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

22 ~~10.~~ ~~An arrest for an alleged commission of, a charge pending~~
23 ~~for, or the~~

1 6. The person is subject to the provisions of a deferred
2 prosecution for any one or more of the following misdemeanor
3 offenses in this state or another state, and the court provisions
4 prohibit the person from possessing firearms:

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

19 The preclusive period shall be until the final determination of the
20 matter. ~~The preclusive period for a person subject to the~~
21 ~~provisions of a deferred sentence for the offenses mentioned in this~~
22 ~~paragraph shall be three (3) years and shall begin upon the final~~
23 ~~determination of the matter; or~~

1 ~~11.~~ 7. A previously issued handgun license has been revoked.
2 The preclusive period shall be ~~five (5) years~~ sixty (60) days from
3 the date of revocation and shall require the person to submit a new
4 application for a handgun license pursuant to the provisions of
5 Section 1290.12 of this title.

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

9 SECTION 3. This act shall become effective November 1, 2024.

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