

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2401

6 By: Russ

7 COMMITTEE SUBSTITUTE

8 An Act relating to firearms; amending 21 O.S. 2011,
9 Section 1283, as last amended by Section 3, Chapter
10 1, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1283),
11 which relates to firearm possession by convicted
12 felons and delinquents; modifying scope of certain
13 prohibited acts; removing pardon requirement for
14 persons convicted of nonviolent felonies; deleting
15 certain right; deleting handgun license revocation
16 requirement; modifying certain defined terms; and
17 providing an effective date.

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

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

22 Section 1283.

23 CONVICTED FELONS AND DELINQUENTS

24 A. Except as provided in subsection B of this section, it shall
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

1 pursuant to Section 13.1 of Title 21 of the Oklahoma Statutes in any
2 court of this state or of another state, a tribal court or court of
3 the United States, to have in his or her possession or under his or
4 her immediate control, ~~or in any vehicle which the person is~~
5 ~~operating, or in which the person is riding as a passenger,~~ or at
6 the residence where the convicted person resides, any pistol,
7 imitation or homemade pistol, altered air or toy pistol, machine
8 gun, sawed-off shotgun or sawed-off rifle, or any other ~~dangerous or~~
9 ~~deadly~~ firearm.

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

22 C. It shall be unlawful for any person serving a term of
23 probation for any felony offense in any court of this state or of
24 another state, a tribal court or court of the United States, or

1 under the jurisdiction of any alternative court program to have in
2 his or her possession or under his or her immediate control, or at
3 his or her residence, or in any passenger vehicle which the person
4 is operating ~~or is riding as a passenger~~, any pistol, shotgun or
5 rifle, including any imitation or homemade pistol, altered air or
6 toy pistol, sawed-off shotgun or sawed-off rifle, while such person
7 is subject to supervision, probation, parole or inmate status.

8 D. It shall be unlawful for any person previously adjudicated
9 as a delinquent child or a youthful offender for the commission of
10 an offense, which would have constituted a felony offense if
11 committed by an adult, to have in the possession of the person or
12 under the immediate control of the person, or have in any vehicle
13 which he or she is driving ~~or in which the person is riding as a~~
14 ~~passenger~~, or at the residence of the person, any pistol, imitation
15 or homemade pistol, altered air or toy pistol, machine gun, sawed-
16 off shotgun or rifle, or any other dangerous or deadly firearm
17 within ten (10) years after such adjudication; provided, that
18 nothing in this subsection shall be construed to prohibit the
19 placement of the person in a home with a full-time duly appointed
20 peace officer who is certified by the Council on Law Enforcement
21 Education and Training (CLEET) pursuant to the provisions of Section
22 3311 of Title 70 of the Oklahoma Statutes.

23 E. It shall be unlawful for any person who is an alien
24 illegally or unlawfully in the United States to have in the

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

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

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

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

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

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

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

11 K. ~~For purposes of this section, "alternative court program";~~

12 2. "Altered toy pistol" shall mean any toy weapon which has
13 been altered from its original manufactured state to be more
14 dangerous or powerful than the original design;

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

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

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

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