

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 2643

By: Steagall and Hardin of the
House

4 and

5 Dahm of the Senate

6
7
8 An Act relating to firearm suppressors; providing
9 exemptions for firearms manufactured, sold and
10 purchased in this state from federal laws and federal
11 regulations; declaring firearm materials manufactured
12 in Oklahoma exempt from federal regulation; requiring
13 certain stamp on firearms manufactured and sold in
14 Oklahoma; stating manufacturing requirements for
15 firearms; prohibiting certain entities from adopting
16 or imposing rules, ordinances, policies or
17 restrictions regulating firearms that contravene
18 state law; defining terms; providing for
19 codification; and providing an effective date.

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21
22 AUTHORS: Remove as Principal Senate author Dahm and substitute as
23 principal Senate author Daniels. Retain Dahm as Senate
24 coauthor

AUTHORS: Add the following Senate Coauthors: Hamilton and Stephens

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

21 "An Act relating to firearms; amending 21 O.S. 2021,
22 Section 1289.9, which relates to carrying weapons
23 while under the influence of alcohol; modifying
24 provisions of unlawful act; amending 21 O.S. 2021,
Section 1290.11, which relates to eligibility for a
handgun license; making certain exception for medical
marijuana patient licensees; prohibiting certain

1 denial; updating statutory language; and providing an
2 effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

7 Section 1289.9.

8 CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

9 It shall be unlawful for any person to carry or use shotguns,
10 rifles, or pistols in any circumstances while under the influence of
11 beer, intoxicating liquors or any hallucinogenic, or any unlawful or
12 unprescribed drug, and it shall be unlawful for any person to carry
13 or use shotguns, rifles, or pistols when under the influence of any
14 drug prescribed by a licensed physician or medical marijuana
15 obtained pursuant to a valid medical marijuana patient license if
16 the current effects or aftereffects of such consumption affect
17 mental, emotional or physical processes to a degree that would
18 result in abnormal behavior. Any person convicted of a violation of
19 the provisions of this section shall be punished as provided in
20 Section 1289.15 of this title.

21 Any person convicted of a violation of the provisions of this
22 section after having been issued a handgun license pursuant to the
23 provisions of the Oklahoma Self-Defense Act shall have the license
24 suspended for a term of six (6) months and shall be subject to an

1 administrative fine of Fifty Dollars (\$50.00), upon a hearing and
2 determination by the Oklahoma State Bureau of Investigation that the
3 person is in violation of the provisions of this section.

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

6 Section 1290.11.

7 OTHER PRECLUSIONS

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

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

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

21 3. Any involuntary commitment for a mental illness, condition,
22 or disorder pursuant to the provisions of Section 5-410 of Title 43A
23 of the Oklahoma Statutes or any involuntary commitment in another
24 state pursuant to any provisions of law of that state. The

1 preclusive period shall be permanent as provided by Title 18 of the
2 United States Code Section 922(g)(4) unless the person has been
3 granted relief from the disqualifying disability pursuant to Section
4 1290.27 of this title;

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

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

20 6. Two or more convictions of public intoxication pursuant to
21 subsection D of Section 6-101 of Title 37A of the Oklahoma Statutes,
22 or a similar law of another state. The preclusive period shall be
23 three (3) years from the date of the completion of the last sentence
24

1 or shall require a certified statement from a licensed physician
2 stating that the person is not in need of substance abuse treatment;

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

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

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

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

- 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

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 3. This act shall become effective November 1, 2024.”

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13 Passed the Senate the 25th day of April, 2024.

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15 _____
16 Presiding Officer of the Senate

17 Passed the House of Representatives the ____ day of _____,
18 2024.

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20 _____
21 Presiding Officer of the House
22 of Representatives
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12 certain stamp on firearms manufactured and sold in
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14 firearms; prohibiting certain entities from adopting
15 or imposing rules, ordinances, policies or
16 restrictions regulating firearms that contravene
17 state law; defining terms; providing for
18 codification; and providing an effective date.

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

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1289.32 of Title 21, unless
22 there is created a duplication in numbering, reads as follows:

23 A. A firearm that is manufactured in this state, sold and
24 purchased in this state, and remains in this state shall not be
subject to federal law or federal regulation including registration,
under the authority of the United States Congress to regulate
interstate commerce.

1 1. A basic material from which a firearm is manufactured in
2 this state including, but not limited to, any unmachined metal or
3 plastic stock material, is not a firearm, and is not subject to
4 federal regulation under the authority of the United States Congress
5 to regulate interstate commerce as if it were a firearm.

6 2. A firearm manufactured and sold in this state must have the
7 words "Made in Oklahoma" clearly stamped, machined, or engraved on
8 it.

9 B. For purposes of this section, a firearm is manufactured in
10 this state if the item is manufactured:

11 1. In this state from basic materials; and

12 2. Without the inclusion of any imported from another state.

13 C. No agency, municipality, or other political subdivision
14 shall adopt a rule, order, ordinance, or policy under which the
15 entity enforces an order, rule, or regulation that purports to
16 regulate the manufacturing of firearms if the statute, order, rule,
17 or regulation imposes a prohibition, restriction, or other
18 regulation that does not exist under the laws of this state.

19 D. As used in this section:

20 1. The term "firearm" means any weapon which will or is
21 designed to or may readily be converted to expel a projectile by the
22 action of an explosive, or the frame or receiver of any such weapon;
23 and
24

1 2. "Manufacture" includes the assembling, modifying, or
2 altering of a firearm, as well as stamping, forging, casting,
3 machining, etching, engraving, painting, coating, or another process
4 for working a material.

5 SECTION 5. This act shall become effective November 1, 2023.

6 Passed the House of Representatives the 21st day of March, 2023.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2023.

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Presiding Officer of the Senate

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