

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 46

By: Scott

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5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,
8 Section 1283, as last amended by Section 1, Chapter
9 179, O.S.L. 2014 (21 O.S. Supp. 2018, Section 1283),
10 which relates to convicted felons and delinquents;
11 removing certain restriction; modifying certain
12 inclusions; and providing an effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1283, as
15 last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.
16 2017, Section 1283), is amended to read as follows:

Section 1283.

17 CONVICTED FELONS AND DELINQUENTS

18 A. Except as provided in subsection B of this section, it shall
19 be unlawful for any person convicted of any felony in any court of
20 this state or of another state or of the United States to have in
21 his or her possession or under his or her immediate control, or in
22 any vehicle which the person is operating, ~~or in which the person is~~
23 ~~riding as a passenger,~~ or at the residence where the convicted
24 person resides, any pistol, imitation or homemade pistol, altered

1 air or toy pistol, ~~machine gun, sawed-off shotgun or rifle,~~ or any
2 other ~~dangerous or deadly~~ firearm.

3 B. Any person who has previously been convicted of a nonviolent
4 felony in any court of this state or of another state or of the
5 United States, and who has received a full and complete pardon from
6 the proper authority and has not been convicted of any other felony
7 offense which has not been pardoned, shall have restored the right
8 to possess any firearm or other weapon prohibited by subsection A of
9 this section, the right to apply for and carry a handgun, concealed
10 or unconcealed, pursuant to the Oklahoma Self-Defense Act and the
11 right to perform the duties of a peace officer, gunsmith, or for
12 firearms repair.

13 C. It shall be unlawful for any person serving a term of
14 probation for any felony in any court of this state or of another
15 state or of the United States or under the jurisdiction of any
16 alternative court program to have in his or her possession or under
17 his or her immediate control, or at his or her residence, or in any
18 passenger vehicle which the person is operating ~~or is riding as a~~
19 ~~passenger,~~ any pistol, shotgun or rifle, including any imitation or
20 homemade pistol, altered air or toy pistol, shotgun or rifle, while
21 such person is subject to supervision, probation, parole or inmate
22 status.

23 D. It shall be unlawful for any person previously adjudicated
24 as a delinquent child or a youthful offender for the commission of
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1 an offense, which would have constituted a felony offense if
2 committed by an adult, to have in the possession of the person or
3 under the immediate control of the person, or have in any vehicle
4 which he or she is driving ~~or in which the person is riding as a~~
5 ~~passenger~~, or at the residence of the person, any pistol, imitation
6 or homemade pistol, altered air or toy pistol, ~~machine gun, sawed-~~
7 ~~off shotgun or rifle,~~ or any other ~~dangerous or deadly~~ firearm
8 within ten (10) years after such adjudication; provided, that
9 nothing in this subsection shall be construed to prohibit the
10 placement of the person in a home with a full-time duly appointed
11 peace officer who is certified by the Council on Law Enforcement
12 Education and Training (CLEET) pursuant to the provisions of Section
13 3311 of Title 70 of the Oklahoma Statutes.

14 E. Any person having been issued a handgun license pursuant to
15 the provisions of the Oklahoma Self-Defense Act and who thereafter
16 knowingly or intentionally allows a convicted felon or adjudicated
17 delinquent or a youthful offender as prohibited by the provisions of
18 subsection A, C, or D of this section to possess or have control of
19 any pistol authorized by the Oklahoma Self-Defense Act shall, upon
20 conviction, be guilty of a felony punishable by a fine not to exceed
21 Five Thousand Dollars (\$5,000.00). In addition, the person shall
22 have the handgun license revoked by the Oklahoma State Bureau of
23 Investigation after a hearing and determination that the person has
24 violated the provisions of this section.

1 F. Any convicted or adjudicated person violating the provisions
2 of this section shall, upon conviction, be guilty of a felony
3 punishable as provided in Section 1284 of this title.

4 ~~G. For purposes of this section, "sawed-off shotgun or rifle"~~
5 ~~shall mean any shotgun or rifle which has been shortened to any~~
6 ~~length.~~

7 ~~H.~~ For purposes of this section, "altered toy pistol" shall
8 mean any toy weapon which has been altered from its original
9 manufactured state to resemble a real weapon.

10 ~~F.~~ H. For purposes of this section, "altered air pistol" shall
11 mean any air pistol manufactured to propel projectiles by air
12 pressure which has been altered from its original manufactured
13 state.

14 ~~J.~~ I. For purposes of this section, "alternative court program"
15 shall mean any drug court, Anna McBride or mental health court, DUI
16 court or veterans court.

17 SECTION 2. This act shall become effective November 1, 2019.

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