

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 3341

By: Christian, Cox, Duncan,
Proctor, Terrill, Moore,
Kern, Enns, Faught,
Liebmann, Dorman, Tibbs,
Thompson, Johnson, Nelson,
Sanders, Ortega, Wright
(Harold) and Ritze of the
House

9 and

10 Sykes and Stanislawski of
11 the Senate

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13 CONFERENCE COMMITTEE SUBSTITUTE

14 An Act relating to crimes and punishments; amending
15 21 O.S. 2001, Section 1283, as last amended by
16 Section 1, Chapter 13, O.S.L. 2009 (21 O.S. Supp.
17 2009, Section 1283), which relates to the unlawful
possession of firearms; prohibiting certain persons
from possessing firearms; providing penalty; and
providing an effective date.

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

21 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1283, as
22 last amended by Section 1, Chapter 13, O.S.L. 2009 (21 O.S. Supp.
23 2009, Section 1283), is amended to read as follows:

24 Section 1283. CONVICTED FELONS AND DELINQUENTS

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

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

19 C. It shall be unlawful for any person supervised by the
20 Department of Corrections or any division thereof to have in his or
21 her possession or under his or her immediate control, or at his or
22 her residence, or in any passenger vehicle which the supervised
23 person is operating or is riding as a passenger, any pistol, shotgun
24 or rifle, including any imitation or homemade pistol, altered air or

1 toy pistol, shotgun or rifle, while such person is subject to
2 supervision, probation, parole or inmate status.

3 D. It shall be unlawful for any person previously adjudicated
4 as a delinquent child or a youthful offender for the commission of
5 an offense, which would have constituted a felony offense if
6 committed by an adult, to have in the person's possession or under
7 the person's immediate control, or have in any vehicle which he or
8 she is driving or in which the person is riding as a passenger, or
9 at the person's residence, any pistol, imitation or homemade pistol,
10 altered air or toy pistol, machine gun, sawed-off shotgun or rifle,
11 or any other dangerous or deadly firearm within ten (10) years after
12 such adjudication; provided, that nothing in this subsection shall
13 be construed to prohibit the placement of the person in a home with
14 a full-time duly appointed peace officer who is certified by the
15 Council on Law Enforcement Education and Training (CLEET) pursuant
16 to the provisions of Section 3311 of Title 70 of the Oklahoma
17 Statutes.

18 E. It shall be unlawful for any person who is not lawfully
19 present in the United States to have in the possession of the person
20 or under the immediate control of the person, or in any vehicle
21 which the person is operating, or in which the person is riding as a
22 passenger, or at the residence where the person resides, any pistol,
23 imitation or homemade pistol, altered air or toy pistol, machine
24 gun, sawed-off shotgun or rifle, or any other dangerous or deadly

1 firearm. Any person who violates the provisions of this subsection
2 shall, upon conviction, be guilty of a felony, punishable by
3 imprisonment in the custody of the Department of Corrections for a
4 term of not less than one (1) year nor more than ten (10) years.

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

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

20 ~~G.~~ H. For purposes of this section, "sawed-off shotgun or
21 rifle" shall mean any shotgun or rifle which has been shortened to
22 any length.

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

4 ~~F.~~ J. For purposes of this section, "altered air pistol" shall
5 mean any air pistol manufactured to propel projectiles by air
6 pressure which has been altered from its original manufactured
7 state.

8 SECTION 2. This act shall become effective November 1, 2010.

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