

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2615

By: Humphrey

4
5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2021,
8 Section 1283, as amended by Section 1, Chapter 299,
9 O.S.L. 2022 (21 O.S. Supp. 2022, Section 1283), which
10 relates to the carrying of firearms by convicted
11 felons and delinquents; allowing certain persons the
12 right to possess firearms under specific
13 circumstances; and providing an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1283, as
16 amended by Section 1, Chapter 299, O.S.L. 2022 (21 O.S. Supp. 2022,
17 Section 1283), is amended to read as follows:

18 Section 1283.

19 CONVICTED FELONS AND DELINQUENTS

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

1 pistol, altered air or toy pistol, machine gun, sawed-off shotgun or
2 sawed-off rifle, or any other 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~~ who:

6 1. Who has received a full and complete pardon from the proper
7 authority and has not been convicted of any other felony offense
8 which has not been pardoned; or

9 2. At least ten (10) years have passed since the completion of
10 his or her sentence for the nonviolent felony conviction,
11 shall have restored the right to possess any firearm or other weapon
12 prohibited by subsection A of this section, the right to apply for
13 and carry a handgun, concealed or unconcealed, pursuant to the
14 provisions of the Oklahoma Self-Defense Act or as otherwise
15 permitted by law, and have the right to perform the duties of a
16 peace officer, gunsmith, and for firearms repair.

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

1 toy pistol, toy shotgun or toy rifle, while such person is subject
2 to supervision, probation, parole or inmate status.

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

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

1 subsection applies to prohibit the transport or detention of the
2 person by law enforcement officers or federal immigration
3 authorities. Any person who violates the provisions of this
4 subsection shall, upon conviction, be guilty of a misdemeanor
5 punishable by a fine of Two Hundred Fifty Dollars (\$250.00).

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

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

20 H. For purposes of this section, "sawed-off shotgun" or "sawed-
21 off rifle" shall mean any shotgun or rifle which the barrel or
22 barrels have been illegally shortened in length.

23
24

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

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

8 K. For purposes of this section, "alternative court program"
9 shall mean any drug court, Anna McBride or mental health court, DUI
10 court or veterans court.

11 SECTION 2. This act shall become effective November 1, 2023.

12

13 59-1-6258 GRS 01/09/23

14

15

16

17

18

19

20

21

22

23

24