

1 STATE OF OKLAHOMA

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

3 SENATE BILL NO. 959

By: Dahm

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6 AS INTRODUCED

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

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

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

23 Section 1289.9.

24 CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

25 It shall be unlawful for any person to carry or use shotguns,
26 rifles or pistols in any circumstances while under the influence of
27 beer, intoxicating liquors, marijuana or any hallucinogenic, or any
28 unlawful or unprescribed drug, and it shall be unlawful for any

1 person to carry or use shotguns, rifles or pistols when under the
2 influence of any drug prescribed by a licensed physician if the
3 aftereffects of such consumption affect mental, emotional or
4 physical processes to a degree that would result in abnormal
5 behavior. Any person convicted of a violation of the provisions of
6 this section shall be punished as provided in Section 1289.15 of
7 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. 2011, Section 1290.11, as
16 last amended by Section 2, Chapter 259, O.S.L. 2014 (21 O.S. Supp.
17 2018, Section 1290.11), is amended to read as follows:

18 Section 1290.11.

19 OTHER PRECLUSIONS

20 A. The following conditions shall preclude a person from being
21 eligible for a handgun license pursuant to the provisions of the
22 Oklahoma Self-Defense Act for a period of time as prescribed in each
23 of the following paragraphs:
24

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

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

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

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

1 disorder or that the person has been stabilized on medication for
2 ten (10) years or more;

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

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

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 against
20 the applicant, as authorized by the Protection from Domestic Abuse
21 Act, or any court order granting a final victim protection order
22 against the applicant from another state. The preclusive period
23 shall be three (3) years from the date of the entry of the final
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1 court order, or sixty (60) days from the date an order was vacated,
2 canceled or withdrawn;

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; or

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 order of
20 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 card, or
- 24

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.

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

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

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

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