

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 ENGROSSED SENATE
5 BILL NO. 959

By: Dahm of the Senate

and

Echols and Roberts (Sean)
of the House

6
7
8
9
10 An Act relating to firearms; amending 21 O.S. 2011,
11 Section 1289.9, as amended by Section 14, Chapter
12 259, O.S.L. 2012 (21 O.S. Supp. 2019, Section
13 1289.9), which relates to carrying weapons under the
14 influence of alcohol; modifying inclusions; amending
15 21 O.S. 2011, Section 1290.11, as last amended by
16 Section 6, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
17 2019, Section 1290.11), which relates to eligibility
18 for a handgun license; making certain exception for
19 medical marijuana card holder; and prohibiting
20 certain denial.

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

22 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.9, as
23 amended by Section 14, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
24 Section 1289.9), is amended to read as follows:

Section 1289.9.

CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

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

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

20 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.11, as
21 last amended by Section 6, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
22 2019, Section 1290.11), is amended to read as follows:

23 Section 1290.11.

24 OTHER PRECLUSIONS

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

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

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

14 3. Any involuntary commitment for a mental illness, condition,
15 or disorder pursuant to the provisions of Section 5-410 of Title 43A
16 of the Oklahoma Statutes or any involuntary commitment in another
17 state pursuant to any provisions of law of that state. The
18 preclusive period shall be permanent as provided by Title 18 of the
19 United States Code Section 922(g)(4) unless the person has been
20 granted relief from the disqualifying disability pursuant to Section
21 1290.27 of this title;

22 4. The person has previously undergone treatment for a mental
23 illness, condition, or disorder which required medication or
24 supervision as defined by paragraph 7 of Section 1290.10 of this

1 title. The preclusive period shall be three (3) years from the last
2 date of treatment or upon presentation of a certified statement from
3 a licensed physician stating that the person is either no longer
4 disabled by any mental or psychiatric illness, condition, or
5 disorder or that the person has been stabilized on medication for
6 ten (10) years or more;

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

13 6. Two or more convictions of public intoxication pursuant to
14 subsection D of Section 6-101 of Title 37A of the Oklahoma Statutes,
15 or a similar law of another state. The preclusive period shall be
16 three (3) years from the date of the completion of the last
17 sentence;

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

24

1 8. A court order for a final Victim Protection Order against
2 the applicant, as authorized by the Protection from Domestic Abuse
3 Act, or any court order granting a final victim protection order
4 against the applicant from another state. The preclusive period
5 shall be sixty (60) days from the date an order was vacated,
6 canceled, withdrawn or otherwise no longer in effect;

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

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

- 16 a. any assault and battery which caused serious physical
17 injury to the victim or any second or subsequent
18 assault and battery,
- 19 b. any aggravated assault and battery,
- 20 c. any stalking pursuant to Section 1173 of this title,
21 or a similar law of another state,
- 22 d. any violation of the Protection from Domestic Abuse
23 Act or any violation of a victim protection order of
24 another state,

1 e. any violation relating to illegal drug use or
2 possession except for an applicant or licensee in
3 legal possession of a medical marijuana patient
4 license, or

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

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

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

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

21
22 DIRECT TO CALENDAR.
23
24