

1 STATE OF OKLAHOMA

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

3 SENATE BILL 730

By: Laster

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5
6 AS INTRODUCED

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

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

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

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

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

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

20 D. It shall be unlawful for any person previously adjudicated as
21 a delinquent child or a youthful offender for the commission of an
22 offense, which would have constituted a felony offense if committed
23 by an adult, to have in ~~said~~ the person's possession or under the
24 person's immediate control, or have in any vehicle which he or she is

1 driving or in which ~~said~~ the person is riding as a passenger, or at
2 the person's residence, any pistol, imitation or homemade pistol,
3 altered air or toy pistol, machine gun, sawed-off shotgun or rifle,
4 or any other dangerous or deadly firearm within ten (10) years after
5 such adjudication; provided, that nothing in this subsection shall be
6 construed to prohibit the placement of the person in a home with a
7 full-time duly appointed peace officer who is certified by the
8 Council on Law Enforcement Education and Training (CLEET) pursuant to
9 the provisions of Section 3311 of Title 70 of the Oklahoma Statutes.

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

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

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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 mean
5 any toy weapon which has been altered from its original manufactured
6 state to resemble a real weapon.

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

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

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