

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 HOUSE BILL 2840

 By: McCall of the House

5 and

6 Brecheen of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to crimes and punishments; amending
11 21 O.S. 2011, Section 1283, as amended by Section 9,
12 Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2013, Section
13 1283), which relates to the possession of firearms;
14 clarifying scope of certain prohibited act; defining
15 term; and providing an effective date.

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

17 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1283, as
18 amended by Section 9, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2013,
19 Section 1283), is amended to read as follows:

20 Section 1283.

21 CONVICTED FELONS AND DELINQUENTS

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

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

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

16 C. It shall be unlawful for any person ~~supervised by the~~
17 ~~Department of Corrections or any division thereof~~ serving a term of
18 probation for any felony in any court of this state or of another
19 state or of the United States or under the jurisdiction of any
20 alternative court program to have in his or her possession or under
21 his or her immediate control, or at his or her residence, or in any
22 passenger vehicle which the ~~supervised~~ person is operating or is
23 riding as a passenger, any pistol, shotgun or rifle, including any
24 imitation or homemade pistol, altered air or toy pistol, shotgun or

1 rifle, while such person is subject to supervision, probation,
2 parole or inmate status.

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

18 E. Any person having been issued a handgun license pursuant to
19 the provisions of the Oklahoma Self-Defense Act and who thereafter
20 knowingly or intentionally allows a convicted felon or adjudicated
21 delinquent or a youthful offender as prohibited by the provisions of
22 subsection A, C, or D of this section to possess or have control of
23 any pistol authorized by the Oklahoma Self-Defense Act shall, upon
24 conviction, be guilty of a felony punishable by a fine not to exceed

1 Five Thousand Dollars (\$5,000.00). In addition, the person shall
2 have the handgun license revoked by the Oklahoma State Bureau of
3 Investigation after a hearing and determination that the person has
4 violated the provisions of this section.

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

8 G. For purposes of this section, "sawed-off shotgun or rifle"
9 shall mean any shotgun or rifle which has been shortened to any
10 length.

11 H. For purposes of this section, "altered toy pistol" shall
12 mean any toy weapon which has been altered from its original
13 manufactured state to resemble a real weapon.

14 I. For purposes of this section, "altered air pistol" shall
15 mean any air pistol manufactured to propel projectiles by air
16 pressure which has been altered from its original manufactured
17 state.

18 J. For purposes of this section, "alternative court program"
19 shall mean any drug court, Anna McBride or mental health court, DUI
20 court or veterans court.

21 SECTION 2. This act shall become effective November 1, 2014.

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23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/26/2014 - DO
24 PASS, As Coauthored.