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March 19, 2014

ENGROSSED HOUSE
BILL NO. 2840

By: McCall of the House

and

Brecheen of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1283, as amended by Section 9, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2013, Section 1283), which relates to the possession of firearms; clarifying scope of certain prohibited act; defining term; 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. 2013, Section 1283), is amended to read as follows:

Section 1283.

CONVICTED FELONS AND DELINQUENTS

A. Except as provided in subsection B of this section, it shall be unlawful for any person convicted of any felony in any court of 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 any vehicle which the person is operating, or in which the person is riding as a passenger, or at the residence where the convicted

1 person resides, any pistol, imitation or homemade pistol, altered
2 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
3 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 and has not been convicted of any other felony
8 offense which has not been pardoned, shall have restored the right
9 to possess any firearm or other weapon prohibited by subsection A of
10 this section, the right to apply for and carry a handgun, concealed
11 or unconcealed, pursuant to the Oklahoma Self-Defense Act and the
12 right to perform the duties of a peace officer, gunsmith, or for
13 firearms repair.

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

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

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

1 Investigation after a hearing and determination that the person has
2 violated the provisions of this section.

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

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

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

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

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
21 March 19, 2014 - DO PASS
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