1 STATE OF OKLAHOMA 2 1st Session of the 58th Legislature (2021) 3 COMMITTEE SUBSTITUTE HOUSE BILL NO. 2401 4 By: Russ 5 6 7 COMMITTEE SUBSTITUTE An Act relating to firearms; amending 21 O.S. 2011, 8 Section 1283, as last amended by Section 3, Chapter 9 1, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1283), which relates to firearm possession by convicted 10 felons and delinquents; modifying scope of certain prohibited acts; removing pardon requirement for 11 persons convicted of nonviolent felonies; deleting certain right; deleting handgun license revocation 12 requirement; modifying certain defined terms; and providing an effective date. 1.3 14 15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: 16 SECTION 1. 21 O.S. 2011, Section 1283, as AMENDATORY last amended by Section 3, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 17 18 2020, Section 1283), is amended to read as follows: 19 Section 1283. 20 CONVICTED FELONS AND DELINQUENTS 21 Except as provided in subsection B of this section, it shall 22 be unlawful for any person convicted of any a violent felony 23 offense, or a felony offense which required the person to serve not 24 less than eighty-five (85%) of the sentence imposed by the court

- pursuant to Section 13.1 of Title 21 of the Oklahoma Statutes in any court of this state or of another state, a tribal court or court of the United States, to have in his or her possession or under his or her immediate control, or in any vehicle which the person is operating, or in which the person is riding as a passenger, or at the residence where the convicted person resides, any pistol, imitation or homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun or sawed-off rifle, or any other dangerous or deadly firearm.
 - B. Any person who has previously been convicted of a nonviolent felony in any court of this state or of another state, a tribal court or court of the United States, and who has received a full and complete pardon from the proper authority and has not been convicted of any other felony or misdemeanor offense which has not been pardoned for a period of five (5) years, shall have restored the right to possess, carry or transport any nonsemiautomatic firearm or other weapon prohibited by subsection A of this section, the right to. The person may apply for and carry a handgun, concealed or unconcealed, pursuant to the provisions of the Oklahoma Self-Defense Act or as otherwise permitted by law, and have the right to perform the duties of a peace officer, gunsmith, and for firearms repair.
 - C. It shall be unlawful for any person serving a term of probation for any felony offense in any court of this state or of another state, a tribal court or court of the United States, or

- under the jurisdiction of any alternative court program to have in his or her possession or under his or her immediate control, or at his or her residence, or in any passenger vehicle which the person is operating or is riding as a passenger, any pistol, shotgun or rifle, including any imitation or homemade pistol, altered air or toy pistol, sawed-off shotgun or sawed-off rifle, while such person is subject to supervision, probation, parole or inmate status.
- D. It shall be unlawful for any person previously adjudicated as a delinquent child or a youthful offender for the commission of an offense, which would have constituted a felony offense if committed by an adult, to have in the possession of the person or under the immediate control of the person, or have in any vehicle which he or she is driving or in which the person is riding as a passenger, or at the residence of the person, any pistol, imitation or homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm within ten (10) years after such adjudication; provided, that nothing in this subsection shall be construed to prohibit the placement of the person in a home with a full-time duly appointed peace officer who is certified by the Council on Law Enforcement Education and Training (CLEET) pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes.
- E. It shall be unlawful for any person who is an alien illegally or unlawfully in the United States to have in the

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

- F. Any person having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act and who thereafter knowingly or intentionally allows a convicted felon or adjudicated delinquent or a youthful offender, as prohibited by the provisions of subsection A, C, or D of this section, to possess or have control of any pistol authorized by the Oklahoma Self-Defense Act firearm shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00). In addition, the person shall have the handgun license revoked by the Oklahoma State Bureau of Investigation after a hearing and determination that the person has violated the provisions of this section.
- G. Any convicted or adjudicated person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable as provided in Section 1284 of this title.

H. For purposes of this section, "sawed-off shotgun or rifle": 1 2 1. "Altered air pistol" shall mean any shotgun or rifle which 3 has been shortened to any length. I. For purposes of this section, "altered toy pistol" shall 4 5 mean any toy weapon which has been altered from its original manufactured state to resemble a real weapon. 6 7 J. For purposes of this section, "altered air pistol" shall mean any air pistol manufactured to propel projectiles by air 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. 2.1 22 58-1-7739 GRS 02/24/21 23 24