

1 **SENATE FLOOR VERSION**

2 February 19, 2025

3 SENATE BILL NO. 39

By: Daniels

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5
6 An Act relating to firearms; amending 21 O.S. 2021,
7 Sections 1289.9, 1290.10, and 1290.11, which relate
8 to carrying weapons under the influence of alcohol
9 and the Oklahoma Self-Defense Act; modifying
10 inclusions; modifying elements of eligibility;
11 prohibiting certain denial; updating statutory
12 language and reference; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1289.9, is
16 amended to read as follows:

17 Section 1289.9.

18 CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

19 It shall be unlawful for any person to carry or use shotguns,
20 rifles, or pistols in any circumstances while under the influence of
21 beer, intoxicating liquors ~~or~~, any hallucinogenic, or any unlawful
22 or unprescribed drug, and it shall be unlawful for any person to
23 carry or use shotguns, rifles, or pistols when under the influence
24 of any drug prescribed by a licensed physician or medical marijuana
obtained pursuant to a valid medical marijuana patient license if
the current effects or aftereffects of such consumption affect

1 mental, emotional, or physical processes to a degree that would
2 result in abnormal behavior. Any person convicted of a violation of
3 the provisions of this section shall be punished as provided in
4 Section 1289.15 of this title.

5 Any person convicted of a violation of the provisions of this
6 section after having been issued a handgun license pursuant to the
7 provisions of the Oklahoma Self-Defense Act shall have the license
8 suspended for a term of six (6) months and shall be subject to an
9 administrative fine of Fifty Dollars (\$50.00) upon a hearing and
10 determination by the Oklahoma State Bureau of Investigation that the
11 person is in violation of the provisions of this section.

12 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1290.10, is
13 amended to read as follows:

14 Section 1290.10.

15 MANDATORY PRECLUSIONS

16 In addition to the requirements stated in Section 1290.9 of this
17 title, the conditions stated in this section shall preclude a person
18 from eligibility for a handgun license pursuant to the provisions of
19 the Oklahoma Self-Defense Act. The occurrence of any one of the
20 following conditions shall deny the person the right to have a
21 handgun license pursuant to the provisions of the Oklahoma Self-
22 Defense Act. Prohibited conditions are:

- 23 1. ~~Ineligible~~ Ineligibility to possess a pistol due to any
24 felony conviction or adjudication as a delinquent as provided by

1 Section 1283 of this title, except as provided in subsection B of
2 Section 1283 of this title;

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

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

15 4. Any false or misleading statement on the application for a
16 handgun license as provided by paragraph 5 of subsection A of
17 Section 1290.12 of this title;

18 5. Conviction of any one of the following misdemeanor offenses
19 in this state or in any other state:

- 20 a. any assault and battery which caused serious physical
21 injury to the victim, or any second or subsequent
22 assault and battery conviction,
23 b. any aggravated assault and battery,

24

- 1 c. any stalking pursuant to Section 1173 of this title,
2 or a similar law of another state,
3 d. a violation relating to the Protection from Domestic
4 Abuse Act or any violation of a ~~victim protection~~
5 protective order of another state,
6 e. any conviction relating to illegal drug use or
7 possession, or
8 f. an act of domestic abuse as ~~defined by~~ provided for in
9 Section 644 of this title or an act of domestic
10 assault and battery or any comparable acts under the
11 laws of another state.

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

18 6. An attempted suicide or other condition relating to or
19 indicating mental instability or an unsound mind which occurred
20 within the preceding ten-year period from the date of the
21 application for a license to carry a concealed firearm or that
22 occurs during the period of licensure;

23 7. Currently undergoing treatment for a mental illness,
24 condition, or disorder. For purposes of this paragraph, "currently

1 undergoing treatment for a mental illness, condition, or disorder”
2 means the person has been diagnosed by a licensed physician as being
3 afflicted with a substantial disorder of thought, mood, perception,
4 psychological orientation, or memory that significantly impairs
5 judgment, behavior, capacity to recognize reality, or ability to
6 meet the ordinary demands of life;

7 8. Significant character defects of the applicant as evidenced
8 by a criminal record indicating habitual criminal activity;

9 9. ~~Ineligible~~ Ineligibility to possess a pistol due to any
10 provision of law of this state or the United States Code, except as
11 provided in 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 An applicant shall not be considered ineligible solely on the
21 basis of being a lawful holder of a medical marijuana patient
22 license.

23 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1290.11, is
24 amended to read as follows:

1 Section 1290.11.

2 OTHER PRECLUSIONS

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

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

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

16 3. Any involuntary commitment for a mental illness, condition,
17 or disorder pursuant to the provisions of Section 5-410 of Title 43A
18 of the Oklahoma Statutes or any involuntary commitment in another
19 state pursuant to any provisions of law of that state. The
20 preclusive period shall be permanent as provided by Title 18 of the
21 United States Code Section 922(g)(4) unless the person has been
22 granted relief from the disqualifying disability pursuant to Section
23 1290.27 of this title;

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

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

16 6. Two or more convictions of public intoxication pursuant to
17 subsection D of Section 6-101 of Title 37A of the Oklahoma Statutes,
18 or a similar law of another state. The preclusive period shall be
19 three (3) years from the date of the completion of the last sentence
20 or shall require a certified statement from a licensed physician
21 stating that the person is not in need of substance abuse treatment;

22 7. Two or more misdemeanor convictions relating to intoxication
23 or driving under the influence of an intoxicating substance or
24 alcohol. The preclusive period shall be three (3) years from the

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

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

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

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

- 20 a. any assault and battery which caused serious physical
21 injury to the victim or any second or subsequent
22 assault and battery,
- 23 b. any aggravated assault and battery,

24

- 1 c. any stalking pursuant to Section 1173 of this title,
2 or a similar law of another state,
3 d. any violation of the Protection from Domestic Abuse
4 Act or any violation of a ~~victim protection~~ protective
5 order of another state,
6 e. any violation relating to illegal drug use or
7 possession except for an applicant or licensee in
8 legal possession of a medical marijuana patient
9 license, or
10 f. an act of domestic abuse as ~~defined by~~ provided for in
11 Section 644 of this title or an act of domestic
12 assault and battery or any comparable acts under the
13 law of another state.

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

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

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

4 C. Nothing in this section shall be construed to allow the
5 Oklahoma State Bureau of Investigation to deny an otherwise
6 qualified applicant from obtaining a handgun license pursuant to the
7 Oklahoma Self-Defense Act solely on the basis of the applicant being
8 a lawful holder of a medical marijuana patient license.

9 SECTION 4. This act shall become effective November 1, 2025.

10 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
11 February 19, 2025 - DO PASS
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