

3 Senate Bill No. 730

4 SENATE BILL NO. 730 - By: Laster of the Senate and Steele of the
5 House.

6 An Act relating to crimes and punishments; amending 21 O.S.
7 2001, Section 1283, as last amended by Section 1, Chapter
8 162, O.S.L. 2007 (21 O.S. Supp. 2008, Section 1283), which
9 relates to convicted felons and delinquents; permitting
10 placement of certain persons with CLEET-certified peace
11 officers; and providing an effective date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1283, as
14 last amended by Section 1, Chapter 162, O.S.L. 2007 (21 O.S. Supp.
15 2008, Section 1283), is amended to read as follows:

16 Section 1283. A. Except as provided in subsection B of this
17 section, it shall be unlawful for any person convicted of any felony
18 in any court of this state or of another state or of the United
19 States to have in his or her possession or under his or her
20 immediate control, or in any vehicle which the person is operating,
21 or in which the person is riding as a passenger, or at the residence
22 where the convicted person resides, any pistol, imitation or
23 homemade pistol, altered air or toy pistol, machine gun, sawed-off
24 shotgun or rifle, or any other dangerous or deadly firearm.

25 B. Any person who has previously been convicted of a nonviolent
26 felony in any court of this state or of another state or of the

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

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

16 D. It shall be unlawful for any person previously adjudicated
17 as a delinquent child or a youthful offender for the commission of
18 an offense, which would have constituted a felony offense if
19 committed by an adult, to have in ~~said~~ the person's possession or
20 under the person's immediate control, or have in any vehicle which
21 he or she is driving or in which ~~said~~ the person is riding as a
22 passenger, or at the person's residence, any pistol, imitation or
23 homemade pistol, altered air or toy pistol, machine gun, sawed-off

1 shotgun or rifle, or any other dangerous or deadly firearm within
2 ten (10) years after such adjudication; provided, that nothing in
3 this subsection shall be construed to prohibit the placement of the
4 person in a home with a full-time duly appointed peace officer who
5 is certified by the Council on Law Enforcement Education and
6 Training (CLEET) pursuant to the provisions of Section 3311 of Title
7 70 of the Oklahoma Statutes.

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

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

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

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

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

11 SECTION 2. This act shall become effective November 1, 2009.

12 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
13 2-12-09 - DO PASS, As Coauthored.