

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3369 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Kevin Wallace

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 3369

By: Wallace

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; creating Austin Almanza's Law; prohibiting the sale of or providing a crossbow to any child with exception; providing further exception; prohibiting a child from possessing a crossbow with exception; providing penalties; authorizing civil damages; defining terms; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1273A of Title 21, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as "Austin Almanza's Law".

B. It shall be unlawful for any person within this state to sell or give to any child a crossbow; provided, the provisions of this section shall not prohibit a parent of a child or legal guardian of a child from giving the child a crossbow for

1 participation in hunting animals or fowl, hunter safety classes,
2 education and training in the safe use and handling of a crossbow;
3 and provided further, all hunting activities shall be in compliance
4 with youth hunting laws provided in Sections 4-112 and 4-112A of
5 Title 29 of the Oklahoma Statutes.

6 C. It shall be unlawful for any parent or guardian to
7 intentionally, knowingly or recklessly permit his or her child to
8 possess a crossbow, if such parent or guardian is aware of a
9 substantial risk that the child will use the weapon to commit a
10 criminal offense or if the child has either been adjudicated a
11 delinquent or has been convicted as an adult for any criminal
12 offense that contains as an element the threat or use of physical
13 force against the person of another.

14 D. It shall be unlawful for any child to possess a crossbow,
15 except used for participation in hunting animals or fowl, hunter
16 safety classes, education and training in the safe use and handling
17 of a crossbow; provided, all hunting activities shall be in
18 compliance with youth hunting laws provided in Sections 4-112 and 4-
19 112A of Title 29 of the Oklahoma Statutes.

20 E. Any person violating the provisions of this section shall,
21 upon a first conviction, be adjudged guilty of a misdemeanor and the
22 party offending shall be punished by a fine of not less than Two
23 Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars
24 (\$500.00), or by imprisonment in the county jail for a period not to

1 exceed thirty (30) days or both such fine and imprisonment. On the
2 second and every subsequent violation, the party offending shall,
3 upon conviction, be punished by a fine of not less than Five Hundred
4 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or
5 by imprisonment in the county jail for a period not less than thirty
6 (30) days nor more than three (3) months, or by both such fine and
7 imprisonment. Any child violating the provisions of this section
8 shall be subject to adjudication as a delinquent. In addition, any
9 person violating the provisions of subsection A or B of this section
10 shall be liable for civil damages for any injury or death to any
11 person and for any damage to property, as provided in Section 10 of
12 Title 23 of the Oklahoma Statutes, resulting from any discharge of a
13 crossbow by the child that the person had given to the child or
14 permitted the child to possess.

15 F. As used in this section:

16 1. "Child" means a person under eighteen (18) years of age; and

17 2. "Crossbow" means a weapon consisting of a bow, with a draw
18 weight of one hundred (100) pounds or more, mounted transversely on
19 a stock or frame and designed to fire an arrow, bolt or quarrel by
20 the release of a bow string controlled by a mechanical or electric
21 trigger with a working safety.

22 SECTION 2. This act shall become effective November 1, 2018.
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24 56-2-9652 AMM 02/05/18

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