

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 39

By: Daniels

6 AS INTRODUCED

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

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

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

16 Section 1289.9.

17 CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

18 It shall be unlawful for any person to carry or use shotguns,  
rifles, or pistols in any circumstances while under the influence of  
beer, intoxicating liquors ~~or~~, any hallucinogenic, or any unlawful  
or unprescribed drug, and it shall be unlawful for any person to  
carry or use shotguns, rifles, or pistols when under the influence  
of any drug prescribed by a licensed physician or medical marijuana  
obtained pursuant to a valid medical marijuana patient license if

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

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

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

15 Section 1290.10.

16 MANDATORY PRECLUSIONS

17 In addition to the requirements stated in Section 1290.9 of this  
18 title, the conditions stated in this section shall preclude a person  
19 from eligibility for a handgun license pursuant to the provisions of  
20 the Oklahoma Self-Defense Act. The occurrence of any one of the  
21 following conditions shall deny the person the right to have a  
22 handgun license pursuant to the provisions of the Oklahoma Self-  
23 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       a felony conviction pursuant to any provision of the United States  
7       Code, or any conviction pursuant to the laws of any foreign country,  
8       provided such foreign conviction would constitute a felony offense  
9       in this state if the offense had been committed in this state,  
10      except as provided in subsection B of Section 1283 of this title;

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

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

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

22               a. any assault and battery which caused serious physical  
23               injury to the victim, or any second or subsequent  
24               assault and battery conviction,

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

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

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

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

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

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

14       10. Failure to pay an assessed fine or surrender the handgun  
15 license as required by a decision by the administrative hearing  
16 examiner pursuant to authority of the Oklahoma Self-Defense Act;

17       11. Being subject to an outstanding felony warrant issued in  
18 this state or another state or the United States; or

19       12. Adjudication as a delinquent as provided by Section 1283 of  
20 this title, except as provided in subsection B of Section 1283 of  
21 this title.

22       An applicant shall not be considered ineligible solely on the  
23 basis of being a lawful holder of a medical marijuana patient  
24 license.

1 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1290.11, is

2 amended to read as follows:

3 Section 1290.11.

4 OTHER PRECLUSIONS

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

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

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

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

1 granted relief from the disqualifying disability pursuant to Section  
2 1290.27 of this title;

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

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

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

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

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

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

19       10. An arrest for an alleged commission of, a charge pending  
20 for, or the person is subject to the provisions of a deferred  
21 prosecution for any one or more of the following misdemeanor  
22 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~~ protective order of another state,
- e. any violation relating to illegal drug use or possession except for an applicant or licensee in legal possession of a medical marijuana patient license, or
- f. an act of domestic abuse as ~~defined by~~ provided for in 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 shall be 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; or

11. A previously issued handgun license has been revoked. The preclusive period shall be five (5) years from the date of

1 revocation and shall require the person to submit a new application  
2 for a handgun license pursuant to the provisions of Section 1290.12  
3 of this title.

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

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

12       SECTION 4. This act shall become effective November 1, 2025.  
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14                  60-1-104                   CN                   12/18/2024 8:28:13 AM  
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