

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3730

By: Lowe (Jason)

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. 2023, Section 1283), which relates to the possession of firearms by felons and delinquents; prohibiting certain persons from using, purchasing, or possessing firearms; 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. 2023, 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.

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

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

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

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

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

17 H. It shall be unlawful for any person convicted of a
18 misdemeanor or felony domestic violence offense in any court of this
19 state or of another state or of the United States to use, purchase,
20 or to have in his or her possession or under his or her immediate
21 control, or in any vehicle which the person is operating, or in
22 which the person is riding as a passenger, or at the residence where
23 the convicted person resides, any pistol, imitation or homemade
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1 pistol, altered air or toy pistol, machine gun, sawed-off shotgun,
2 or sawed-off rifle, or any other dangerous or deadly firearm.

3 I. For purposes of this section, "sawed-off shotgun" or "sawed-
4 off rifle" shall mean any shotgun or rifle which the barrel or
5 barrels have been illegally shortened in length.

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

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

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

16 SECTION 2. This act shall become effective November 1, 2024.

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18 59-2-9209 GRS 12/31/23
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