

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 1131

By: Thornbrugh of the House

and

Herbert of the Senate

COMMITTEE SUBSTITUTE

(Crimes and punishments - amending 21 O.S. 1991,
Sections 1272, 1273, 1277, as amended by Section 1,
Chapter 170, O.S.L. 1992, 1278, 1280, as amended by
Section 2, Chapter 170, O.S.L. 1992 and 1289.8 (21 O.S.
Supp. 1992, Sections 1277 and 1280) and 29 O.S. 1991,
Section 5-204 - carrying of certain weapons - penalties

-

effective date)

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1272, is amended to read as follows:

Section 1272. It shall be unlawful for any person to carry upon or about his person, or in his portfolio or purse, any pistol, revolver, rifle, shotgun, dagger, bowie knife, dirk knife, switchblade knife, spring-type knife, sword cane, knife having a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, blackjack, loaded cane, billy, hand chain, metal knuckles, or any other offensive weapon, except as in this article provided. Provided further, that this section shall not prohibit the proper use of guns and knives for hunting, fishing, educational or recreational purposes, nor shall this section be construed to prohibit any use of weapons in a manner otherwise permitted by statute. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1273, is amended to read as follows:

Section 1273. It shall be unlawful for any person within this state, to sell or give to any minor any of the arms or weapons designated, ~~in the two preceding sections~~ Section 1272 of this title; provided, the provisions of this section shall not prohibit a parent from giving his or her minor child a rifle or shotgun for participation in hunting animals or fowl, hunter safety classes, target shooting, skeet, trap or other recognized sporting events.

SECTION 3. AMENDATORY 21 O.S. 1991, Section 1277, as amended by Section 1, Chapter 170, O.S.L. 1992 (21 O.S. Supp. 1992, Section 1277), is amended to read as follows:

Section 1277. It shall be unlawful for any person, except a peace officer, to carry into any church or religious assembly or any other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ballroom, or to any social party or social gathering, or to any election, or to any political convention, or to any other public assembly, any of the weapons designated in Section 1272 of this title; provided, the provisions of this section shall not prohibit educational or recreational activities involving the use of rifles or shotguns if the activity is approved by the principal or chief administrative officer in the case of a school, or the sponsor of the activity in any other case, nor shall this section prohibit the display of unloaded rifles or shotguns at any location if the display is approved by the owner or operator of such location.

SECTION 4. AMENDATORY 21 O.S. 1991, Section 1278, is amended to read as follows:

Section 1278. ~~It shall be unlawful for any~~ Any person in this state to carry or wear who carries or wears any deadly weapons or dangerous instrument whatsoever, openly or secretly, with the intent or for the avowed purpose of unlawfully injuring his fellow man another person, upon conviction, shall be guilty of a felony. The mere possession of such a weapon or dangerous instrument, without more, however, shall not be sufficient to establish intent as required by this section.

SECTION 5. AMENDATORY 21 O.S. 1991, Section 1280, as amended by Section 2, Chapter 170, O.S.L. 1992 (21 O.S. Supp. 1992, Section 1280), is amended to read as follows:

Section 1280. Any person violating the provisions of Sections 1277,~~1278~~ and or 1279 of this title ~~shall~~, upon conviction, shall be punished by a fine of not less than ~~Fifty Dollars (\$50.00)~~ One Hundred Dollars (\$100.00), nor more than ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00) and shall be imprisoned in the county jail for not less than three (3) nor more than twelve (12) months.

SECTION 6. AMENDATORY 21 O.S. 1991, Section 1289.8, is amended to read as follows:

Section 1289.8 A. It shall be unlawful for any person, except a law enforcement officer, a registered security officer or a person employed by an armored car firm licensed by the Corporation Commission, to carry a concealed weapon other than permitted by this act.

B. Subsection A of this section shall not apply to:

1. An unloaded firearm in a case designed for carrying firearms, which case is wholly or partially visible; or
2. An unloaded firearm in a locked container; or
3. An unloaded firearm, other than a rifle or shotgun, in the trunk of an automobile; or
4. A rifle or shotgun that is either unloaded or is clip or magazine loaded, but not chamber loaded, when carried in a locked compartment of a motor vehicle, such as the trunk of an automobile.

SECTION 7. AMENDATORY 29 O.S. 1991, Section 5-204, is amended to read as follows:

Section 5-204. A. No person may hunt, pursue game or ~~use~~ discharge firearms within four hundred and forty (440) yards of any church, schoolhouse, or other public place where people may assemble, so as to disturb such assemblage.

B. No person may shoot from or across a public road or highway, or railroad right-of-way.

C. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00), or by imprisonment in the county jail for thirty (30) days, or by both imprisonment and fine.

D. The provisions of this section shall not apply to any peace officer in the performance of his duties.

SECTION 8. This act shall become effective September 1, 1993.

44-1-1039

NP