

1 **SENATE FLOOR VERSION**

2 February 19, 2021

3 SENATE BILL NO. 186

By: Bullard and Hamilton of the  
Senate

4 and

5  
6 Roberts (Sean) and McDugle  
of the House

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8  
9 An Act relating to firearms; amending 21 O.S. 2011,  
10 Section 1283, as last amended by Section 3, Chapter  
1, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1283),  
11 which relates to convicted felons and delinquents;  
12 modifying allowable carry; restoring certain rights  
to carry; prohibiting certain carry for persons  
13 serving probation; removing certain revocation;  
modifying definitions; and providing an effective  
date.

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

17 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1283, as  
18 last amended by Section 3, Chapter 1, O.S.L. 2019 (21 O.S. Supp.  
19 2020, Section 1283), is amended to read as follows:

20 Section 1283.

21 CONVICTED FELONS AND DELINQUENTS

22 A. Except as provided in subsection B of this section, it shall  
23 be unlawful for any person convicted of any felony in any court of  
24 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  
11 misdemeanor or felony offense which has not been pardoned for a  
12 period of five (5) years since the completion of the sentence for  
13 the last misdemeanor or felony offense and no felony and misdemeanor  
14 charges are pending against the person, shall have restored the  
15 right to possess, carry or transport any non-semi-automatic firearm  
16 ~~or other weapon prohibited by subsection A of this section, the~~  
17 ~~right to.~~ The nonviolent felon may apply for and carry a handgun,  
18 concealed or unconcealed, pursuant to the provisions of the Oklahoma  
19 Self-Defense Act or as otherwise permitted by law, and have the  
20 right to perform the duties of a ~~peace officer,~~ gunsmith, ~~and for~~  
21 ~~firearms repair~~ all other duties requiring gun rights.

22 C. It shall be unlawful for any person serving a term of  
23 probation for any violent felony in any court of this state or of  
24 another state or of the United States or under the jurisdiction of

1 any alternative court program to have in his or her possession or  
2 under his or her immediate control, or at his or her residence, or  
3 in any passenger vehicle which the person is operating ~~or is riding~~  
4 ~~as a passenger~~, any pistol, shotgun or rifle, including any  
5 imitation or homemade pistol, altered air or toy pistol, toy shotgun  
6 or toy rifle, while such person is subject to supervision,  
7 probation, parole or inmate status.

8 D. It shall be unlawful for any person previously adjudicated  
9 as a delinquent child or a youthful offender for the commission of  
10 an offense, which would have constituted a felony offense if  
11 committed by an adult, to have in the possession of the person or  
12 under the immediate control of the person, or have in any vehicle  
13 which he or she is driving ~~or in which the person is riding as a~~  
14 ~~passenger, or at the residence of the person~~, any pistol, imitation  
15 or homemade pistol, altered air or toy pistol, machine gun, sawed-  
16 off shotgun or rifle, or any other dangerous or deadly firearm  
17 within ten (10) years after such adjudication; provided, that  
18 nothing in this subsection shall be construed to prohibit the  
19 placement of the person in a home with a full-time duly appointed  
20 peace officer who is certified by the Council on Law Enforcement  
21 Education and Training (CLEET) pursuant to the provisions of Section  
22 3311 of Title 70 of the Oklahoma Statutes.

23 E. It shall be unlawful for any person who is an alien  
24 illegally or unlawfully in the United States to have in the

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

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

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

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

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

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

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

14 SECTION 2. This act shall become effective November 1, 2021.

15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
16 February 19, 2021 - DO PASS

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