

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1752

By: Newberry

6 AS INTRODUCED

7 An Act relating to possession of firearms; amending  
8 21 O.S. 2011, Section 1283, as amended by Section 9,  
Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2013, Section  
9 1283), which relates to convicted felons and  
10 delinquents; adding exception to who can possess or  
control certain firearms under certain circumstances;  
and providing an effective date.

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

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

16 Section 1283.

17 CONVICTED FELONS AND DELINQUENTS

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

1 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any  
2 other dangerous or deadly firearm.

3 B. The following persons shall have restored the right to  
4 possess any firearm or other weapon prohibited by subsection A of  
5 this section, the right to apply for and carry a handgun, concealed  
6 or unconcealed, pursuant to the Oklahoma Self-Defense Act and the  
7 right to perform the duties of a peace officer, gunsmith, or for  
8 firearms repair:

9 1. Any person who has previously been convicted of a nonviolent  
10 felony in any court of this state or of another state or of the  
11 United States, and who has received a full and complete pardon from  
12 the proper authority and has not been convicted of any other felony  
13 offense which has not been pardoned7; or

14 2. Any person who has previously been convicted of any felony  
15 in any court of this state or of another state of the United States,  
16 and the final determination of the matter has been at least twenty  
17 (20) years and the person has not been convicted of any other felony  
18 ~~shall have restored the right to possess any firearm or other weapon~~  
19 ~~prohibited by subsection A of this section, the right to apply for~~  
20 ~~and carry a handgun, concealed or unconcealed, pursuant to the~~  
21 ~~Oklahoma Self-Defense Act and the right to perform the duties of a~~  
22 ~~peace officer, gunsmith, or for firearms repair.~~

23 C. 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. It shall be unlawful for any person previously adjudicated  
8 as a delinquent child or a youthful offender for the commission of  
9 an offense, which would have constituted a felony offense if  
10 committed by an adult, to have in the possession of the person or  
11 under the immediate control of the person, or have in any vehicle  
12 which he or she is driving or in which the person is riding as a  
13 passenger, or at the residence of the person, any pistol, imitation  
14 or homemade pistol, altered air or toy pistol, machine gun, sawed-  
15 off shotgun or rifle, or any other dangerous or deadly firearm  
16 within ten (10) years after such adjudication; provided, that  
17 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. Any person having been issued a handgun license pursuant to  
23 the provisions of the Oklahoma Self-Defense Act and who thereafter  
24 knowingly or intentionally allows a convicted felon or adjudicated

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

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

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

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

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

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

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