

THE HOUSE OF REPRESENTATIVES
Wednesday, March 5, 2008

House Bill No. 2952

HOUSE BILL NO. 2952 - By: MARTIN (SCOTT) of the House.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1283, as last amended by Section 1, Chapter 162, O.S.L. 2007 (21 O.S. Supp. 2007, Section 1283), which relates to the possession of weapons by convicted felons and delinquents; prohibiting the filing of criminal charges under certain circumstance; and providing an effective date.

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

1 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1283, as last amended by
2 Section 1, Chapter 162, O.S.L. 2007 (21 O.S. Supp. 2007, Section 1283), is amended to
3 read as follows:

4 Section 1283.

5 CONVICTED FELONS AND DELINQUENTS

6 A. Except as provided in subsection B of this section, it shall be unlawful for any
7 person convicted of any felony in any court of this state or of another state or of the
8 United States to have in his or her possession or under his or her immediate control, or
9 in any vehicle which the person is operating, or in which the person is riding as a
10 passenger, or at the residence where the convicted person resides, any pistol, imitation or
11 homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
12 other dangerous or deadly firearm.

1 B. Any person who has previously been convicted of a nonviolent felony in any
2 court of this state or of another state or of the United States, and who has received a full
3 and complete pardon from the proper authority and has not been convicted of any other
4 felony offense which has not been pardoned, shall have restored the right to possess any
5 firearm or other weapon prohibited by subsection A of this section, the right to apply for
6 and carry a concealed handgun pursuant to the Oklahoma Self-Defense Act and the right
7 to perform the duties of a peace officer, gunsmith, or for firearms repair.

8 C. It shall be unlawful for any person supervised by the Department of Corrections
9 or any division thereof to have in his or her possession or under his or her immediate
10 control, or at his or her residence, or in any passenger vehicle which the supervised
11 person is operating or is riding as a passenger, any pistol, shotgun or rifle, including any
12 imitation or homemade pistol, altered air or toy pistol, shotgun or rifle, while such person
13 is subject to supervision, probation, parole or inmate status.

14 D. It shall be unlawful for any person previously adjudicated as a delinquent child
15 or a youthful offender for the commission of an offense, which would have constituted a
16 felony offense if committed by an adult, to have in said person's possession or under the
17 person's immediate control, or have in any vehicle which he or she is driving or in which
18 said person is riding as a passenger, or at the person's residence, any pistol, imitation or
19 homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
20 other dangerous or deadly firearm within ten (10) years after such adjudication.

21 E. Any person having been issued a concealed handgun license pursuant to the
22 provisions of the Oklahoma Self-Defense Act and who thereafter knowingly or

1 intentionally allows a convicted felon or adjudicated delinquent or a youthful offender as
2 prohibited by the provisions of subsection A, C, or D of this section to possess or have
3 control of any pistol authorized by the Oklahoma Self-Defense Act shall, upon conviction,
4 be guilty of a felony punishable by a fine not to exceed Five Thousand Dollars
5 (\$5,000.00). In addition, the person shall have the handgun license revoked by the
6 Oklahoma State Bureau of Investigation after a hearing and determination that the
7 person has violated the provisions of this section.

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

10 G. No person shall be charged with violating the provisions of this section for
11 merely being in the presence of a peace officer who is in possession of a weapon and is
12 authorized, by law, to possess and carry said weapon in the performance of his or her
13 official duties.

14 H. For purposes of this section, "sawed-off shotgun or rifle" shall mean any shotgun
15 or rifle which has been shortened to any length.

16 ~~H. I.~~ I. For purposes of this section, "altered toy pistol" shall mean any toy weapon
17 which has been altered from its original manufactured state to resemble a real weapon.

18 ~~I. J.~~ J. For purposes of this section, "altered air pistol" shall mean any air pistol
19 manufactured to propel projectiles by air pressure which has been altered from its
20 original manufactured state.

21 SECTION 2. This act shall become effective November 1, 2008.

1 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
2 dated 03-04-08 - DO PASS.