

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1775

By: Russ

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6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Section 1283, as amended by Section 9,
9 Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012, Section
10 1283), which relates to possession of firearms by
convicted felons and delinquents; allowing convicted
felons to possess weapons under certain
circumstances; and providing an effective date.

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

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

17 Section 1283.

18 CONVICTED FELONS AND DELINQUENTS

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

1 convicted person resides, any pistol, imitation or homemade pistol,
2 altered air or toy pistol, machine gun, sawed-off shotgun or rifle,
3 or any other dangerous or deadly firearm.

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

15 C. Any person who has previously been convicted of a violent
16 felony in any court of this state or of another state or of the
17 United States, has completed the sentencing and probation period for
18 such conviction, has received a full and complete pardon from the
19 proper authority, and has not been convicted of any other felony
20 offense, shall have restored the right to possess any firearm or
21 other weapon, and the right to perform the duties of a gunsmith or
22 for firearms repair.

23 D. It shall be unlawful for any person supervised by the
24 Department of Corrections or any division thereof to have in his or

1 her possession or under his or her immediate control, or at his or
2 her residence, or in any passenger vehicle which the supervised
3 person is operating or is riding as a passenger, any pistol, shotgun
4 or rifle, including any imitation or homemade pistol, altered air or
5 toy pistol, shotgun or rifle, while such person is subject to
6 supervision, probation, parole or inmate status.

7 ~~D.~~ E. It shall be unlawful for any person previously
8 adjudicated as a delinquent child or a youthful offender for the
9 commission of an offense, which would have constituted a felony
10 offense if committed by an adult, to have in the possession of the
11 person or under the immediate control of the person, or have in any
12 vehicle which he or she is driving or in which the person is riding
13 as a passenger, or at the residence of the person, any pistol,
14 imitation or homemade pistol, altered air or toy pistol, machine
15 gun, sawed-off shotgun or rifle, or any other dangerous or deadly
16 firearm within ten (10) years after such adjudication; provided,
17 that nothing in this subsection shall be construed to prohibit the
18 placement of the person in a home with a full-time duly appointed
19 peace officer who is certified by the Council on Law Enforcement
20 Education and Training (CLEET) pursuant to the provisions of Section
21 3311 of Title 70 of the Oklahoma Statutes.

22 ~~E.~~ F. Any person having been issued a handgun license pursuant
23 to the provisions of the Oklahoma Self-Defense Act and who
24 thereafter knowingly or intentionally allows a convicted felon or

1 adjudicated delinquent or a youthful offender as prohibited by the
2 provisions of subsection A, ~~C~~, D, or ~~D~~ E of this section to possess
3 or have control of any pistol authorized by the Oklahoma Self-
4 Defense Act shall, upon conviction, be guilty of a felony punishable
5 by a fine not to exceed Five Thousand Dollars (\$5,000.00). In
6 addition, the person shall have the handgun license revoked by the
7 Oklahoma State Bureau of Investigation after a hearing and
8 determination that the person has violated the provisions of this
9 section.

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

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

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

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

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1 SECTION 2. This act shall become effective November 1, 2013.

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