

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 1885

BY: CAMPBELL

AS INTRODUCED

AN ACT RELATING TO CRIMES AND PUNISHMENTS; PROVIDING  
ENHANCEMENT OF PENALTIES FOR CERTAIN FIREARMS  
OFFENSES; DISALLOWING CERTAIN DEFENSES; PROVIDING  
FOR SEVERABILITY; PROVIDING FOR CODIFICATION;  
PROVIDING AN EFFECTIVE DATE; AND DECLARING AN  
EMERGENCY.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 1277.1 of Title 21, unless there  
is created a duplication in numbering, reads as follows:

A. Except as otherwise authorized by law, any person who is  
convicted of violating Sections 1272, 1273, 1277, 1279, 1283 or 1286  
of Title 21 of the Oklahoma Statutes, or any provision of the  
Oklahoma Firearms Act of 1971, with any type of firearm or other  
weapon as specified in Sections 1272, 1273, 1277, 1279, 1283 or 1286  
of Title 21 of the Oklahoma Statutes, or any provision of the  
Oklahoma Firearms Act of 1971, such offense occurring in or on or  
within one thousand (1,000) feet of the real property comprising a  
public or private elementary or secondary school, public vocational-  
technical school, or a public or private college or university shall  
be punished by:

1. A term of imprisonment or by the imposition of a fine or by both, not exceeding twice that otherwise authorized by the applicable section of law, and shall serve a minimum of fifty percent (50%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence; or

2. If the violation occurred as specified in subsection A of this section, after a previous conviction pursuant to that subsection which has become final, a term of imprisonment not exceeding three times that otherwise authorized by the applicable section of law, and shall serve a minimum of ninety percent (90%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence.

B. It shall not be a defense to prosecution that the violator was unaware that the prohibited conduct took place while on or within one thousand (1,000) feet of any school property.

SECTION 2. The provisions of this act are severable and if any part or provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

SECTION 3. This act shall become effective July 1, 1992.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-2-7073

MCD