

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 HOUSE BILL 2866

 By: Christian and Cleveland

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6
7 AS INTRODUCED

8 An Act relating to crimes and punishments; amending
9 21 O.S. 2011, Section 1283, as last amended by
10 Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.
11 2015, Section 1283), which relates to the unlawful
 possession of firearm; prohibiting certain persons
 from possessing firearm; updating statutory
 citations; and providing an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1283, as
16 last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.
17 2015, Section 1283), is amended to read as follows:

18 Section 1283.

19 CONVICTED FELONS AND DELINQUENTS

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

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

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

15 C. It shall be unlawful for any person 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 person is operating or is riding as a
21 passenger, any pistol, shotgun or rifle, including any imitation or
22 homemade pistol, altered air or toy pistol, shotgun or rifle, while
23 such person is subject to supervision, probation, parole or inmate
24 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. It shall be unlawful for any person who is not lawfully
17 present in the United States to have in the possession of the person
18 or under the immediate control of the person, or in any vehicle
19 which the person is operating or in which the person is riding as a
20 passenger, or at the residence where the person resides, any pistol,
21 imitation or homemade pistol, altered air or toy pistol, machine
22 gun, sawed-off shotgun, rifle or any other dangerous or deadly
23 firearm.
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1 F. Any person having been issued a handgun license pursuant to
2 the provisions of the Oklahoma Self-Defense Act and who thereafter
3 knowingly or intentionally allows a convicted felon ~~or~~, adjudicated
4 delinquent ~~or a~~, youthful offender, or person that is not lawfully
5 present in the United States, as prohibited by the provisions of
6 subsection A, C, ~~or D~~ or E of this section, to possess or have
7 control of any pistol authorized by the Oklahoma Self-Defense Act
8 shall, upon conviction, be guilty of a felony punishable by a fine
9 not to exceed Five Thousand Dollars (\$5,000.00). In addition, the
10 person shall have the handgun license revoked by the Oklahoma State
11 Bureau of Investigation after a hearing and determination that the
12 person has violated the provisions of this section.

13 F. Any ~~convicted or adjudicated~~ person violating the provisions
14 of subsection A, C, D or E of this section shall, upon conviction,
15 be guilty of a felony punishable as provided in Section 1284 of this
16 title.

17 G. For purposes of this section, ~~"sawed-off shotgun or rifle"~~
18 ~~shall mean:~~

19 1. "Sawed-off shotgun or rifle" means any shotgun or rifle
20 which has been shortened to any length.

21 ~~H. For purposes of this section, "altered toy pistol" shall~~
22 ~~mean;~~

1 2. "Altered toy pistol" means any toy weapon which has been
2 altered from its original manufactured state to resemble a real
3 weapon.

4 ~~I. For purposes of this section, "altered air pistol" shall~~
5 ~~mean;~~

6 3. "Altered air pistol" means any air pistol manufactured to
7 propel projectiles by air pressure which has been altered from its
8 original manufactured state.

9 ~~J. For purposes of this section, "alternative court program"~~
10 ~~shall mean; and~~

11 4. "Alternative court program" means any drug court, Anna
12 McBride or mental health court, DUI court or veterans court.

13 SECTION 2. This act shall become effective November 1, 2016.

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15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/18/2016 -
16 DO PASS, As Coauthored.