

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

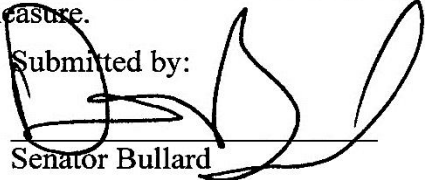
No. 3

COMMITTEE AMENDMENT

(Date)

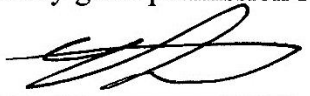
I move to amend Senate Bill No. 186, by substituting the attached floor substitute (Request # 3699) for the title, enacting clause and entire body of the measure.

Submitted by:



Senator Bullard

I hereby grant permission for the floor substitute to be adopted.



Senator Paxton, Chair (required)



Senator Weaver



Senator Allen



Senator Bergstrom

Senator Brooks

Senator Coleman

Senator Treat, President Pro Tempore




Senator Dahm

Senator David


Senator Jech



Senator Matthews



Senator Rader



Senator Rogers

Senator McCortney, Majority Floor Leader

Note: Public Safety committee majority requires seven (7) members' signatures.

Bullard-JES-FS-SB186
3/3/2022 2:08 PM

(Floor Amendments Only)

Date and Time Filed: 3-21-22 1:40 pm *jd*

Untimely

Amendment Cycle Extended

Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 186

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

and

Roberts (Sean) and McDugle
of the House

FLOOR SUBSTITUTE

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

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

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

Section 1283.

CONVICTED FELONS AND DELINQUENTS

A. Except as provided in subsection B of this section, it shall be unlawful for any person convicted of any felony in any court of this state or of another state or of the United States to have in

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

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

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

20 a. has previously been convicted of a nonviolent felony,
21 and

22 b. has completed the entirety of the sentence imposed for
23 the offense and for a period of five (5) years since
24 the completion of the sentence for the last felony

1 offense has had no additional misdemeanor or felony
2 offense convictions or charges pending,
3 shall have restored the right to possess, carry, or transport any
4 non-semi-automatic firearm, may apply for and carry a handgun,
5 concealed or unconcealed, pursuant to the provisions of the Oklahoma
6 Self-Defense Act or as otherwise permitted by law and shall have the
7 right to perform the duties of a gunsmith and all other duties
8 requiring gun rights.

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

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

15 a. child endangerment, as provided in Section 852.1 of
16 this title,

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

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

22 d. indecent exposure, as provided in Section 1021 of this
23 title,

- 1 e. sexual assault, as provided in Section 681 of this
2 title,
3 f. stalking, as provided in Section 1173 of this title,
4 g. violations of a protective order, as provided in
5 Section 1173 of this title and Section 60.6 of Title
6 22 of the Oklahoma Statutes, and
7 h. violations of the Sex Offender Registration Act, as
8 provided in Sections 587, 590, and 590.1 of Title 57
9 of the Oklahoma Statutes.

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

20 ~~D.~~ E. It shall be unlawful for any person previously
21 adjudicated as a delinquent child or a youthful offender for the
22 commission of an offense, which would have constituted a felony
23 offense if committed by an adult, to have in the possession of the
24 person or under the immediate control of the person, or have in any

1 vehicle which he or she is driving ~~or in which the person is riding~~
2 ~~as a passenger, or at the residence of the person,~~ any pistol,
3 imitation or homemade pistol, altered air or toy pistol, machine
4 gun, sawed-off shotgun or sawed-off rifle, or any other dangerous or
5 deadly firearm within ten (10) years after such adjudication;
6 provided, that nothing in this subsection shall be construed to
7 prohibit the placement of the person in a home with a full-time duly
8 appointed peace officer who is certified by the Council on Law
9 Enforcement Education and Training (CLEET) pursuant to the
10 provisions of Section 3311 of Title 70 of the Oklahoma Statutes.

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

23 ~~F.~~ G. Any person having been issued a handgun license pursuant
24 to the provisions of the Oklahoma Self-Defense Act and who

1 ~~thereafter~~ knowingly or intentionally allows a convicted felon or
2 adjudicated delinquent or a youthful offender as prohibited by the
3 provisions of subsection A, ~~G~~, D, or ~~D~~ E of this section to possess
4 or have control of any ~~pistol~~ firearm authorized by the Oklahoma
5 Self-Defense Act shall, upon conviction, be guilty of a felony
6 punishable by a fine not to exceed Five Thousand Dollars
7 (\$5,000.00). In addition, the person shall have the handgun license
8 revoked by the Oklahoma State Bureau of Investigation after a
9 hearing and determination that the person has violated the
10 provisions of this section.

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

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

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

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

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

SECTION 2. This act shall become effective November 1, 2022.

58-2-3699 JES 3/21/2022 3:55:45 PM