

1 STATE OF OKLAHOMA

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

3 SENATE BILL 790

By: Aldridge

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6 AS INTRODUCED

7 An Act relating to crimes and punishments; creating
8 the offense of possession of a firearm during
9 commission of a misdemeanor; setting penalties;
10 providing for certain license to be revoked upon
11 hearing and determination of violation; stating
12 liability for certain fine; setting amount of certain
13 fine; defining certain term; providing for
14 codification; providing an effective date; and
15 declaring an emergency.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1287.1 of Title 21, unless there
19 is created a duplication in numbering, reads as follows:

20 A. Any person who, while committing or attempting to commit any
21 misdemeanor specified in this section, possesses any pistol, shotgun
22 or rifle in the commission or attempt to commit the offense, whether
23 the pistol, shotgun or rifle is loaded or not, in addition to the
24 penalty provided by statute for the underlying misdemeanor offense,
upon conviction, shall be guilty of a felony, which shall be a
separate offense punishable by imprisonment in the custody of the

1 Department of Corrections for a term not more than three (3) years
2 for the first offense, and for a term not more than seven (7) years
3 for any second or subsequent offense.

4 B. Any person convicted of violating the provisions of this
5 section after having been issued a concealed handgun license
6 pursuant to the provisions of the Oklahoma Self-Defense Act shall
7 have the license permanently revoked and shall be liable for an
8 administrative fine in the amount of One Thousand Dollars
9 (\$1,000.00) upon a hearing and determination by the Oklahoma State
10 Bureau of Investigation that the person is in violation of the
11 provisions of this section.

12 C. As used in this section, "misdemeanor" means the crime of
13 assault and battery pursuant to Section 644 of Title 21 of the
14 Oklahoma Statutes; aggravated assault and battery as defined by
15 Section 646 of Title 21 of the Oklahoma Statutes; petit larceny as
16 defined by Section 1704 of Title 21 of the Oklahoma Statutes;
17 larceny from a retailer pursuant to Section 1731 of Title 21 of the
18 Oklahoma Statutes; eluding a police officer pursuant to Section 540A
19 of Title 21 of the Oklahoma Statutes; or entering with intent or
20 breaking and entering pursuant to Section 1438 of Title 21 of the
21 Oklahoma Statutes.

22 SECTION 2. This act shall become effective July 1, 2009.

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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