

ENROLLED SENATE  
BILL NO. 27

By: Leftwich and Helton of the  
Senate

and

Paulk, Gray, Weese, Webb,  
Roach and Hamilton (Jeff)  
of the House

An Act relating to firearms; amending 21 O.S. 1991, Sections 1272 and 1273, which relate to carrying weapons, selling weapons to minors and punishments; clarifying language; modifying statutory references; providing certain exception for parent to give certain firearms to minor child for certain purposes; directing law enforcement officers to confiscate certain weapons and firearms; directing forfeiture of certain weapons and firearms to the confiscating authority; providing that confiscation and forfeiture shall not require the filing of criminal charges; providing exception to forfeiture; providing for codification; and declaring an emergency.

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

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, 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 an unloaded firearm in a locked container and otherwise provided in this article. 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 the carrying or 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 punishable as provided in Section 1276 of this title.

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.

Any person violating this section shall, upon conviction, be punishable as provided in Section 1276 of this title.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1271.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

Whenever a person under eighteen (18) years of age is detained or arrested by a law enforcement officer and is carrying any weapon or firearm prohibited by Section 1272 of Title 21 of the Oklahoma Statutes, every prohibited weapon and firearm may be confiscated and forfeited to the confiscating authority. Such confiscation and forfeiture shall not require that criminal charges be filed against the minor. However, when a weapon or firearm confiscated pursuant to the provisions of this section has been taken by a minor without the permission of the owner, the weapon or firearm shall be returned to the owner pursuant to Section 1321 of Title 22 of the Oklahoma Statutes, provided the possession of such weapon or firearm by an adult is not otherwise prohibited by law.

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.

Passed the Senate the 27th day of May, 1993.

President of the Senate

Passed the House of Representatives the 27th day of May, 1993.

Speaker of the House of Representatives