

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1027

By: Smithson

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending
9 21 O.S. 2001, Sections 1283, as last amended by
10 Section 2, Chapter 190, O.S.L. 2005 and 1287, as
11 amended by Section 2, Chapter 62, O.S.L. 2006 (21
12 O.S. Supp. 2006, Sections 1283 and 1287), which
13 relate to possession and use of weapons; prohibiting
14 possession and use of certain weapons; defining
15 terms; and providing an effective date.

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

17 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1283, as
18 last amended by Section 2, Chapter 190, O.S.L. 2005 (21 O.S. Supp.
19 2006, Section 1283), is amended to read as follows:

Section 1283.

20 CONVICTED FELONS AND DELINQUENTS

21 A. Except as provided in subsection B of this section, it shall
22 be unlawful for any person convicted of any felony in any court of
23 this state or of another state or of the United States to have in
24 his or her possession or under his or her immediate control, or in

1 any vehicle which the person is operating, or in which the person is
2 riding as a passenger, or at the residence where the convicted
3 person resides, any pistol, imitation or homemade pistol, altered
4 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
5 other dangerous or deadly firearm.

6 B. Any person who has previously been convicted of a nonviolent
7 felony in any court of this state or of another state or of the
8 United States, and who has received a full and complete pardon from
9 the proper authority and has not been convicted of any other felony
10 offense which has not been pardoned, shall have restored the right
11 to possess any firearm or other weapon prohibited by subsection A of
12 this section, the right to apply for and carry a concealed handgun
13 pursuant to the Oklahoma Self-Defense Act, ~~Section 1290.1 et seq. of~~
14 ~~this title~~, and the right to perform the duties of a peace officer,
15 gunsmith, or for firearms repair.

16 C. It shall be unlawful for any person supervised by the
17 Department of Corrections or any division thereof to have in his or
18 her possession or under his or her immediate control, or at his or
19 her residence, or in any passenger vehicle which the supervised
20 person is operating or is riding as a passenger, any pistol, shotgun
21 or rifle, including any imitation or homemade pistol, altered air or
22 toy pistol, shotgun or rifle, while such person is subject to
23 supervision, probation, parole or inmate status.

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1 D. It shall be unlawful for any person previously adjudicated
2 as a delinquent child or a youthful offender for the commission of
3 an offense, which would have constituted a felony offense if
4 committed by an adult, to have in said person's possession or under
5 the person's immediate control, or have in any vehicle which he or
6 she is driving or in which said person is riding as a passenger, or
7 at the person's residence, any pistol, imitation or homemade pistol,
8 altered air or toy pistol, machine gun, sawed-off shotgun or rifle,
9 or any other dangerous or deadly firearm which could be easily
10 concealed on the person, in personal effects or in an automobile,
11 within ten (10) years after such adjudication.

12 E. Any person having been issued a concealed handgun license
13 pursuant to the provisions of the Oklahoma Self-Defense Act, Section
14 1290.1 et seq. of this title, and who thereafter knowingly or
15 intentionally allows a convicted felon or adjudicated delinquent or
16 a youthful offender as prohibited by the provisions of subsections
17 A, C, or D of this section to possess or have control of any pistol
18 authorized by the Oklahoma Self-Defense Act shall, upon conviction,
19 be guilty of a felony punishable by a fine not to exceed Five
20 Thousand Dollars (\$5,000.00). In addition, the person shall have
21 the handgun license revoked by the Oklahoma State Bureau of
22 Investigation after a hearing and determination that the person has
23 violated the provisions of this section.

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1 F. Any convicted or adjudicated person violating the provisions
2 of this section shall, upon conviction, be guilty of a felony
3 punishable as provided in Section 1284 of this title.

4 G. For purposes of this section, "sawed-off shotgun or rifle"
5 shall mean any shotgun or rifle which has been shortened to any
6 length.

7 H. For purposes of this section, "altered toy pistol" shall
8 mean any toy weapon which has been altered from its original
9 manufactured state.

10 I. For purposes of this section, "altered air pistol" shall
11 mean any air pistol manufactured to propel projectiles by air
12 pressure which has been altered from its original manufactured
13 state.

14 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1287, as
15 amended by Section 2, Chapter 62, O.S.L. 2006 (21 O.S. Supp. 2006,
16 Section 1287), is amended to read as follows:

17 Section 1287.

18 USE OF FIREARM WHILE COMMITTING A FELONY

19 A. Any person who, while committing or attempting to commit a
20 felony, possesses a pistol, shotgun or rifle or any other offensive
21 weapon in such commission or attempt, whether the pistol, shotgun or
22 rifle is loaded or not, or who possesses a blank or imitation
23 pistol, altered air or toy pistol, shotgun or rifle capable of
24 raising in the mind of one threatened with such device a fear that

1 it is a real pistol, shotgun or rifle, or who possesses an air gun
2 or carbon dioxide or other gas-filled weapon, electronic dart gun,
3 conductive energy weapon, knife, dagger, dirk, switchblade knife,
4 blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in
5 addition to the penalty provided by statute for the felony committed
6 or attempted, upon conviction shall be guilty of a felony for
7 possessing such weapon or device, which shall be a separate offense
8 from the felony committed or attempted and shall be punishable by
9 imprisonment in the ~~State Penitentiary~~ custody of the Department of
10 Corrections for a period of not less than two (2) years nor for more
11 than ten (10) years for the first offense, and for a period of not
12 less than ten (10) years nor more than thirty (30) years for any
13 second or subsequent offense.

14 B. Any person convicted of violating the provisions of this
15 section after having been issued a concealed handgun license
16 pursuant to the provisions of the Oklahoma Self-Defense Act shall
17 have the license permanently revoked and shall be liable for an
18 administrative fine of One Thousand Dollars (\$1,000.00) upon a
19 hearing and determination by the Oklahoma State Bureau of
20 Investigation that the person is in violation of the provisions of
21 this section.

22 C. As used in this section, "altered toy pistol" shall mean any
23 toy weapon which has been altered from its original manufactured
24 state.

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D. As used in this section, "altered air pistol" shall mean any air pistol manufactured to propel projectiles by air pressure which has been altered from its original manufactured state.

SECTION 3. This act shall become effective November 1, 2007.

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