

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1608

By: Daniels

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2021, Section 1289.9, which relates to carrying weapons under the influence of alcohol; modifying inclusions; amending 21 O.S. 2021, Sections 1290.10 and 1290.11, which relate to the Oklahoma Self-Defense Act; modifying elements of eligibility; prohibiting certain denial; 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 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

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 to possess a pistol due to any felony conviction
2 or adjudication as a delinquent as provided by Section 1283 of this
3 title, except as provided in subsection B of Section 1283 of this
4 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 Section 644 of
10 this title or an act of domestic assault and battery
11 or any comparable acts under the laws of another
12 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 to possess a pistol due to any provision of law
12 of this state or the United States Code, except as provided in
13 subsection B of Section 1283 of this title. A person who possesses
14 a valid medical marijuana patient license shall not be considered
15 ineligible;

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

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

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

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
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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 paragraph 7 of Section 1290.10 of this
6 title. The preclusive period shall be three (3) years from the last
7 date of treatment or upon presentation of a certified statement from
8 a licensed physician stating that the person is either no longer
9 disabled by any mental or psychiatric illness, condition, or
10 disorder or that the person has been stabilized on medication for
11 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:
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- 1 a. any assault and battery which caused serious physical
2 injury to the victim or any second or subsequent
3 assault and battery,
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. any violation of the Protection from Domestic Abuse
8 Act or any violation of a ~~victim protection~~ protective
9 order of another state,
10 e. any violation relating to illegal drug use or
11 possession except for an applicant or licensee in
12 legal possession of a medical marijuana patient
13 license, or
14 f. an act of domestic abuse as defined by Section 644 of
15 this title or an act of domestic assault and battery
16 or any comparable acts under the law of another state.

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

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

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

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

11 SECTION 4. This act shall become effective November 1, 2024.

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