

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 186, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Bullard

Bullard-BG-FS-Req#1977
3/21/2022 3:51 PM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 186

By: Bullard, Hamilton, Stephens
and Bergstrom of the Senate

6 and

7 Roberts (Sean) and McDugle
8 of the House

9
10 FLOOR SUBSTITUTE

11 An Act relating to firearms; amending 21 O.S. 2011,
12 Section 1283, as last amended by Section 3, Chapter
13 1, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1283),
14 which relates to convicted felons and delinquents;
15 modifying certain courts; modifying allowable carry;
16 restoring certain rights to carry; providing certain
17 offenses disallowing restoration of firearm rights;
18 prohibiting certain carry for persons serving
19 probation; removing certain revocation; modifying
20 definitions; and providing an effective date.

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

22 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1283, as
23 last amended by Section 3, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
24 2020, Section 1283), is amended to read as follows:

Section 1283.

CONVICTED FELONS AND DELINQUENTS

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

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

22 C. 1. Notwithstanding the provisions of subsection B of this
23 Section, any person who:
24

- 1 a. has previously been convicted of a nonviolent felony,
2 and
3 b. has completed the entirety of the sentence imposed for
4 the offense and for a period of five (5) years since
5 the completion of the sentence for the last felony
6 offense has had no additional misdemeanor or felony
7 offense convictions or charges pending,

8 shall have restored the right to possess, carry or transport any
9 non-semi-automatic firearm, may apply for and carry a handgun
10 concealed or unconcealed, pursuant to the provisions of the Oklahoma
11 Self-Defense Act or as otherwise permitted by law and shall have the
12 right to perform the duties of a gunsmith and all other duties
13 requiring gun rights.

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

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

- 20 a. child endangerment, as provided in Section 582.1 of
21 Title 21 of the Oklahoma Statutes,
22 b. domestic abuse, domestic abuse of a pregnant woman,
23 domestic abuse in the presence of a child and domestic
24

1 abuse resulting in great bodily injury, as provided in
2 Section 644 of Title 21 of the Oklahoma Statutes,
3 c. incest, as provided in Section 885 of Title 21 of the
4 Oklahoma Statutes,
5 d. indecent exposure, as provided in Section 1021 of
6 Title 21 of the Oklahoma Statutes,
7 e. sexual assault, as provided in Section 681 of Title 21
8 of the Oklahoma Statutes,
9 f. stalking, as provided in Section 1173 of Title 21 of
10 the Oklahoma Statutes,
11 g. violations of a Protective Order, as provided in
12 Section 1173 of Title 21 and Section 60.6 of Title 22
13 of the Oklahoma Statutes, and
14 h. violations of the Sex Offender Registration Act, as
15 provided in Sections 587, 590 and 590.1 of Title 57 of
16 the Oklahoma Statutes.

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

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

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

19 ~~E.~~ F. It shall be unlawful for any person who is an alien
20 illegally or unlawfully in the United States to have in the
21 possession of the person or under the immediate control of the
22 person, or in any vehicle the person is operating, or at the
23 residence where the person resides, any pistol, imitation or
24 homemade pistol, altered air or toy pistol, shotgun, rifle or any

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

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

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

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

1 ~~I.~~ J. 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~~ be more dangerous or
4 powerful than the original design.

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

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

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

14 58-1-1977 BG 3/21/2022 3:51:37 PM

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