

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3369

By: Wallace

6 AS INTRODUCED

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.

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

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

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

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

1 education and training in the safe use and handling of crossbow;
2 provided, all hunting activities shall be in compliance with youth
3 hunting laws provided in Sections 4-112 and 4-112A of Title 29 of
4 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 One
22 Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars
23 (\$250.00), 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 Two Hundred
3 Fifty Dollars (\$250.00) nor more than Five Hundred Dollars
4 (\$500.00), or by imprisonment in the county jail for a period not
5 less than thirty (30) days nor more than three (3) months, or by
6 both such fine and imprisonment. Any child violating the provisions
7 of this section shall be subject to adjudication as a delinquent.
8 In addition, any person violating the provisions of subsection A or
9 B of this section shall be liable for civil damages for any injury
10 or death to any person and for any damage to property, as provided
11 in Section 10 of Title 23 of the Oklahoma Statutes, resulting from
12 any discharge of a crossbow by the child that the person had given
13 to the child or 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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