

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 476

By: Bullard

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2021, Section 1283, as amended by Section 1, Chapter 299, O.S.L. 2022 (21 O.S. Supp. 2022, Section 1283), which relates to convicted felons and delinquents; modifying certain allowable carry; restoring certain rights to carry; prohibiting certain carry for certain persons; removing certain revocation; 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, as amended by Section 1, Chapter 299, O.S.L. 2022 (21 O.S. Supp. 2022, 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 his or her possession or under his or her immediate control, ~~or in any vehicle which the person is operating,~~ or at the residence where the convicted person resides, any pistol, imitation or homemade

1 pistol, altered air or toy pistol, machine gun, sawed-off shotgun or
2 sawed-off rifle, or any other firearm.

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

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

16 a. has previously been convicted of a nonviolent felony,
17 and

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

23 shall have restored the right to possess, carry, or transport any
24 non-semi-automatic firearm, may apply for and carry a handgun,

1 concealed or unconcealed, pursuant to the provisions of the Oklahoma
2 Self-Defense Act or as otherwise permitted by law, and shall have
3 the right to perform the duties of a gunsmith and all other duties
4 requiring gun rights.

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

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

11 a. child endangerment, as provided in Section 852.1 of
12 this title,

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

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

18 d. indecent exposure, as provided in Section 1021 of this
19 title,

20 e. sexual assault, as provided in Section 681 of this
21 title,

22 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 Offenders 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, any pistol, shotgun
13 or rifle including any imitation or homemade pistol, altered air or
14 toy pistol, toy shotgun or toy rifle, while such person is subject
15 to supervision, probation, parole or inmate status.

16 ~~D.~~ E. It shall be unlawful for any person previously
17 adjudicated as a delinquent child or a youthful offender for the
18 commission of an offense, which would have constituted a felony
19 offense if committed by an adult, to have in the possession of the
20 person or under the immediate control of the person, or have in any
21 vehicle which he or she is driving, ~~or at the residence of the~~
22 ~~person,~~ any pistol, imitation or homemade pistol, altered air or toy
23 pistol, machine gun, sawed-off shotgun or sawed-off rifle, or any
24 other dangerous or deadly firearm within ten (10) years after such

1 adjudication; provided, that nothing in this subsection shall be
2 construed to prohibit the placement of the person in a home with a
3 full-time duly appointed peace officer who is certified by the
4 Council on Law Enforcement Education and Training (CLEET) pursuant
5 to the provisions of Section 3311 of Title 70 of the Oklahoma
6 Statutes.

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

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

1 conviction, be guilty of a felony punishable by a fine not to exceed
2 Five Thousand Dollars (\$5,000.00). In addition, the person shall
3 have the handgun license revoked by the Oklahoma State Bureau of
4 Investigation after a hearing and determination that the person has
5 violated the provisions of this section.

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

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

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

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

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

22 SECTION 2. This act shall become effective November 1, 2023.
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