

ENROLLED SENATE  
BILL NO. 969

By: Weedn of the Senate

and

Thomas of the House

An Act relating to firearms; amending 21 O.S. 1991, Section 1283, as amended by Section 3, Chapter 151, O.S.L. 1992 (21 O.S. Supp. 1993, Section 1283), which relates to possession of firearms by convicted felons; clarifying language; prohibiting persons supervised by the Department of Corrections from having firearms; amending 21 O.S. 1991, Section 1289.8, as last amended by Section 8 of Enrolled House Bill No. 2299 of the 2nd Session of the 44th Oklahoma Legislature, which relates to carrying concealed weapons; and modifying exceptions to prohibition of carrying a concealed weapon.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1283, as amended by Section 3, Chapter 151, O.S.L. 1992 (21 O.S. Supp. 1993, Section 1283), is amended to read as follows:

Section 1283. A. It shall be unlawful for any person ~~having previously been~~ convicted of any felony in any court of a this state or of another state or of the United States to have in his possession or under his immediate control, or in any vehicle which he is operating, or in which he is riding as a passenger, any pistol, imitation or homemade pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm which could be easily concealed on the person, in personal effects or in an automobile; provided any person elected or appointed as a peace officer who has previously been convicted of any felony in any court of a state or of the United States, and who has received a full and complete pardon from the proper authority and has been subsequently certified by the Oklahoma Council on Law Enforcement Education and Training, pursuant to Section 3311 of Title 70 of the Oklahoma Statutes, and is actively employed as a full-time peace officer on the effective date of this act, shall be permitted to possess a weapon specified in this section for the sole purpose of performing duties of a peace officer. For the purposes of this section, "sawed-off shotgun or rifle" shall mean any shotgun or rifle which has been shortened to any length.

B. Any person who has previously been convicted of a nonviolent felony in any court in the State of Oklahoma, and who has received a full and complete pardon from the proper authority shall be permitted to possess a weapon specified in this section to the extent necessary for the pursuit of gunsmithing or firearm repair, provided such person has graduated from a gunsmithing school conducted by an institution whose accreditation is recognized by the

Oklahoma State Regents for Higher Education and who is engaged in the occupation of gunsmithing or firearm repair.

C. In addition to the prohibitions of subsection A of this section, it shall be unlawful for any person supervised by the Department of Corrections or any division thereof to have in his possession or under his immediate control, or in his residence, or in any passenger vehicle which he is operating or in which he is riding as a passenger, any firearm, including any imitation or homemade firearm, while such person is under probation, parole or inmate status.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1289.8, as last amended by Section 8 of Enrolled House Bill No. 2299 of the 2nd Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 1289.8 A. It shall be unlawful for any person, except a law enforcement officer, a retired state, county, municipal or federal peace officer as provided in subsection C of this section, 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 provided for in 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.

C. Any retiring state, county, municipal or federal peace officer may carry a concealed sidearm upon written approval from the Commissioner of Public Safety, provided such officer has no physical or mental disability which would prevent the proper handling of the sidearm.

Such persons must have been C.L.E.E.T.-certified or certified by a law enforcement training program recognized by C.L.E.E.T. Such persons must then qualify annually by a C.L.E.E.T.-approved firearms training program at their own expense. The Commissioner of Public Safety shall promulgate rules, regulations and procedures relating to application and approval to carry a sidearm upon retirement.

Passed the Senate the 28th day of April, 1994.

President of the Senate

Passed the House of Representatives the 13th day of April, 1994.

Speaker of the House of Representatives