

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1101

By: Olsen

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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 3, Chapter  
9 1, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1283),  
10 which relates to possession of firearms by felons and  
11 delinquents; removing certain firearms restriction;  
12 modifying list of prohibited weapons; modifying  
13 certain defined term; updating format; and providing  
14 an effective date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1283, as  
17 last amended by Section 3, Chapter 1, O.S.L. 2019 (21 O.S. Supp.  
18 2020, Section 1283), is amended to read as follows:

19 Section 1283.

20 CONVICTED FELONS AND DELINQUENTS

21 A. Except as provided in subsection B of this section, it shall  
22 be unlawful for any person convicted of any felony in any court of  
23 this state or of another state or of the United States to have in  
24 his or her possession or under his or her immediate control, or in  
any vehicle which the person is operating, ~~or in which the person is~~

1 ~~riding as a passenger,~~ or at the residence where the convicted  
2 person resides, any pistol, imitation or homemade pistol, altered  
3 air or toy pistol, machine gun, sawed-off shotgun or sawed-off  
4 rifle, ~~or any other dangerous or deadly firearm.~~

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

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

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

16 E. It shall be unlawful for any person who is an alien  
17 illegally or unlawfully in the United States to have in the  
18 possession of the person or under the immediate control of the  
19 person, or in any vehicle the person is operating, or at the  
20 residence where the person resides, any pistol, imitation or  
21 homemade pistol, altered air or toy pistol, shotgun, rifle or any  
22 other dangerous or deadly firearm; provided, that nothing in this  
23 subsection applies to prohibit the transport or detention of the  
24 person by law enforcement officers or federal immigration

1 authorities. Any person who violates the provisions of this  
2 subsection shall, upon conviction, be guilty of a misdemeanor  
3 punishable by a fine of Two Hundred Fifty Dollars (\$250.00).

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

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

18 H. ~~For purposes of this section, "sawed-off shotgun or rifle"~~  
19 ~~shall mean any shotgun or rifle which has been shortened to any~~  
20 ~~length.~~

21 ~~F.~~ For purposes of this section, "altered:

22 1. "Altered toy pistol" shall mean any toy weapon which has  
23 been altered from its original manufactured state to resemble a real  
24 weapon.

1 ~~1-3, J. For purposes of this section, "altered;~~

2 2. "Altered air pistol" shall mean any air pistol manufactured  
3 to propel projectiles by air pressure which has been altered from  
4 its original manufactured state.

5 ~~K. For purposes of this section, "alternative;~~

6 3. "Alternative court program" shall mean any drug court, Anna  
7 McBride or mental health court, DUI court or veterans court; and

8 4. "Sawed-off shotgun" or "sawed-off rifle" shall mean any  
9 shotgun or rifle which has been unlawfully shortened to any length.

10 SECTION 2. This act shall become effective November 1, 2021.

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12 58-1-6012 GRS 12/23/20  
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