

1 ENGROSSED HOUSE  
2 BILL NO. 3369

By: Wallace of the House

3 and

4 Smalley of the Senate

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6  
7 An Act relating to crimes and punishments; creating  
8 Austin Almanza's Law; prohibiting the sale of or  
9 providing a crossbow to any child with exception;  
10 providing further exception; prohibiting a child from  
11 possessing a crossbow with exception; providing  
12 penalties; authorizing civil damages; defining terms;  
13 providing for codification; and providing an  
14 effective date.

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

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

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

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

1 and provided further, all hunting activities shall be in compliance  
2 with youth hunting laws provided in Sections 4-112 and 4-112A of  
3 Title 29 of the Oklahoma Statutes.

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

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

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

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

13 F. As used in this section:

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

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

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

1 Passed the House of Representatives the 7th day of March, 2018.

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4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2018.

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8 Presiding Officer of the Senate