

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 186

By: Bullard, Hamilton,
Stephens, Bergstrom,
3 Matthews, Merrick, and Jett
of the Senate

4
5 and

6 Roberts (Sean), McDugle,
and Russ of the House

7
8
9 An Act relating to firearms; amending 21 O.S. 2021,
10 Section 1283, which relates to convicted felons and
delinquents; modifying allowable carry; restoring
11 certain rights to carry; providing certain
exclusions; prohibiting certain carry for persons
12 serving probation; modifying definitions; and
providing an effective date.

13
14 AUTHOR: Remove Hamilton as Senate Coauthor

15 AUTHOR: Add the following House Coauthor: Townley

16 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
and insert:

17
18
19 "An Act relating to firearms; amending 21 O.S. 2021,
20 Section 1283, which relates to convicted felons and
delinquents; modifying allowable carry; prohibiting
21 certain carry for persons serving probation;
modifying definition; and providing an effective
22 date.

23
24 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1283, is
2 amended to read as follows:

3 Section 1283.

4 CONVICTED FELONS AND DELINQUENTS

5 A. Except as provided in subsection B of this section, it shall
6 be unlawful for any person convicted of any felony in any court of
7 this state or of another state or of the United States to have in
8 his or her possession or under his or her immediate control, or in
9 any vehicle which the person is operating, ~~or in which the person is~~
10 ~~riding as a passenger,~~ or at the residence where the convicted
11 person resides, any pistol, imitation or homemade pistol, altered
12 air or toy pistol, machine gun, sawed-off shotgun or sawed-off
13 rifle, or any other ~~dangerous or deadly~~ firearm.

14 B. Any person who has previously been convicted of a nonviolent
15 felony in any court of this state or of another state or of the
16 United States, and who has received a full and complete pardon from
17 the proper authority and has not been convicted of any other felony
18 offense which has not been pardoned, shall have restored the right
19 to possess any firearm or other weapon prohibited by subsection A of
20 this section, the right to apply for and carry a handgun, concealed
21 or unconcealed, pursuant to the provisions of the Oklahoma Self-
22 Defense Act or as otherwise permitted by law, and have the right to
23 perform the duties of a peace officer, gunsmith, and for firearms
24 repair.

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

11 D. It shall be unlawful for any person previously adjudicated
12 as a delinquent child or a youthful offender for the commission of
13 an offense, which would have constituted a felony offense if
14 committed by an adult, to have in the possession of the person or
15 under the immediate control of the person, or have in any vehicle
16 which he or she is driving ~~or in which the person is riding as a~~
17 ~~passenger~~, or at the residence of the person, any pistol, imitation
18 or homemade pistol, altered air or toy pistol, machine gun, sawed-
19 off shotgun or sawed-off rifle, or any other dangerous or deadly
20 firearm within ten (10) years after such adjudication; provided,
21 that nothing in this subsection shall be construed to prohibit the
22 placement of the person in a home with a full-time duly appointed
23 peace officer who is certified by the Council on Law Enforcement
24

1 Education and Training (CLEET) pursuant to the provisions of Section
2 3311 of Title 70 of the Oklahoma Statutes.

3 E. It shall be unlawful for any person who is an alien
4 illegally or unlawfully in the United States to have in the
5 possession of the person or under the immediate control of the
6 person, or in any vehicle the person is operating, or at the
7 residence where the person resides, any pistol, imitation or
8 homemade pistol, altered air or toy pistol, shotgun, rifle or any
9 other dangerous or deadly firearm; provided, that nothing in this
10 subsection applies to prohibit the transport or detention of the
11 person by law enforcement officers or federal immigration
12 authorities. Any person who violates the provisions of this
13 subsection shall, upon conviction, be guilty of a misdemeanor
14 punishable by a fine of Two Hundred Fifty Dollars (\$250.00).

15 F. Any person having been issued a handgun license pursuant to
16 the provisions of the Oklahoma Self-Defense Act and who ~~thereafter~~
17 knowingly or intentionally allows a convicted felon or adjudicated
18 delinquent or a youthful offender as prohibited by the provisions of
19 subsection A, C, or D of this section to possess or have control of
20 any ~~pistol~~ firearm authorized by the Oklahoma Self-Defense Act
21 shall, upon conviction, be guilty of a felony punishable by a fine
22 not to exceed Five Thousand Dollars (\$5,000.00). In addition, the
23 person shall have the handgun license revoked by the Oklahoma State
24

1 Bureau of Investigation after a hearing and determination that the
2 person has violated the provisions of this section.

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

6 H. For purposes of this section, "sawed-off shotgun" or "sawed-
7 off rifle" shall mean any shotgun or rifle which ~~has~~ the barrel or
8 barrels have been illegally shortened to any in length.

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

12 J. For purposes of this section, "altered air pistol" shall
13 mean any air pistol manufactured to propel projectiles by air
14 pressure which has been altered from its original manufactured
15 state.

16 K. For purposes of this section, "alternative court program"
17 shall mean any drug court, Anna McBride or mental health court, DUI
18 court or veterans court.

19 SECTION 2. This act shall become effective November 1, 2022."
20
21
22
23
24

1 Passed the House of Representatives the 28th day of April, 2022.

2
3
4 Presiding Officer of the House of
Representatives
5

6 Passed the Senate the ____ day of _____, 2022.

7
8
9 Presiding Officer of the Senate
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 ENGROSSED SENATE
2 BILL NO. 186

By: Bullard, Hamilton,
Stephens, Bergstrom,
Matthews, Merrick, and Jett
of the Senate

4 and

5 Roberts (Sean), McDugle,
6 and Russ of the House

7
8 An Act relating to firearms; amending 21 O.S. 2021,
9 Section 1283, which relates to convicted felons and
10 delinquents; modifying allowable carry; restoring
11 certain rights to carry; providing certain
12 exclusions; prohibiting certain carry for persons
13 serving probation; modifying definitions; and
14 providing an effective date.

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

16 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1283, is
17 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 in which the person is~~
~~riding as a passenger,~~ or at the residence where the convicted

1 person resides, any pistol, imitation or homemade pistol, altered
2 air or toy pistol, machine gun, sawed-off shotgun or sawed-off
3 rifle, or any other ~~dangerous or deadly~~ firearm.

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

15 C. 1. Notwithstanding the provisions of subsection B of this
16 section, any person who:

- 17 a. has previously been convicted of a nonviolent felony,
18 and
19 b. has completed the entirety of the sentence imposed for
20 the offense and for a period of five (5) years since
21 the completion of the sentence for the last felony
22 offense has had no additional misdemeanor or felony
23 offense convictions or charges pending,
24

1 shall have restored the right to possess, carry, or transport any
2 non-semi-automatic firearm, may apply for and carry a handgun,
3 concealed or unconcealed, pursuant to the provisions of the Oklahoma
4 Self-Defense Act or as otherwise permitted by law and shall have the
5 right to perform the duties of a gunsmith and all other duties
6 requiring gun rights.

7 2. A person who has gun rights restored pursuant to this
8 provision shall have those rights forfeited upon conviction of a
9 subsequent misdemeanor or felony violation.

10 3. A person convicted of any of the following non-violent
11 felony offenses shall not be eligible to have gun rights restored as
12 provided in this subsection:

13 a. child endangerment, as provided in Section 852.1 of
14 this title,

15 b. domestic abuse, domestic abuse of a pregnant woman,
16 domestic abuse in the presence of a child, and
17 domestic abuse resulting in great bodily injury, as
18 provided in Section 644 of this title,

19 c. incest, as provided in Section 885 of this title,

20 d. indecent exposure, as provided in Section 1021 of this
21 title,

22 e. sexual assault, as provided in Section 681 of this
23 title,

24 f. stalking, as provided in Section 1173 of this title,

1 g. violations of a protective order, as provided in
2 Section 1173 of this title and Section 60.6 of Title
3 22 of the Oklahoma Statutes, and

4 h. violations of the Sex Offender Registration Act, as
5 provided in Sections 587, 590, and 590.1 of Title 57
6 of the Oklahoma Statutes.

7 D. It shall be unlawful for any person serving a term of
8 probation for any felony in any court of this state or of another
9 state or of the United States or under the jurisdiction of any
10 alternative court program to have in his or her possession or under
11 his or her immediate control, or at his or her residence, or in any
12 passenger vehicle which the person is operating ~~or is riding as a~~
13 ~~passenger,~~ any pistol, shotgun or rifle, including any imitation or
14 homemade pistol, altered air or toy pistol, toy shotgun or toy
15 rifle, while such person is subject to supervision, probation,
16 parole or inmate status.

17 ~~D.~~ E. It shall be unlawful for any person previously
18 adjudicated as a delinquent child or a youthful offender for the
19 commission of an offense, which would have constituted a felony
20 offense if committed by an adult, to have in the possession of the
21 person or under the immediate control of the person, or have in any
22 vehicle which he or she is driving ~~or in which the person is riding~~
23 ~~as a passenger, or at the residence of the person,~~ any pistol,
24 imitation or homemade pistol, altered air or toy pistol, machine

1 gun, sawed-off shotgun or sawed-off rifle, or any other dangerous or
2 deadly firearm within ten (10) years after such adjudication;
3 provided, that nothing in this subsection shall be construed to
4 prohibit the placement of the person in a home with a full-time duly
5 appointed peace officer who is certified by the Council on Law
6 Enforcement Education and Training (CLEET) pursuant to the
7 provisions of Section 3311 of Title 70 of the Oklahoma Statutes.

8 ~~E.~~ F. It shall be unlawful for any person who is an alien
9 illegally or unlawfully in the United States to have in the
10 possession of the person or under the immediate control of the
11 person, or in any vehicle the person is operating, or at the
12 residence where the person resides, any pistol, imitation or
13 homemade pistol, altered air or toy pistol, shotgun, rifle or any
14 other dangerous or deadly firearm; provided, that nothing in this
15 subsection applies to prohibit the transport or detention of the
16 person by law enforcement officers or federal immigration
17 authorities. Any person who violates the provisions of this
18 subsection shall, upon conviction, be guilty of a misdemeanor
19 punishable by a fine of Two Hundred Fifty Dollars (\$250.00).

20 ~~F.~~ G. Any person having been issued a handgun license pursuant
21 to the provisions of the Oklahoma Self-Defense Act and who
22 ~~thereafter~~ knowingly or intentionally allows a convicted felon or
23 adjudicated delinquent or a youthful offender as prohibited by the
24 provisions of subsection A, ~~C,~~ D, or ~~D~~ E of this section to possess

1 or have control of any ~~pistol~~ firearm authorized by the Oklahoma
2 Self-Defense Act shall, upon conviction, be guilty of a felony
3 punishable by a fine not to exceed Five Thousand Dollars
4 (\$5,000.00). In addition, the person shall have the handgun license
5 revoked by the Oklahoma State Bureau of Investigation after a
6 hearing and determination that the person has violated the
7 provisions of this section.

8 ~~G.~~ H. Any convicted or adjudicated person violating the
9 provisions of this section shall, upon conviction, be guilty of a
10 felony punishable as provided in Section 1284 of this title.

11 ~~H.~~ I. For purposes of this section, "sawed-off shotgun" or
12 "sawed-off rifle" shall mean any shotgun or rifle which the barrel
13 or barrels ~~has~~ have been illegally shortened ~~to any~~ in length.

14 ~~I.~~ J. For purposes of this section, "altered toy pistol" shall
15 mean any toy weapon which has been altered from its original
16 manufactured state to resemble a real weapon.

17 ~~J.~~ K. For purposes of this section, "altered air pistol" shall
18 mean any air pistol manufactured to propel projectiles by air
19 pressure which has been altered from its original manufactured
20 state.

21 ~~K.~~ L. For purposes of this section, "alternative court program"
22 shall mean any drug court, Anna McBride or mental health court, DUI
23 court or veterans court.

24 SECTION 4. This act shall become effective November 1, 2022.

1 Passed the Senate the 23rd day of March, 2022.

2

3

Presiding Officer of the Senate

4

5 Passed the House of Representatives the ____ day of _____,
6 2022.

7

8

Presiding Officer of the House
of Representatives

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24