

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2401

By: Russ

4
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 firearm possession by convicted
11 felons and delinquents; modifying scope of certain
12 prohibited acts; removing pardon requirement for
13 persons convicted of nonviolent felonies; deleting
14 certain right; deleting handgun license revocation
15 requirement; clarifying certain defined term; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1283, as
19 last amended by Section 3, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
20 2020, Section 1283), is amended to read as follows:

21 Section 1283.

22 CONVICTED FELONS AND DELINQUENTS

23 A. Except as provided in subsection B of this section, it shall
24 be unlawful for any person convicted of ~~any~~ a violent felony
offense, or a felony offense which required the person to serve not
less than eighty-five (85%) of the sentence imposed by the court
pursuant to Section 13.1 of Title 21 of the Oklahoma Statutes in any

1 court of this state or of another state or of the United States to
2 have in his or her possession or under his or her immediate control,
3 ~~or in any vehicle which the person is operating, or in which the~~
4 ~~person is riding as a passenger,~~ or at the residence where the
5 convicted person resides, any pistol, imitation or homemade pistol,
6 altered air or toy pistol, machine gun, sawed-off shotgun or sawed-
7 off rifle, or any other ~~dangerous or deadly~~ firearm.

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

20 C. It shall be unlawful for any person serving a term of
21 probation for any violent felony offense in any court of this state
22 or of another state or of the United States or under the
23 jurisdiction of any alternative court program to have in his or her
24 possession or under his or her immediate control, or at his or her

1 residence, or in any passenger vehicle which the person is operating
2 ~~or is riding as a passenger~~, any pistol, shotgun or rifle, including
3 any imitation or homemade pistol, altered air or toy pistol, sawed-
4 off shotgun or sawed-off rifle, while such person is subject to
5 supervision, probation, parole or inmate status.

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

21 E. It shall be unlawful for any person who is an alien
22 illegally or unlawfully in the United States to have in the
23 possession of the person or under the immediate control of the
24 person, or in any vehicle the person is operating, or at the

1 residence where the person resides, any pistol, imitation or
2 homemade pistol, altered air or toy pistol, shotgun, rifle or any
3 other dangerous or deadly firearm; provided, that nothing in this
4 subsection applies to prohibit the transport or detention of the
5 person by law enforcement officers or federal immigration
6 authorities. Any person who violates the provisions of this
7 subsection shall, upon conviction, be guilty of a misdemeanor
8 punishable by a fine of Two Hundred Fifty Dollars (\$250.00).

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

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

23 H. For purposes of this section, ~~"sawed-off shotgun or rifle":~~
24

1 1. "Altered air pistol" shall mean any ~~shotgun or rifle which~~
2 ~~has been shortened to any length.~~

3 ~~I. 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 ~~J. 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 ~~K. For purposes of this section, "alternative court program";~~

11 2. "Altered toy pistol" shall mean any toy weapon which has
12 been altered from its original manufactured state to resemble a real
13 weapon;

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

16 4. "Sawed-off shotgun or sawed-off rifle" shall mean any
17 shotgun or rifle in which the barrel or barrels have been illegally
18 shortened in length.

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

20
21 58-1-5840 GRS 01/12/21