

1 STATE OF OKLAHOMA

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

3 SENATE BILL 514

By: Aldridge

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2001, Section 1273, which relates to allowing
9 minors to possess firearms; prohibiting storage of
10 firearms in certain manner under specified
11 circumstances; stating exceptions; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1273, is
15 amended to read as follows:

Section 1273.

16 ALLOWING MINORS TO POSSESS FIREARMS

17 A. It shall be unlawful for any person within this state to
18 sell or give to any child any of the arms or weapons designated in
19 Section 1272 of this title; provided, the provisions of this section
20 shall not prohibit a parent from giving his or her child a rifle or
21 shotgun for participation in hunting animals or fowl, hunter safety
22 classes, target shooting, skeet, trap or other recognized sporting
23 events, except as provided in subsection B of this section.

1 B. It shall be unlawful for any parent or guardian to
2 intentionally, knowingly, or recklessly permit his or her child to
3 possess any of the arms or weapons designated in Section 1272 of
4 this title, including any rifle or shotgun, if such parent is aware
5 of a substantial risk that the child will use the weapon to commit a
6 criminal offense or if the child has either been adjudicated a
7 delinquent or has been convicted as an adult for any criminal
8 offense.

9 C. It shall be unlawful for any child to possess any of the
10 arms or weapons designated in Section 1272 of this title, except
11 rifles or shotguns used for participation in hunting animals or
12 fowl, hunter safety classes, target shooting, skeet, trap or other
13 recognized sporting event. Provided, the possession of rifles or
14 shotguns authorized by this section shall not authorize the
15 possession of such weapons by any person who is subject to the
16 provisions of Section 1283 of this title.

17 D. It shall be unlawful for any person within this state to
18 store or to keep a loaded firearm or an unloaded firearm with
19 ammunition on premises under his or her control if the person knows
20 or reasonably should know that a child is capable of gaining access
21 to such firearm, and the child obtains the firearm and uses it to
22 threaten or cause the death or serious injury of any person.
23 Provided that, a person is not guilty of this offense if:
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- 1 1. The firearm was stored or kept in a securely locked
2 container;
- 3 2. The firearm was secured by a locking mechanism that makes
4 the firearm inoperable;
- 5 3. The firearm was stored or kept in a dismantled state and at
6 least one part which is essential to the operation of the firearm
7 was stored or kept in a securely locked container;
- 8 4. The firearm was unloaded and the ammunition was stored or
9 kept in a securely locked container;
- 10 5. The child obtained possession of the firearm in an act of
11 self defense;
- 12 6. The child obtained possession of the firearm as a result of
13 unlawful entry on the premises; or
- 14 7. The child was supervised by a person who was twenty-one (21)
15 years of age or older and was engaged in hunting, sporting or any
16 other lawful purpose.

17 E. Any person violating the provisions of this section shall,
18 upon conviction, be punished as provided in Section 1276 of this
19 title, and, any child violating the provisions of this section shall
20 be subject to adjudication as a delinquent. In addition, any person
21 violating the provisions of this section shall be liable for civil
22 damages for any injury or death to any person and for any damage to
23 property resulting from any discharge of a firearm or use of any
24 other weapon as provided in Section 10 of Title 23 of the Oklahoma

1 Statutes. Any person convicted of violating the provisions of this
2 section after having been issued a concealed handgun license
3 pursuant to the provisions of the Oklahoma Self-Defense Act, may be
4 liable for an administrative violation as provided in Section 1276
5 of this title.

6 ~~E.~~ F. As used in this section, "child" means a person under
7 eighteen (18) years of age.

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

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