

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1775 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Todd Russ

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1775

By: Russ

7
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to crimes and punishments; amending
10 21 O.S. 2011, Section 1283, as amended by Section 9,
11 Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012, Section
12 1283), which relates to possession of firearms by
13 convicted felons and delinquents; modifying list of
14 prohibited weapons; modifying qualifications for
15 possessing firearms after certain conviction;
16 deleting defined terms; defining term; providing
17 process for submitting criminal history verification
18 forms to district court clerks; establishing fee;
19 directing district court clerks to verify criminal
20 history records; directing court clerks to sign and
21 file forms in criminal case files; authorizing
22 resubmission of criminal history verification form;
23 directing deposit of fees into certain revolving
24 fund; directing the Administrative Office of the
Courts to develop certain form; defining term;
providing for codification; and providing an
effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1283, as
amended by Section 9, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
Section 1283), is amended to read as follows:

1 Section 1283.

2 CONVICTED FELONS AND DELINQUENTS

3 A. Except as provided in subsection B of this section, it shall
4 be unlawful for any person convicted of any felony in any court of
5 this state or of another state or of the United States to have in
6 his or her possession or under his or her immediate control, or in
7 any vehicle which the person is operating, or in which the person is
8 riding as a passenger, or at the residence where the convicted
9 person resides, any pistol, ~~imitation or homemade pistol, altered~~
10 ~~air or toy pistol,~~ machine gun, or sawed-off shotgun or sawed-off
11 ~~rifle, or any other dangerous or deadly firearm.~~

12 B. Any person who has previously been convicted of a nonviolent
13 felony in any court of this state or of another state or of the
14 United States, ~~and who has received a full and complete pardon from~~
15 ~~the proper authority and~~ completed the sentencing and probation
16 period for such conviction, has not been convicted of any other
17 felony offense ~~which has not been pardoned~~ since such conviction,
18 and has obtained a criminal history verification form signed by the
19 court clerk of the county in which the previous felony conviction
20 occurred, shall have restored the right to possess any firearm or
21 other weapon ~~prohibited by subsection A of this section,~~ the right
22 to apply for and carry a handgun, concealed or unconcealed, pursuant
23 to the Oklahoma Self-Defense Act and the right to perform the duties
24

1 of a peace officer, gunsmith, or for firearms repair. The
2 provisions of this subsection shall not apply to persons who:

3 1. Have been convicted of an offense listed in Section 571 of
4 Title 57 of the Oklahoma Statutes;

5 2. Have been convicted of violating the Trafficking in Illegal
6 Drugs Act;

7 3. Have been convicted of an offense that resulted in personal
8 injury to another person; or

9 4. Have been convicted of an offense wherein a firearm was used
10 in any manner during the commission of the crime; provided, however,
11 the provisions of this paragraph specifically exclude those persons
12 convicted of possessing a firearm after a felony conviction.

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

22 D. It shall be unlawful for any person previously adjudicated
23 as a delinquent child or a youthful offender for the commission of
24 an offense, which would have constituted a felony offense if

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

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

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

4 G. For purposes of this section, "sawed-off shotgun or sawed-
5 off rifle" shall mean any shotgun or rifle which has been shortened
6 to any unlawful length.

7 H. For purposes of this section, ~~"altered toy pistol"~~ shall
8 ~~mean any toy weapon which has been altered from its original~~
9 ~~manufactured state to resemble a real weapon~~ "criminal history
10 verification form" means a form of no more than two pages in length
11 and which includes the name, physical and mailing address of the
12 person, all criminal convictions, Social Security number of the
13 person and any other information necessary to perform a background
14 check by the court clerk through the Oklahoma State Courts Network
15 or other systems publicly recognized as a reliable provider for the
16 offices of the court clerk. The form shall be completed and signed
17 by the person. The contents of the form shall be verified and
18 signed by the district court clerk of the county in which the
19 previous nonviolent felony conviction occurred pursuant to the
20 provisions of Section 2 of this act.

21 ~~I. For purposes of this section, "altered air pistol" shall~~
22 ~~mean any air pistol manufactured to propel projectiles by air~~
23 ~~pressure which has been altered from its original manufactured~~
24 ~~state.~~

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1283.1 of Title 21, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Effective November 1, 2013, any person seeking to have his
5 or her right to possess a firearm restored pursuant to subsection B
6 of Section 1283 of Title 21 of the Oklahoma Statutes shall obtain a
7 criminal history verification form from the district court clerk of
8 the county where the previous nonviolent felony conviction occurred.
9 Upon completing the form, the person shall submit the form and a
10 nonrefundable criminal history verification fee of Two Hundred
11 Dollars (\$200.00) to the district court clerk or an amount
12 determined to be sufficient to cover the costs to the court clerk's
13 office.

14 B. Upon receipt of the completed verification form and required
15 fee, the district court clerk shall conduct a records search of the
16 Oklahoma State Courts Network or other systems publicly recognized
17 as a reliable provider for the offices of the court clerk to verify
18 the following:

19 1. That the sentencing and probation period the person received
20 for the nonviolent felony conviction has expired;

21 2. That all fines, fees, costs and restitution, if assessed,
22 have been paid in full; and

23 3. That the person has not subsequently been convicted of any
24 other felony offense.

1 C. Once verified, the district court clerk shall sign and file
2 the criminal history verification form in the criminal case file of
3 the person and shall transmit a copy of the form to the Oklahoma
4 State Bureau of Investigation for the purpose of updating the
5 criminal history record of the person. If the district court clerk
6 verifies that the sentencing and probation period for the nonviolent
7 felony conviction has not expired or the person has subsequently
8 been convicted of a felony offense, the district court clerk shall
9 disapprove and reject the filing of the form and shall return said
10 form to the person. Nothing in this section shall be construed to
11 prohibit any person from resubmitting a criminal history
12 verification form with the required fee for verification and
13 approval after a prior disapproval by the district court clerk.

14 D. All fees collected pursuant to this section shall be
15 deposited into the Court Clerk's Revolving Fund, created pursuant to
16 Section 220 of Title 19 of the Oklahoma Statutes.

17 E. The Administrative Office of the Courts shall develop a
18 standard form pursuant to the provisions of this section to ensure
19 statewide uniformity.

20 F. As used in this section, "criminal history verification
21 form" means a form of no more than two pages in length and which
22 includes the name, physical and mailing address of the person, all
23 criminal convictions, Social Security number of the person and any
24 other information necessary to perform a background check by the

1 court clerk through the Oklahoma State Courts Network or other
2 systems publicly recognized as a reliable provider for the offices
3 of the court clerk.

4 SECTION 3. This act shall become effective November 1, 2013.

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