

SHORT TITLE: Firearms; criminalizing culpable negligence in allowing a child to gain access to firearm and kill or injure a person; emergency.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 24

By: Leftwich

AS INTRODUCED

An Act relating to firearms; criminalizing culpable negligence in allowing a child to gain access to firearm and kill or injure a person; setting penalties; making special provisions in family shooting; providing for codification; 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 859 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Every person, through culpable negligence, who exposes another person to personal injury by storing or leaving a loaded firearm within reach or easy access of a person under eighteen (18) years of age and the minor obtains the firearm and uses it to inflict injury or death upon himself or other person shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both such fine and imprisonment.

B. When a family member is accidentally shot by a minor due to the culpable negligence of another family member, no arrest shall be made pursuant to this section before seven (7) days after the date

of the shooting. The investigating officer shall file all findings and evidence with the district attorney's office. The district attorney shall evaluate such evidence and shall take action appropriate under the circumstances and may file an information against the appropriate person or persons.

SECTION 2. 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.

44-1-0091

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