

1 **SENATE FLOOR VERSION**

2 February 25, 2019

3 SENATE BILL NO. 24

By: Bergstrom of the Senate

4 and

5 Steagall of the House

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7
8 An Act relating to definitions of firearms; amending
9 21 O.S. 2011, Section 1289.3, as amended by Section
10 1, Chapter 13, O.S.L. 2017 (21 O.S. Supp. 2018,
11 Section 1289.3), which relates to definitions of
12 pistols or handguns in the Oklahoma Firearms Act of
13 1971; modifying inclusions; excluding firearms with a
14 certain length; amending 21 O.S. 2011, Section
15 1289.5, which relates to definitions of shotguns in
16 the Oklahoma Firearms Act of 1971; modifying
17 language; amending 21 O.S. 2011, Section 1289.18,
18 which relates to definitions; modifying language;
19 stating certain exception to definitions; amending 21
20 O.S. 2011, Section 1290.2, as last amended by Section
21 2, Chapter 13, O.S.L. 2017 (21 O.S. Supp. 2018,
22 Section 1290.2), which relates to definitions;
23 modifying language; providing certain definition; and
24 providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.3, as
amended by Section 1, Chapter 13, O.S.L. 2017 (21 O.S. Supp. 2018,
Section 1289.3), is amended to read as follows:

Section 1289.3.

DEFINITIONS FOR FIREARMS ACT

1 "Pistols" or "handguns" as used in the Oklahoma Firearms Act of
2 1971 and the Oklahoma Self-Defense Act shall mean any firearm
3 capable of discharging single or multiple projectiles from a single
4 round of ammunition composed of any material which may reasonably be
5 expected to be able to cause lethal injury, with a barrel or barrels
6 less than sixteen (16) inches in length, and using a combustible
7 propellant charge, but not to include any firearm with an overall
8 length of twenty-six (26) inches or more, flare guns, underwater
9 fishing guns or blank pistols.

10 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.5, is
11 amended to read as follows:

12 Section 1289.5.

13 DEFINITIONS FOR FIREARMS ACT

14 "Shotguns" as used in the Oklahoma Firearms Act of 1971,
15 ~~Sections 1289.1 through 1289.17 of this title,~~ shall mean any
16 firearm capable of discharging a series of projectiles of any
17 material which may reasonably be expected to be able to cause lethal
18 injury, with a barrel or barrels more than eighteen (18) inches in
19 length, and using ~~either gunpowder, gas or any means of rocket~~
20 ~~propulsion~~ a combustible propellant charge, but not to include any
21 weapon so designed with a barrel less than eighteen (18) inches in
22 length unless the overall length of the firearm is twenty-six (26)
23 inches or more. In addition, any "shotgun" capable of firing single
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1 projectiles but primarily designed to fire multiple projectiles such
2 as "shot" will be regarded as a "shotgun".

3 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1289.18, is
4 amended to read as follows:

5 Section 1289.18.

6 DEFINITIONS

7 A. "Sawed-off shotgun" shall mean any firearm capable of
8 discharging a series of projectiles of any material which may
9 reasonably be expected to be able to cause lethal injury, with a
10 barrel or barrels less than eighteen (18) inches in length, and
11 using ~~either gunpowder, gas or any means of rocket propulsion a~~
12 combustible propellant charge, but does not include any weapon so
13 designed with a barrel less than eighteen (18) inches in length,
14 provided it has an overall length of twenty-six (26) inches or more.

15 B. "Sawed-off rifle" shall mean any rifle having a barrel or
16 barrels of less than sixteen (16) inches in length or any weapon
17 made from a rifle (whether by alteration, modification, or
18 otherwise) if such a weapon as modified has an overall length of
19 less than twenty-six (26) inches in length, including the stock
20 portion.

21 C. Every person who knowingly has in his possession or under
22 his immediate control a sawed-off shotgun or a sawed-off rifle,
23 whether concealed or not, shall upon conviction be guilty of a
24 felony for the possession of such device, and shall be punishable by

1 a fine not to exceed One Thousand Dollars (\$1,000.00), or
2 imprisonment in the State Penitentiary for a period not to exceed
3 two (2) years, or both such fine and imprisonment.

4 ~~D. It is a defense to prosecution under this section, if the~~
5 ~~approved application form that authorized the making or transfer of~~
6 ~~the particular firearm to the defendant, which indicates the~~
7 ~~registration of the firearm to said defendant pursuant to the~~
8 ~~National Firearm's Act, is introduced~~ This section shall not apply
9 to any firearm that is lawfully possessed under federal law or that
10 is otherwise not regulated as a "firearm" pursuant to the National
11 Firearms Act.

12 E. The term "firearm" as used in this section and in the
13 Oklahoma Firearms Act of 1971, shall not include an "antique
14 firearm" as defined in 18 U.S.C., Section 921 (2006).

15 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.2, as
16 last amended by Section 2, Chapter 13, O.S.L. 2017 (21 O.S. Supp.
17 2018, Section 1290.2), is amended to read as follows:

18 Section 1290.2.

19 DEFINITIONS

20 A. As used in the Oklahoma Self-Defense Act:

21 1. "Concealed handgun" means a loaded or unloaded pistol or
22 handgun not openly visible to the ordinary observation of a
23 reasonable person;

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1 2. "Unconcealed handgun" or "open carry" means a loaded or
2 unloaded pistol or handgun carried upon the person in a holster
3 where the firearm is visible, or carried upon the person using a
4 scabbard, sling or case designed for carrying firearms; and

5 3. "Pistol" or "handgun" ~~means any derringer, revolver or~~
6 ~~semiautomatic firearm which:~~

7 a. ~~has an overall barrel or barrels length of less than~~
8 ~~sixteen (16) inches,~~

9 b. ~~is capable of discharging single or multiple~~
10 ~~projectiles from a single round of ammunition composed~~
11 ~~of any material which may reasonably be expected to be~~
12 ~~able to cause lethal injury,~~

13 c. ~~can be held and fired by the use of one or both hands,~~
14 ~~and~~

15 d. ~~uses a combustible propellant charge to propel the~~
16 ~~projectile or projectiles~~ shall have the same
17 definition as provided in the Oklahoma Firearms Act of
18 1971, defined in Section 1289.3 of this title.

19 B. The definition of pistol or handgun for purposes of the
20 Oklahoma Self-Defense Act shall not apply to imitation pistols,
21 flare guns, underwater fishing guns or blank pistols.

22 SECTION 5. This act shall become effective November 1, 2019.

23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
24 February 25, 2019 - DO PASS