

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3369

By: Wallace of the House

and

Smalley of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

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

1 B. It shall be unlawful for any person within this state to
2 sell or give to any child a crossbow; provided, the provisions of
3 this section shall not prohibit a parent of a child or legal
4 guardian of a child from giving the child a crossbow for
5 participation in hunting animals or fowl, hunter safety classes,
6 education and training in the safe use and handling of a crossbow;
7 and provided further, all hunting activities shall be in compliance
8 with youth hunting laws provided in Sections 4-112 and 4-112A of
9 Title 29 of the Oklahoma Statutes.

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

18 D. It shall be unlawful for any child to possess a crossbow,
19 except used for participation in hunting animals or fowl, hunter
20 safety classes, education and training in the safe use and handling
21 of a crossbow; provided, all hunting activities shall be in
22 compliance with youth hunting laws provided in Sections 4-112 and 4-
23 112A of Title 29 of the Oklahoma Statutes.

1 E. Any person violating the provisions of this section shall,
2 upon a first conviction, be adjudged guilty of a misdemeanor and the
3 party offending shall be punished by a fine of not less than Two
4 Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars
5 (\$500.00), or by imprisonment in the county jail for a period not to
6 exceed thirty (30) days or both such fine and imprisonment. On the
7 second and every subsequent violation, the party offending shall,
8 upon conviction, be punished by a fine of not less than Five Hundred
9 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or
10 by imprisonment in the county jail for a period not less than thirty
11 (30) days nor more than three (3) months, or by both such fine and
12 imprisonment. Any child violating the provisions of this section
13 shall be subject to adjudication as a delinquent. In addition, any
14 person violating the provisions of subsection A or B of this section
15 shall be liable for civil damages for any injury or death to any
16 person and for any damage to property, as provided in Section 10 of
17 Title 23 of the Oklahoma Statutes, resulting from any discharge of a
18 crossbow by the child that the person had given to the child or
19 permitted the child to possess.

20 F. As used in this section:

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

22 2. "Crossbow" means a weapon consisting of a bow, with a draw
23 weight of one hundred (100) pounds or more, mounted transversely on
24 a stock or frame and designed to fire an arrow, bolt or quarrel by

1 the release of a bow string controlled by a mechanical or electric
2 trigger with a working safety.

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

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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/12/2018 - DO
6 PASS, As Amended and Coauthored.

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