

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 959

6 By: Dahm

7 COMMITTEE SUBSTITUTE

8 An Act relating to firearms; amending 21 O.S. 2011,
9 Section 1289.9, as amended by Section 14, Chapter
10 259, O.S.L. 2012 (21 O.S. Supp. 2018, Section
11 1289.9), which relates to carrying weapons under the
12 influence of alcohol; modifying inclusions; amending
13 21 O.S. 2011, Section 1290.11, as last amended by
14 Section 2, Chapter 259, O.S.L. 2014 (21 O.S. Supp.
15 2018, Section 1290.11), which relates to eligibility
16 for a handgun license; making certain exception for
17 medical marijuana card holder; prohibiting certain
18 denial; updating statutory reference; and providing
19 an effective date.

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

21 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.9, as
22 amended by Section 14, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018,
23 Section 1289.9), is amended to read as follows:

24 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

1 unprescribed drug, and it shall be unlawful for any person to carry
2 or use shotguns, rifles or pistols when under the influence of any
3 drug prescribed by a licensed physician or medical marijuana
4 obtained pursuant to a valid medical marijuana patient license if
5 the current or aftereffects of such consumption affect mental,
6 emotional or physical processes to a degree that would result in
7 abnormal behavior. Any person convicted of a violation of the
8 provisions of this section shall be punished as provided in Section
9 1289.15 of this title.

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

17 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.11, as
18 last amended by Section 2, Chapter 259, O.S.L. 2014 (21 O.S. Supp.
19 2018, Section 1290.11), is amended to read as follows:

20 Section 1290.11.

21 OTHER PRECLUSIONS

22 A. The following conditions shall preclude a person from being
23 eligible for a handgun license pursuant to the provisions of the
24

1 Oklahoma Self-Defense Act for a period of time as prescribed in each
2 of the following paragraphs:

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

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

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

20 4. The person has previously undergone treatment for a mental
21 illness, condition, or disorder which required medication or
22 supervision as defined by paragraph 7 of Section 1290.10 of this
23 title. The preclusive period shall be three (3) years from the last
24 date of treatment or upon presentation of a certified statement from

1 a licensed physician stating that the person is either no longer
2 disabled by any mental or psychiatric illness, condition, or
3 disorder or that the person has been stabilized on medication for
4 ten (10) years or more;

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

11 6. Two or more convictions of public intoxication pursuant to
12 Section 8 of Title 37 of the Oklahoma Statutes, or a similar law of
13 another state. The preclusive period shall be three (3) years from
14 the date of the completion of the last sentence;

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

21 8. A court order for a final Victim Protection Order against
22 the applicant, as authorized by the Protection from Domestic Abuse
23 Act, or any court order granting a final victim protection order
24 against the applicant from another state. The preclusive period

1 shall be three (3) years from the date of the entry of the final
2 court order, or sixty (60) days from the date an order was vacated,
3 canceled or withdrawn;

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

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

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

24

1 legal possession of a medical marijuana patient
2 license, or

3 f. an act of domestic abuse as defined by Section 644 of
4 this title or an act of domestic assault and battery
5 or any comparable acts under the law of another state.

6 The preclusive period shall be until the final determination of the
7 matter. The preclusive period for a person subject to the
8 provisions of a deferred sentence for the offenses mentioned in this
9 paragraph shall be three (3) years and shall begin upon the final
10 determination of the matter.

11 B. Nothing in this section shall be construed to require a full
12 investigation of the applicant by the Oklahoma State Bureau of
13 Investigation.

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

19 SECTION 3. This act shall become effective November 1, 2019.

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