

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 COMMITTEE SUBSTITUTE
4 FOR

HOUSE BILL NO. 3369

By: Wallace

7 COMMITTEE SUBSTITUTE

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

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

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

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

22 B. It shall be unlawful for any person within this state to
23 sell or give to any child a crossbow; provided, the provisions of
24 this section shall not prohibit a parent of a child or legal
guardian of a child from giving the child a crossbow for
participation in hunting animals or fowl, hunter safety classes,

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

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

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

19 E. Any person violating the provisions of this section shall,
20 upon a first conviction, be adjudged guilty of a misdemeanor and the
21 party offending shall be punished by a fine of not less than Two
22 Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars
23 (\$500.00), or by imprisonment in the county jail for a period not to
24 exceed thirty (30) days or both such fine and imprisonment. On the

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

14 F. As used in this section:

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

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

21 SECTION 2. This act shall become effective November 1, 2018.

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