

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2952

By: Martin (Scott)

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2001, Section 1283, as last amended by  
9 Section 1, Chapter 162, O.S.L. 2007 (21 O.S. Supp.  
10 2007, Section 1283), which relates to the possession  
11 of weapons by convicted felons and delinquents;  
12 prohibiting the filing of criminal charges under  
13 certain circumstance; and providing an effective  
14 date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1283, as  
17 last amended by Section 1, Chapter 162, O.S.L. 2007 (21 O.S. Supp.  
18 2007, Section 1283), is amended to read as follows:

19 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  
any vehicle which the person is operating, or in which the person is  
riding as a passenger, or at the residence where the convicted

1 person resides, any pistol, imitation or homemade pistol, altered  
2 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any  
3 other dangerous or deadly firearm.

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

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

21 D. It shall be unlawful for any person previously adjudicated  
22 as a delinquent child or a youthful offender for the commission of  
23 an offense, which would have constituted a felony offense if  
24 committed by an adult, to have in said person's possession or under

1 the person's immediate control, or have in any vehicle which he or  
2 she is driving or in which said person is riding as a passenger, or  
3 at the person's residence, any pistol, imitation or homemade pistol,  
4 altered air or toy pistol, machine gun, sawed-off shotgun or rifle,  
5 or any other dangerous or deadly firearm within ten (10) years after  
6 such adjudication.

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

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

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

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

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

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

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

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15 51-2-9572 GRS 01/09/08

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