

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3743

By: Lowe (Jason)

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6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2021,  
8 Section 1283, which relates to the possession of  
9 firearms by convicted felons and delinquents;  
10 prohibiting certain persons from using, purchasing,  
11 or possessing firearms; and providing an effective  
12 date.

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

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

Section 1283.

16 CONVICTED FELONS AND DELINQUENTS

17 A. Except as provided in subsection B of this section, it shall  
18 be unlawful for any person convicted of any felony in any court of  
19 this state or of another state or of the United States to have in  
20 his or her possession or under his or her immediate control, or in  
21 any vehicle which the person is operating, or in which the person is  
22 riding as a passenger, or at the residence where the convicted  
23 person resides, any pistol, imitation or homemade pistol, altered  
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1 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any  
2 other dangerous or deadly 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 Oklahoma Self-Defense Act or as  
11 otherwise permitted by law, and the right to perform the duties of a  
12 peace officer, gunsmith, and for firearms repair.

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

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 in which the person is riding as a  
5 passenger, or at the residence of the person, any pistol, imitation  
6 or homemade pistol, altered air or toy pistol, machine gun, sawed-  
7 off shotgun or rifle, or any other dangerous or deadly firearm  
8 within ten (10) years after such adjudication; provided, that  
9 nothing in this subsection shall be construed to prohibit the  
10 placement of the person in a home with a full-time duly appointed  
11 peace officer who is certified by the Council on Law Enforcement  
12 Education and Training (CLEET) pursuant to the provisions of Section  
13 3311 of Title 70 of the Oklahoma 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 thereafter  
5 knowingly or intentionally allows a convicted felon or adjudicated  
6 delinquent or a youthful offender as prohibited by the provisions of  
7 subsection A, C, or D of this section to possess or have control of  
8 any pistol authorized by the Oklahoma Self-Defense Act shall, upon  
9 conviction, be guilty of a felony punishable by a fine not to exceed  
10 Five Thousand Dollars (\$5,000.00). In addition, the person shall  
11 have 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 or  
2 rifle, or any other dangerous or deadly firearm.

3 I. For purposes of this section, "sawed-off shotgun or rifle"  
4 shall mean any shotgun or rifle which has been shortened to any  
5 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, 2022.

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18 58-2-9387            GRS            01/04/22  
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