STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

HOUSE BILL NO. 1346 By: Greenwood

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 1273, as last amended by Section 29, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1998, Section 1273), which relates to allowing minors to possess firearms; specifying punishment for minors; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1273, as last amended by Section 29, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1998, Section 1273), is amended to read as follows:

Section 1273.

ALLOWING MINORS TO POSSESS FIREARMS

A. It shall be unlawful for any person within this state to sell or give to any child any of the arms 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 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 child to possess any of the arms or weapons designated in Section 1272 of this title, including any rifle or shotgun, if such parent is aware of a substantial risk that the child will use the weapon to commit a criminal offense or if the child has either been adjudicated a

delinquent or has been convicted as an adult for any criminal offense.

C. It shall be unlawful for any child to possess any of the arms or weapons designated in Section 1272 of this title, except 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 possession of rifles or shotguns authorized by this section shall not authorize the possession of such weapons by any person who is subject to the provisions of Section 1283 of this title.

D. Any person violating the provisions of this section shall, upon conviction, be punished as provided in Section 1276 of this title, and, any child violating the provisions of this section shall be subject to adjudication as a delinquent. Any person adjudicated as a delinquent for a violation of this section shall be required to perform not less than one hundred (100) hours of community service and the Department of Public Safety shall suspend or not issue a driver license to that person for a period of one (1) year from the date of disposition of the juvenile case or one (1) year from the date the person becomes eligible to receive a driver license. In addition, any person violating the provisions of this section shall be liable for civil damages for any injury or death to any person and for any damage to property resulting from any discharge of a firearm or use of any other weapon. Any person convicted of violating the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, may be liable for an administrative violation as provided in Section 1276 of this title.

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

SECTION 2. This act shall become effective July 1, 1999.

SECTION 3. 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.

47-1-5065 LAC 6/11/15