

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1235

By: Bergstrom

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5  
6 AS INTRODUCED

7 An Act relating to definitions of firearms; amending  
8 21 O.S. 2011, Section 1289.3, as amended by Section  
9 1, Chapter 13, O.S.L. 2017 (21 O.S. Supp. 2017,  
10 Section 1289.3), which relates to definitions of  
11 pistols or handguns in the Oklahoma Firearms Act of  
12 1971; modifying inclusions; excluding firearms with a  
13 certain length; amending 21 O.S. 2011, Section  
14 1289.5, which relates to definitions of shotguns in  
15 the Oklahoma Firearms Act of 1971; modifying  
16 language; amending 21 O.S. 2011, Section 1289.18,  
17 which relates to definitions; modifying language;  
18 stating certain exception to definitions; amending 21  
19 O.S. 2011, Section 1290.2, as last amended by Section  
20 2, Chapter 13, O.S.L. 2017 (21 O.S. Supp. 2017,  
21 Section 1290.2), which relates to definitions;  
22 modifying language; providing certain definition; and  
23 providing an effective date.  
24

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.3, as  
amended by Section 1, Chapter 13, O.S.L. 2017 (21 O.S. Supp. 2017,  
Section 1289.3), is amended to read as follows:

Section 1289.3.

DEFINITIONS FOR FIREARMS ACT

1 "Pistols" or "handguns" as used in the Oklahoma Firearms Act of  
2 1971 and the Oklahoma Self-Defense Act shall mean any firearm  
3 capable of discharging single or multiple projectiles from a single  
4 round of ammunition composed of any material which may reasonably be  
5 expected to be able to cause lethal injury, with a barrel or barrels  
6 less than sixteen (16) inches in length, and using a combustible  
7 propellant charge, but not to include any firearm with an overall  
8 length of twenty-six (26) inches or more, flare guns, underwater  
9 fishing guns or blank pistols.

10 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.5, is  
11 amended to read as follows:

12 Section 1289.5.

13 DEFINITIONS FOR FIREARMS ACT

14 "Shotguns" as used in the Oklahoma Firearms Act of 1971,  
15 ~~Sections 1289.1 through 1289.17 of this title,~~ shall mean any  
16 firearm capable of discharging a series of projectiles of any  
17 material which may reasonably be expected to be able to cause lethal  
18 injury, with a barrel or barrels more than eighteen (18) inches in  
19 length, and using ~~either gunpowder, gas or any means of rocket~~  
20 ~~propulsion~~ a combustible propellant charge, but not to include any  
21 weapon so designed with a barrel less than eighteen (18) inches in  
22 length unless the overall length of the firearm is twenty-six (26)  
23 inches or more. In addition, any "shotgun" capable of firing single  
24

1 projectiles but primarily designed to fire multiple projectiles such  
2 as "shot" will be regarded as a "shotgun".

3 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1289.18, is  
4 amended to read as follows:

5 Section 1289.18.

6 DEFINITIONS

7 A. "Sawed-off shotgun" shall mean any firearm capable of  
8 discharging a series of projectiles of any material which may  
9 reasonably be expected to be able to cause lethal injury, with a  
10 barrel or barrels less than eighteen (18) inches in length, and  
11 using ~~either gunpowder, gas or any means of rocket propulsion a~~  
12 combustible propellant charge, but does not include any weapon so  
13 designed with a barrel less than eighteen (18) inches in length,  
14 provided it has an overall length of twenty-six (26) inches or more.

15 B. "Sawed-off rifle" shall mean any rifle having a barrel or  
16 barrels of less than sixteen (16) inches in length or any weapon  
17 made from a rifle (whether by alteration, modification, or  
18 otherwise) if such a weapon as modified has an overall length of  
19 less than twenty-six (26) inches in length, including the stock  
20 portion.

21 C. Every person who knowingly has in his possession or under  
22 his immediate control a sawed-off shotgun or a sawed-off rifle,  
23 whether concealed or not, shall upon conviction be guilty of a  
24 felony for the possession of such device, and shall be punishable by

1 a fine not to exceed One Thousand Dollars (\$1,000.00), or  
2 imprisonment in the State Penitentiary for a period not to exceed  
3 two (2) years, or both such fine and imprisonment.

4 ~~D. It is a defense to prosecution under this section, if the~~  
5 ~~approved application form that authorized the making or transfer of~~  
6 ~~the particular firearm to the defendant, which indicates the~~  
7 ~~registration of the firearm to said defendant pursuant to the~~  
8 ~~National Firearm's Act, is introduced~~ This section shall not apply  
9 to any firearm that is lawfully possessed under federal law or that  
10 is otherwise not regulated as a "firearm" pursuant to the National  
11 Firearms Act.

12 E. The term "firearm" as used in this section and in the  
13 Oklahoma Firearms Act of 1971, shall not include an "antique  
14 firearm" as defined in 18 U.S.C., Section 921 (2006).

15 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.2, as  
16 last amended by Section 2, Chapter 13, O.S.L. 2017 (21 O.S. Supp.  
17 2017, Section 1290.2), is amended to read as follows:

18 Section 1290.2.

19 DEFINITIONS

20 A. As used in the Oklahoma Self-Defense Act:

21 1. "Concealed handgun" means a loaded or unloaded pistol or  
22 handgun not openly visible to the ordinary observation of a  
23 reasonable person;

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1           2. "Unconcealed handgun" or "open carry" means a loaded or  
2 unloaded pistol or handgun carried upon the person in a holster  
3 where the firearm is visible, or carried upon the person using a  
4 scabbard, sling or case designed for carrying firearms; and

5           3. "Pistol" or "handgun" ~~means any derringer, revolver or~~  
6 ~~semiautomatic firearm which:~~

7           a. ~~has an overall barrel or barrels length of less than~~  
8           ~~sixteen (16) inches,~~

9           b. ~~is capable of discharging single or multiple~~  
10           ~~projectiles from a single round of ammunition composed~~  
11           ~~of any material which may reasonably be expected to be~~  
12           ~~able to cause lethal injury,~~

13           c. ~~can be held and fired by the use of one or both hands,~~  
14           ~~and~~

15           d. ~~uses a combustible propellant charge to propel the~~  
16           ~~projectile or projectiles~~ shall have the same  
17           definition as provided in the Oklahoma Firearms Act of  
18           1971, defined in Section 1289.3 of this title.

19           B. The definition of pistol or handgun for purposes of the  
20 Oklahoma Self-Defense Act shall not apply to imitation pistols,  
21 flare guns, underwater fishing guns or blank pistols.

22           SECTION 5. This act shall become effective November 1, 2018.

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24           56-2-2231           BH           1/18/2018 10:15:45 AM