

SHORT TITLE: Weapons; prohibiting certain use of rifles and shotguns by certain minors without certain supervision; emergency.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 92

By: Brown

AS INTRODUCED

An Act relating to weapons; amending Section 1, Chapter 286, O.S.L. 1992, and 21 O.S. 1991, Sections 1273, as last amended by Section 52, Chapter 290, O.S.L. 1994, and 1276 (21 O.S. Supp. 1994, Sections 858 and 1273), which relate to sale and possession of weapons; modifying language; prohibiting trade, sale or barter of weapons by or to minors; prohibiting certain use of rifles and shotguns by certain minors without certain supervision; increasing civil fine and criminal penalties for certain violations; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 286, O.S.L. 1992 (21 O.S. Supp. 1994, Section 858), is amended to read as follows:

Section 858. Any custodial parent or guardian of a child under eighteen (18) years of age whose child commits the crime of possession of a firearm on school property may be fined not exceeding ~~Two Hundred Dollars (\$200.00)~~ One Thousand Dollars (\$1,000.00), or ordered to perform community service not exceeding ~~forty (40)~~ two hundred (200) hours or both such fine and community service. To satisfy any community service requirement, the court

may give preference to work which benefits the school said child attends. Said penalty shall be an administrative penalty and shall not be recorded on the custodial parent's or guardian's criminal record. The fine shall be payable to the court clerk to be deposited in the court fund. Nothing in this section shall prohibit the filing or prosecution of any criminal charge.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1273, as last amended by Section 52, Chapter 290, O.S.L. 1994 (21 O.S. Supp. 1994, Section 1273), is amended to read as follows:

Section 1273. A. It shall be unlawful for any person within this state to sell, trade, barter or give to any minor any of the ~~arms~~ firearms or weapons designated in 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, except as provided in subsection B of this section.

B. It shall be unlawful for any parent or guardian to intentionally, knowingly, or recklessly permit his or her minor child to possess any of the ~~arms~~ firearms or weapons designated in Section 1272 of this title, including any rifle or shotgun, if such parent is aware of a substantial risk that such minor will use the weapon to commit a felony offense or if the minor has either been adjudicated a delinquent or has been convicted as an adult for a felony listed as an exception to the definition of a nonviolent offense in Section 571 of Title 57 of the Oklahoma Statutes.

C. It shall be unlawful for any minor to sell, purchase, trade, barter, give or possess any of the ~~arms~~ firearms or weapons designated in Section 1272 of this title, except a minor may possess rifles or shotguns used for participation in hunting animals or fowl, hunter safety classes, target shooting, skeet, trap or other recognized sporting event. ~~Provided, the~~ It shall be unlawful for

any minor under sixteen (16) years of age to use any rifle or shotgun for participation in hunting animals or fowl, hunter safety classes, target shooting, skeet, trap or other recognized sporting event without supervision by a person twenty-one (21) years of age or older at all times when said rifle or shotgun is in use. The possession of rifles or shotguns authorized by this section shall not authorize the possession of such weapons by a minor who is subject to the provisions of Section 1283 of this title.

D. Any person violating this section shall, upon conviction, be punishable as provided in Section 1276 of this title, provided, any minor violating this section shall be subject to adjudication as a delinquent. In addition, any adult or minor person violating this section shall be liable for civil damages for any injury or death to any person resulting from being shot by a minor.

E. As used in this section, "minor" means a person under eighteen (18) years of age.

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 conviction be ~~adjudged~~ guilty of a misdemeanor and be ~~punished~~ punishable by a fine ~~of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00)~~ One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail not to exceed ~~thirty (30) days~~ six (6) months or both ~~at the discretion of the court~~ such fine and imprisonment. On the second ~~and every or~~ subsequent conviction, the ~~party offending~~ person shall ~~on,~~ upon conviction, be fined not ~~less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00)~~ Five Thousand Dollars (\$5,000.00), or be imprisoned in the county jail not ~~less than thirty (30) days nor more than three (3) months~~ one (1) year or both, ~~at the discretion of the court~~ such fine and imprisonment.

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.

45-1-0139

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