

THE HOUSE OF REPRESENTATIVES
Wednesday, February, 24, 2010

Committee Substitute for
House Bill No. 3341

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3341 - By: CHRISTIAN of the House.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1283, as last amended by Section 1, Chapter 13, O.S.L. 2009 (21 O.S. Supp. 2009, Section 1283), which relates to the unlawful possession of firearms; prohibiting certain persons from possessing firearms; 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 13, O.S.L. 2009 (21 O.S. Supp. 2009, Section 1283), is amended to
3 read as follows:
4 Section 1283. A. Except as provided in subsection B of this section, it shall be
5 unlawful for any person convicted of any felony in any court of this state or of another
6 state or of the United States to have in his or her possession or under his or her
7 immediate control, or in any vehicle which the person is operating, or in which the
8 person is riding as a passenger, or at the residence where the convicted person resides,
9 any pistol, imitation or homemade pistol, altered air or toy pistol, machine gun, sawed-off
10 shotgun or rifle, or any 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 the 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 the 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 provided, that nothing in this subsection shall be construed to prohibit the placement of
22 the person in a home with a full-time duly appointed peace officer who is certified by the

1 Council on Law Enforcement Education and Training (CLEET) pursuant to the
2 provisions of Section 3311 of Title 70 of the Oklahoma Statutes.

3 E. It shall be unlawful for any person who is not lawfully present in the United
4 States to have in his or her possession or under his or her immediate control, or in any
5 vehicle which the person is operating, or in which the person is riding as a passenger, or
6 at the residence where the person resides, any pistol, imitation or homemade pistol,
7 altered air or toy pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous
8 or deadly firearm.

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

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

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

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

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

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

7 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
8 dated 02-23-10 - DO PASS, As Amended.