

SHORT TITLE: Weapons; criminalizing failure to secure handgun;
providing criminal penalty; providing liability for civil damages;
expanding certain prohibitions relating to minors and weapons;
repealing duplicate section; codification; effective date.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 1165

By: Haney

AS INTRODUCED

An Act relating to weapons; amending 21 O.S. 1991, Sections 1273, as amended by Section 2, Chapter 309, O.S.L. 1993 and 1276 (21 O.S. Supp. 1993, Section 1273), which relate to selling firearms and penalty provisions; deleting language; criminalizing failure to secure handgun; providing criminal penalty; providing liability for civil damages; prohibiting minor from selling, purchasing, or trading certain weapons; expanding certain prohibitions relating to minors and weapons; authorizing minor to transport rifle or shotgun for hunting or recreational purposes; prohibiting use of rifle or shotgun after adjudication; increasing penalty from misdemeanor to felony; stating penalty provisions; repealing 21 O.S. 1991, Section 1273, as amended by Section 2, Chapter 264, O.S.L. 1993 (21 O.S. Supp. 1993, Section 1273), which relates to selling weapons to minors and which is a duplicate section; providing for codification; and providing an effective date.

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 1273.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

Any custodial parent, legal guardian or other adult living in the home with a child under eighteen (18) years of age who willfully and intentionally fails to secure any handgun, and as a result of such failure to secure the handgun a child commits any crime with the handgun, shall, upon conviction, be deemed guilty of a felony for aiding and assisting a minor in the commission of a prohibited act. Such person or persons shall, upon conviction, be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment in the State Penitentiary not exceeding five (5) years or both such fine and imprisonment. In addition, such person or persons shall be liable for civil damages for any injury or death to any person resulting from being shot by said minor.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1273, as amended by Section 2, Chapter 309, O.S.L. 1993 (21 O.S. Supp. 1993, Section 1273), is amended to read as follows:

Section 1273. A. It shall be unlawful for any minor to sell, purchase, or trade any handgun or weapon designated in Section 1272 of this title.

B. It shall be unlawful for any person ~~within this state,~~ to sell, trade or give to any minor any ~~of the arms handgun or weapons~~ weapon designated in Section 1272 of this title; ~~provided, the provisions of this.~~

C. 1. This section shall not prohibit a custodial parent, legal guardian or other adult living in the home with a minor child from giving ~~his or her minor~~ such child a rifle or shotgun for lawfully authorized and adult supervised participation in hunting animals or fowl, hunter safety classes, target shooting, skeet, trap or other recognized sporting events, including traveling to and from such events with the unloaded rifle or shotgun, if the possession of the rifle or shotgun is not otherwise prohibited by law.

2. The furnishing of a rifle or shotgun to a minor child by an adult, as provided in paragraph 1 of this subsection, shall be unlawful if the minor child has been adjudicated delinquent.

D. Any person violating any provision of this section shall, upon conviction, be guilty of a felony punishable as provided in Section 1276 of this title. In addition, such person or persons shall be liable for civil damages for any injury or death to any person resulting from being shot by said minor.

SECTION 3. AMENDATORY 21 O.S. 1991, Section 1276, is amended to read as follows:

Section 1276. Any person violating the provisions of ~~any one of the foregoing sections~~ Sections 1271.1 through 1273 of this title, shall ~~on the first,~~ upon conviction, be ~~adjudged~~ guilty of a ~~misdemeanor and be punished~~ felony punishable by a fine ~~of not less~~

~~than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), or exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the county jail not to exceed thirty (30) days or both at the discretion of the court. On the second and every subsequent conviction, the party offending shall on conviction be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00) or be imprisoned in the county jail not less than thirty (30) days nor more than three (3) months or both, at the discretion of the court not exceeding five (5) years, or both such fine and imprisonment.~~

SECTION 4. REPEALER 21 O.S. 1991, Section 1273, as amended by Section 2, Chapter 264, O.S.L. 1993 (21 O.S. Supp. 1993, Section 1273), is hereby repealed.

SECTION 5. This act shall become effective September 1, 1994.

44-2-1619

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