

1 **SENATE FLOOR VERSION**

2 April 11, 2024

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2643

By: Steagall and Hardin of the
House

6 and

7 Daniels, Hamilton, Dahm,
8 and Stephens of the Senate

9 An Act relating to firearms; amending 21 O.S. 2021,
10 Section 1289.9, which relates to carrying weapons
11 while under the influence of alcohol; modifying
12 provisions of unlawful act; amending 21 O.S. 2021,
13 Section 1290.11, which relates to eligibility for a
14 handgun license; making certain exception for medical
15 marijuana patient licensees; prohibiting certain
16 denial; updating statutory language; and providing an
17 effective date.

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

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

21 Section 1289.9.

22 CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

23 It shall be unlawful for any person to carry or use shotguns,
24 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

1 drug prescribed by a licensed physician or medical marijuana
2 obtained pursuant to a valid medical marijuana patient license if
3 the current effects or aftereffects of such consumption affect
4 mental, emotional or physical processes to a degree that would
5 result in abnormal behavior. Any person convicted of a violation of
6 the provisions of this section shall be punished as provided in
7 Section 1289.15 of this title.

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

15 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1290.11, is
16 amended to read as follows:

17 Section 1290.11.

18 OTHER PRECLUSIONS

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

23 1. An arrest for an alleged commission of a felony offense or a
24 felony charge pending in this state, another state or pursuant to

1 the United States Code. The preclusive period shall be until the
2 final determination of the matter;

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

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

16 4. The person has previously undergone treatment for a mental
17 illness, condition, or disorder which required medication or
18 supervision as defined by paragraph 7 of Section 1290.10 of this
19 title. The preclusive period shall be three (3) years from the last
20 date of treatment or upon presentation of a certified statement from
21 a licensed physician stating that the person is either no longer
22 disabled by any mental or psychiatric illness, condition, or
23 disorder or that the person has been stabilized on medication for
24 ten (10) years or more;

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

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

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

19 8. A court order for a final ~~Victim Protection Order~~ protective
20 order against the applicant, as authorized by the Protection from
21 Domestic Abuse Act, or any court order granting a final ~~victim~~
22 ~~protection~~ protective order against the applicant from another
23 state. The preclusive period shall be sixty (60) days from the date
24

1 an order was vacated, canceled, withdrawn or is otherwise no longer
2 in effect;

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

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

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

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

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

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

14 B. Nothing in this section shall be construed to require a full
15 investigation of the applicant by the Oklahoma State Bureau of
16 Investigation.

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

22 SECTION 3. This act shall become effective November 1, 2024.

23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
24 April 11, 2024 - DO PASS AS AMENDED BY CS