

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1828

By: Johnson

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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 2008, Section 1283), which relates to weapons  
11 restrictions for convicted felons and delinquents;  
12 authorizing certain nonviolent felons to possess  
13 rifles and shotguns; and providing an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1283, as  
16 last amended by Section 1, Chapter 162, O.S.L. 2007 (21 O.S. Supp.  
17 2008, Section 1283), is amended to read as follows:

18 Section 1283.

19 CONVICTED FELONS AND DELINQUENTS

20 A. Except as provided in subsection B of this section, it shall  
21 be unlawful for any person convicted of any felony in any court of  
22 this state or of another state or of the United States to have in  
23 ~~his or her~~ the possession of the person or under ~~his or her~~ the  
24 immediate control of the person, or in any vehicle which the person  
is operating, or in which the person is riding as a passenger, or at

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

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

14 C. Any person who has previously been convicted of a nonviolent  
15 felony in any court of this state or of another state or of the  
16 United States and has not been convicted of any other felony offense  
17 shall have restored the right to possess for the purpose of hunting  
18 animals or fowl any rifle, as defined in Section 1289.4 of this  
19 title or shotgun, as defined in Section 1289.5 of this title.

20 D. It shall be unlawful for any person supervised by the  
21 Department of Corrections or any division thereof to have in ~~his or~~  
22 ~~her~~ the possession of the person or under ~~his or her~~ the immediate  
23 control of the person, or at ~~his or her~~ the residence of the person,  
24 or in any passenger vehicle which the supervised person is operating

1 or is riding as a passenger, any pistol, shotgun or rifle, including  
2 any imitation or homemade pistol, altered air or toy pistol, shotgun  
3 or rifle, while such person is subject to supervision, probation,  
4 parole or inmate status.

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

16 ~~E.~~ F. Any person having been issued a concealed handgun license  
17 pursuant to the provisions of the Oklahoma Self-Defense Act and who  
18 thereafter knowingly or intentionally allows a convicted felon or  
19 adjudicated delinquent or a youthful offender as prohibited by the  
20 provisions of subsection A, ~~C,~~ D or ~~D~~ E of this section to possess  
21 or have control of any pistol authorized by the Oklahoma Self-  
22 Defense Act shall, upon conviction, be guilty of a felony punishable  
23 by a fine not to exceed Five Thousand Dollars (\$5,000.00). In  
24 addition, the person shall have the handgun license revoked by the

1 Oklahoma State Bureau of Investigation after a hearing and  
2 determination that the person has violated the provisions of this  
3 section.

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

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

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

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

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

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19 52-1-6123 GRS 01/07/09

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