

ENROLLED SENATE  
BILL NO. 856

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

and

Wesselhoft, Reynolds, Ritze  
and Kern of the House

An Act relating to firearm transactions; defining terms; making certain conduct between persons and licensed dealers or private sellers unlawful; providing applicability to other persons under certain circumstances; providing exception; providing penalties; providing for codification; and providing an effective date.

SUBJECT: Firearms

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

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

A. For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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Presiding Officer of the Senate

Passed the House of Representatives the 31st day of March, 2011.

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Presiding Officer of the House  
of Representatives