

1 ENGROSSED SENATE
2 BILL NO. 856

By: Russell, Brecheen, Brinkley
and Shortey of the Senate

3 and

4 Wesselhoft of the House
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7 An Act relating to firearm transactions; defining
8 terms; making certain conduct between persons and
9 licensed dealers or private sellers unlawful;
10 providing applicability to other persons under
11 certain circumstances; providing exception; providing
12 penalties; providing for codification; and providing
13 an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1289.28 of Title 21, unless
17 there is created a duplication in numbering, reads as follows:

18 A. For purposes of this section:

19 1. "Licensed dealer" means a person who is licensed pursuant to
20 18 U.S.C., Section 923 and pursuant to any laws of this state and
21 engages in the business of dealing in firearms;

22 2. "Private seller" means a person who sells or offers for sale
23 any firearm, as defined by the laws of this state, or ammunition;

24 3. "Ammunition" means any cartridge, shell, or projectile
designed for use in a firearm; and

1 4. "Materially false information" means information that
2 portrays an illegal transaction as legal or a legal transaction as
3 illegal.

4 B. Any person, who knowingly solicits, persuades, encourages or
5 entices a licensed dealer or private seller of firearms or
6 ammunition to transfer a firearm or ammunition under circumstances
7 which the person knows would violate the laws of this state or the
8 United States is guilty of a felony.

9 C. Any person who provides to a licensed dealer or private
10 seller of firearms or ammunition what the person knows to be
11 materially false information with intent to deceive the dealer or
12 seller about the legality of a transfer of a firearm or ammunition
13 is guilty of a felony.

14 D. Any person who willfully procures another to engage in
15 conduct prohibited by this section shall be held accountable as a
16 principal.

17 E. This section does not apply to a law enforcement officer
18 acting in his or her official capacity or to a person acting at the
19 direction of such law enforcement officer.

20 F. A violation of this section is punishable by a fine not to
21 exceed Five Thousand Dollars (\$5,000.00), a term of imprisonment in
22 the custody of the Department of Corrections not to exceed five (5)
23 years, or by both fine and imprisonment.

24 SECTION 2. This act shall become effective November 1, 2011.

1 Passed the Senate the 9th day of March, 2011.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2011.

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8 _____
9 Presiding Officer of the House
10 of Representatives