

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1690

By: Russ

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8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to crimes and punishments; amending  
10                   21 O.S. 2001, Section 1283, as last amended by  
11                   Section 1, Chapter 13, O.S.L. 2009 (21 O.S. Supp.  
12                   2010, Section 1283), which relates to possession of  
13                   guns by convicted felons; allowing convicted felons  
14                   to possess weapons under certain circumstances; and  
15                   providing an effective date.

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

17                   SECTION 1.           AMENDATORY           21 O.S. 2001, Section 1283, as  
18                   last amended by Section 1, Chapter 13, O.S.L. 2009 (21 O.S. Supp.  
19                   2010, Section 1283), is amended to read as follows:

20                   Section 1283.   A.   Except as provided in subsection B or C of  
21                   this section, it shall be unlawful for any person convicted of any  
22                   felony in any court of this state or of another state or of the  
23                   United States to have in his or her possession or under his or her  
24                   immediate control, or in any vehicle which the person is operating,

1 or in which the person is riding as a passenger, or at the residence  
2 where the convicted person resides, any pistol, imitation or  
3 homemade pistol, altered air or toy pistol, machine gun, sawed-off  
4 shotgun or rifle, or any other dangerous or deadly firearm.

5 B. Any person who has previously been convicted of a nonviolent  
6 felony in any court of this state or of another state or of the  
7 United States, ~~and who has received a full and complete pardon from~~  
8 ~~the proper authority~~ completed the sentencing and probation period  
9 for such conviction, and has not been convicted of any other felony  
10 offense ~~which has not been pardoned~~ since such conviction, shall be  
11 considered to have a full and complete pardon by the proper legal  
12 authority for the State of Oklahoma and shall have restored the  
13 right to possess any firearm or other weapon ~~prohibited by~~  
14 ~~subsection A of this section~~, the right to apply for and carry a  
15 concealed handgun pursuant to the Oklahoma Self-Defense Act and the  
16 right to perform the duties of a peace officer, gunsmith, or for  
17 firearms repair.

18 C. Any person who has previously been convicted of a violent  
19 felony in any court of this state or of another state or of the  
20 United States, and who has received a full and complete pardon from  
21 the proper authority and has not been convicted of any other felony  
22 offense which has not been pardoned, shall have restored the right  
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1 to possess any legal shotgun, rifle, handgun, or weapon, and the  
2 right to perform the duties of a gunsmith or for firearms repair.

3 D. It shall be unlawful for any person supervised by the  
4 Department of Corrections or any division thereof to have in his or  
5 her possession or under his or her immediate control, or at his or  
6 her residence, or in any passenger vehicle which the supervised  
7 person is operating or is riding as a passenger, any pistol, shotgun  
8 or rifle, including any imitation or homemade pistol, altered air or  
9 toy pistol, shotgun or rifle, while such person is subject to  
10 supervision, probation, parole or inmate status.

11 ~~D.~~ E. It shall be unlawful for any person previously  
12 adjudicated as a delinquent child or a youthful offender for the  
13 commission of an offense, which would have constituted a felony  
14 offense if committed by an adult, to have in the person's possession  
15 or under the person's immediate control, or have in any vehicle  
16 which he or she is driving or in which the person is riding as a  
17 passenger, or at the person's residence, any pistol, imitation or  
18 homemade pistol, altered air or toy pistol, machine gun, sawed-off  
19 shotgun or rifle, or any other dangerous or deadly firearm within  
20 ten (10) years after such adjudication; provided, that nothing in  
21 this subsection shall be construed to prohibit the placement of the  
22 person in a home with a full-time duly appointed peace officer who  
23 is certified by the Council on Law Enforcement Education and

1 Training (CLEET) pursuant to the provisions of Section 3311 of Title  
2 70 of the Oklahoma Statutes.

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

15 ~~F.~~ G. Any convicted or adjudicated person violating the  
16 provisions of this section shall, upon conviction, be guilty of a  
17 felony punishable as provided in Section 1284 of this title.

18 ~~G.~~ H. For purposes of this section, "sawed-off shotgun or  
19 rifle" shall mean any shotgun or rifle which has been shortened to  
20 any length.

21 ~~H.~~ I. For purposes of this section, "altered toy pistol" shall  
22 mean any toy weapon which has been altered from its original  
23 manufactured state to resemble a real weapon.

1 For purposes of this section, "altered air pistol" shall mean  
2 any air pistol manufactured to propel projectiles by air pressure  
3 which has been altered from its original manufactured state.

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

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6 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03-03-2011 -  
7 DO PASS, As Amended.  
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