

## **SENATE FLOOR VERSION**

February 19, 2025

SENATE BILL NO. 39

By: Daniels

An Act relating to firearms; amending 21 O.S. 2021, Sections 1289.9, 1290.10, and 1290.11, which relate to carrying weapons under the influence of alcohol 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.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1289.9, is

amended to read as follows:

## Section 1289.9.

## CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

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 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,

- 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~~ protective order of another state,
  - e. any conviction relating to illegal drug use or possession, 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 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" means the person has been diagnosed by a licensed physician as being  
2 afflicted with a substantial disorder of thought, mood, perception,  
3 psychological orientation, or memory that significantly impairs  
4 judgment, behavior, capacity to recognize reality, or ability to  
5 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:

## Section 1290.11.

## OTHER PRECLUSIONS

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

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

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

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

- 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.

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  
February 19, 2025 - DO PASS