

1 **SENATE FLOOR VERSION**

2 April 12, 2018

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 3369

6 By: Wallace of the House

7 and

8 Smalley of the Senate

9 **[crimes and punishments - Austin Almanza's Law -**
10 **crossbow - codification - effective date]**

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

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

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

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

1 with youth hunting laws provided in Sections 4-112 and 4-112A of
2 Title 29 of the Oklahoma Statutes.

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

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

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

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

12 F. As used in this section:

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

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
21 April 12, 2018 - DO PASS AS AMENDED
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