

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 798

By: Smalley

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5  
6 AS INTRODUCED

7 An Act relating to firearm rights; amending 21 O.S.  
8 2011, Section 1283, as last amended by Section 1,  
Chapter 179, O.S.L. 2014 (21 O.S. Supp. 2014, Section  
9 1283), which relates to convicted felons and  
delinquents; authorizing certain persons to petition  
10 governor for restoration of certain rights;  
authorizing restoration of certain rights at  
11 discretion of governor; modifying definitions; 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 2014, 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. Any person who has previously been convicted of a violent  
16 felony enumerated in Section 571 of Title 57 of the Oklahoma  
17 Statutes in any court of this state or of another state or of the  
18 United States, and who has received a full and complete pardon from  
19 the proper authority and has not been convicted of any other felony  
20 offense which has not been pardoned, may petition the governor of  
21 this state to have his or her rights restored to possess any firearm  
22 or other weapon prohibited by subsection A of this section, the  
23 right to apply for and carry and handgun, concealed or unconcealed,  
24 pursuant to the Oklahoma Self-Defense Act. The Governor shall have

1 discretion to restore all or some of the rights set forth in this  
2 subsection.

3 D. It shall be unlawful for any person serving a term of  
4 probation for any felony in any court of this state or of another  
5 state or of the United States or under the jurisdiction of any  
6 alternative court program to have in his or her possession or under  
7 his or her immediate control, or at his or her residence, or in any  
8 passenger vehicle which the person is operating or is riding as a  
9 passenger, any pistol, shotgun or rifle, including any imitation or  
10 homemade pistol, altered air or toy pistol, shotgun or rifle, while  
11 such person is subject to supervision, probation, parole or inmate  
12 status.

13 ~~D.~~ E. It shall be unlawful for any person previously  
14 adjudicated as a delinquent child or a youthful offender for the  
15 commission of an offense, which would have constituted a felony  
16 offense if committed by an adult, to have in the possession of the  
17 person or under the immediate control of the person, or have in any  
18 vehicle which he or she is driving or in which the person is riding  
19 as a passenger, or at the residence of the person, any pistol,  
20 imitation or homemade pistol, altered air or toy pistol, machine  
21 gun, sawed-off shotgun or rifle, or any other dangerous or deadly  
22 firearm within ten (10) years after such adjudication; provided,  
23 that nothing in this subsection shall be construed to prohibit the  
24 placement of the person in a home with a full-time duly appointed

1 peace officer who is certified by the Council on Law Enforcement  
2 Education and Training (CLEET) pursuant to the provisions of Section  
3 3311 of Title 70 of the Oklahoma Statutes.

4 ~~E.~~ F. Any person having been issued a handgun license pursuant  
5 to the provisions of the Oklahoma Self-Defense Act and who  
6 thereafter knowingly or intentionally allows a convicted felon or  
7 adjudicated delinquent or a youthful offender as prohibited by the  
8 provisions of subsection A, ~~C~~ D, or ~~D~~ E of this section to possess  
9 or have control of any pistol authorized by the Oklahoma Self-  
10 Defense Act shall, upon conviction, be guilty of a felony punishable  
11 by a fine not to exceed Five Thousand Dollars (\$5,000.00). In  
12 addition, the person shall have the handgun license revoked by the  
13 Oklahoma State Bureau of Investigation after a hearing and  
14 determination that the person has violated the provisions of this  
15 section.

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

19 ~~G.~~ H. For purposes of this section, 7:

20 1. "Altered air pistol" means any air pistol manufactured to  
21 propel projectiles by air pressure which has been altered from its  
22 original manufactured state;

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        3. "Alternative court program" means any drug court, Anna  
5 McBride or mental health court, DUI court or veterans court; and

6        4. "~~sawed-off~~ Sawed-off shotgun or rifle" shall ~~mean~~ means any  
7 shotgun or rifle which has been shortened to any length.

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

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

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

18        SECTION 2. This act shall become effective November 1, 2015.

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20        55-1-456                      TEK                      2/18/2016 7:12:37 PM  
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