

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1311

By: Horner

AS INTRODUCED

An Act relating to firearms; creating the Firearms Access Prevention Act; providing short title; prohibiting leaving a firearm within access to child without a device to render the firearm temporarily inoperable; listing mechanisms to render firearm temporarily inoperable; stating penalties for violation; defining terms; providing certain exceptions to criminal prosecution; requiring posting of certain notice by firearms dealer; providing an effective date; 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 1273.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Firearms Access Prevention Act".

B. It is unlawful for any person to store, abandon or leave within any premises under the person's control a readily dischargeable firearm without a device or mechanism designed to render the firearm temporarily inoperable if the person knows or has reason to believe that a child may gain access to the firearm.

C. If a child gains access to a readily dischargeable firearm without a device or mechanism designed to render the firearm temporarily inoperable and without the lawful permission of the child's parent, guardian or person having control of the child, the person owning the firearm shall be guilty of a misdemeanor, except as provided in subsection E of this section. Upon conviction, the violator shall be punished by imprisonment in the county jail for a

term not exceeding thirty (30) days, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. If a child gains access to a readily dischargeable firearm without a device or mechanism designed to render the firearm temporarily inoperable and the child discharges the firearm causing death or injury to the child or to another person, the owner of the firearm shall be guilty of a misdemeanor, except as provided in subsection E of this section. Upon conviction, the violator shall be punished by imprisonment in the county jail for a term not exceeding one (1) year, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

D. For purposes of this section, "readily dischargeable firearm" means a firearm that is loaded with ammunition, whether or not ammunition is in the chamber. "Device or mechanism to render the firearm inoperable" means a trigger lock installed on the firearm or that the firearm is in a locked box, safe, cabinet or other secure container.

E. The criminal provisions of this section shall not apply:

1. When a child gains access to a readily dischargeable firearm and uses it in a lawful act of self-defense or defense of another person or property; or

2. To any firearm when a child gains access as a result of an unlawful entry into the premises by the child or another person.

F. Within sixty (60) days of the effective date of this act, every firearms dealer shall post in a conspicuous place a sign that contains the following warning in letters not less than one (1) inch in height:

"IT IS UNLAWFUL TO STORE, ABANDON OR LEAVE A FIREARM IN ANY PLACE WHERE A CHILD MAY GAIN ACCESS TO THE FIREARM UNLESS THE FIREARMS HAS A TRIGGER LOCK OR IS IN A LOCKED BOX OR OTHER SECURE CONTAINER."

SECTION 2. This act shall become effective July 1, 2000.

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.

47-2-2243

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