

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1647

By: Covey

AS INTRODUCED

An Act relating to crimes and punishments; providing for confiscation and forfeiture of firearms possessed by convicted felons; providing for return to lawful owner under certain circumstances; providing for sale, lease or destruction of firearm when no longer needed as evidence; prohibiting transfer of right to possession after confiscation by law enforcement; providing for codification; and providing for 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 1283.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Whenever any person is detained or arrested by a law enforcement officer for being in violation of Section 1283 of Title 21 of the Oklahoma Statutes, the firearm or firearms may be confiscated and forfeited to the State of Oklahoma by the law enforcement authority. Such confiscation and forfeiture shall not require that criminal charges be filed against the person.

B. However, when a weapon or firearm confiscated pursuant to the provisions of this section has been taken without the permission of the owner, the weapon or firearm shall be returned to the owner pursuant to the procedures provided in Section 1321 of Title 22 of the Oklahoma Statutes, provided the possession of such weapon or firearm by the owner is not otherwise prohibited by law.

C. Any weapon or firearm confiscated and forfeited by any law enforcement authority, when no longer needed as evidence in the criminal proceeding, may be sold at public auction, or the confiscating authority may lease any firearm confiscated and forfeited by law pursuant to this section to any law enforcement agency for a period of one (1) year. Such lease may be renewed each year thereafter at the discretion of such authority to assist in the enforcement of the laws of this state or its political subdivisions. Any weapon or firearm deemed by the confiscating authority to be inappropriate for lease or sale shall be destroyed.

D. The right to possession of the firearm or firearms confiscated shall not be subject to transfer by the person arrested or detained for the violation of Section 1283 of Title 21 of the Oklahoma Statutes after the confiscation by the law enforcement officer.

SECTION 2. This act shall become effective November 1, 1997.

46-1-5786

LAC