

1 **SENATE FLOOR VERSION**

2 February 19, 2015

3 **AS AMENDED**

4 SENATE BILL NO. 798

5 By: Smalley

6 **[firearm rights - convicted felons and delinquents -**
7 **restoration of certain rights - effective date]**

8
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1283, as
11 last amended by Section 1, Chapter 179, O.S.L. 2014 (21 O.S. Supp.
12 2014, Section 1283), is amended to read as follows:

13 Section 1283.

14 **CONVICTED FELONS AND DELINQUENTS**

15 A. Except as provided in subsection B of this section, it shall
16 be unlawful for any person convicted of any felony in any court of
17 this state or of another state or of the United States to have in
18 his or her possession or under his or her immediate control, or in
19 any vehicle which the person is operating, or in which the person is
20 riding as a passenger, or at the residence where the convicted
21 person resides, any pistol, imitation or homemade pistol, altered
22 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
23 other dangerous or deadly firearm.

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

11 C. Any person who has previously been convicted of a violent
12 felony enumerated in Section 571 of Title 57 of the Oklahoma
13 Statutes in any court of this state or of another state or of the
14 United States, and who has received a full and complete pardon from
15 the proper authority and has not been convicted of any other felony
16 offense which has not been pardoned, may petition the governor of
17 this state to have his or her rights restored to possess any firearm
18 or other weapon prohibited by subsection A of this section, the
19 right to apply for and carry and handgun, concealed or unconcealed,
20 pursuant to the Oklahoma Self-Defense Act. The Governor shall have
21 discretion to restore all or some of the rights set forth in this
22 subsection.

23 D. It shall be unlawful for any person serving a term of
24 probation for any felony in any court of this state or of another

1 state or of the United States or under the jurisdiction of any
2 alternative court program to have in his or her possession or under
3 his or her immediate control, or at his or her residence, or in any
4 passenger vehicle which the person is operating or is riding as a
5 passenger, any pistol, shotgun or rifle, including any imitation or
6 homemade pistol, altered air or toy pistol, shotgun or rifle, while
7 such person is subject to supervision, probation, parole or inmate
8 status.

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

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1 ~~E.~~ F. Any person having been issued a handgun license pursuant
2 to the provisions of the Oklahoma Self-Defense Act and who
3 thereafter knowingly or intentionally allows a convicted felon or
4 adjudicated delinquent or a youthful offender as prohibited by the
5 provisions of subsection A, ~~C~~ D, or ~~D~~ E of this section to possess
6 or have control of any pistol authorized by the Oklahoma Self-
7 Defense Act shall, upon conviction, be guilty of a felony punishable
8 by a fine not to exceed Five Thousand Dollars (\$5,000.00). In
9 addition, the person shall have the handgun license revoked by the
10 Oklahoma State Bureau of Investigation after a hearing and
11 determination that the person has violated the provisions of this
12 section.

13 ~~F.~~ G. Any convicted or adjudicated person violating the
14 provisions of this section shall, upon conviction, be guilty of a
15 felony punishable as provided in Section 1284 of this title.

16 ~~G.~~ H. For purposes of this section~~7~~:

17 1. "Altered air pistol" means any air pistol manufactured to
18 propel projectiles by air pressure which has been altered from its
19 original manufactured state;

20 2. "Altered toy pistol" means any toy weapon which has been
21 altered from its original manufactured state to resemble a real
22 weapon;

23 3. "Alternative court program" means any drug court, Anna
24 McBride or mental health court, DUI court or veterans court; and

1 4. ~~"sawed-off~~ Sawed-off shotgun or rifle" ~~shall mean~~ means any
2 shotgun or rifle which has been shortened to any length.

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

6 I. ~~For purposes of this section, "altered air pistol" shall~~
7 ~~mean any air pistol manufactured to propel projectiles by air~~
8 ~~pressure which has been altered from its original manufactured~~
9 ~~state.~~

10 J. ~~For purposes of this section, "alternative court program"~~
11 ~~shall mean any drug court, Anna McBride or mental health court, DUI~~
12 ~~court or veterans court.~~

13 SECTION 2. This act shall become effective November 1, 2015.

14 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
15 February 19, 2015 - DO PASS AS AMENDED

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