

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 763

By: Bullard

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5  
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,  
8 Section 1277, as last amended by Section 1, Chapter  
9 235, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1277),  
10 which relates to unlawful carry; modifying allowable  
11 carry by certain employees; and providing an  
12 effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as  
15 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.  
16 2020, Section 1277), is amended to read as follows:

Section 1277.

17 UNLAWFUL CARRY IN CERTAIN PLACES

18 A. It shall be unlawful for any person, including a person in  
19 possession of a valid handgun license issued pursuant to the  
20 provisions of the Oklahoma Self-Defense Act, to carry any concealed  
21 or unconcealed handgun into any of the following places:

22 1. Any structure, building, or office space which is owned or  
23 leased by a city, town, county, state or federal governmental  
24 authority for the purpose of conducting business with the public;

1           2. Any courthouse, courtroom, prison, jail, detention facility  
2 or any facility used to process, hold or house arrested persons,  
3 prisoners or persons alleged delinquent or adjudicated delinquent,  
4 except as provided in Section 21 of Title 57 of the Oklahoma  
5 Statutes;

6           3. Any public or private elementary or public or private  
7 secondary school, except as provided in subsections C and D of this  
8 section;

9           4. Any publicly owned or operated sports arena or venue during  
10 a professional sporting event, unless allowed by the event holder;

11           5. Any place where gambling is authorized by law, unless  
12 allowed by the property owner; and

13           6. Any other place specifically prohibited by law.

14           B. For purposes of subsection A of this section, the prohibited  
15 place does not include and specifically excludes the following  
16 property:

17           1. Any property set aside for the use or parking of any  
18 vehicle, whether attended or unattended, by a city, town, county,  
19 state or federal governmental authority;

20           2. Any property set aside for the use or parking of any  
21 vehicle, whether attended or unattended, which is open to the  
22 public, or by any entity engaged in gambling authorized by law;

1           3. Any property adjacent to a structure, building or office  
2 space in which concealed or unconcealed weapons are prohibited by  
3 the provisions of this section;

4           4. Any property designated by a city, town, county or state  
5 governmental authority as a park, recreational area, wildlife  
6 refuge, wildlife management area or fairgrounds; provided, nothing  
7 in this paragraph shall be construed to authorize any entry by a  
8 person in possession of a concealed or unconcealed firearm into any  
9 structure, building or office space which is specifically prohibited  
10 by the provisions of subsection A of this section; and

11           5. Any property set aside by a public or private elementary or  
12 secondary school for the use or parking of any vehicle, whether  
13 attended or unattended; provided, however, the firearm shall be  
14 stored and hidden from view in a locked motor vehicle when the motor  
15 vehicle is left unattended on school property.

16           Nothing contained in any provision of this subsection or  
17 subsection C of this section shall be construed to authorize or  
18 allow any person in control of any place described in subsection A  
19 of this section to establish any policy or rule that has the effect  
20 of prohibiting any person in lawful possession of a handgun license  
21 or otherwise in lawful possession of a firearm from carrying or  
22 possessing the firearm on the property described in this subsection.

23           C. A concealed or unconcealed weapon may be carried onto  
24 private school property or in any school bus or vehicle used by any  
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1 private school for transportation of students or teachers by a  
2 person who is licensed pursuant to the Oklahoma Self-Defense Act,  
3 provided a policy has been adopted by the governing entity of the  
4 private school that authorizes the carrying and possession of a  
5 weapon on private school property or in any school bus or vehicle  
6 used by a private school. Except for acts of gross negligence or  
7 willful or wanton misconduct, a governing entity of a private school  
8 that adopts a policy which authorizes the possession of a weapon on  
9 private school property, a school bus or vehicle used by the private  
10 school shall be immune from liability for any injuries arising from  
11 the adoption of the policy. The provisions of this subsection shall  
12 not apply to claims pursuant to the Administrative Workers'  
13 Compensation Act.

14 D. Notwithstanding paragraph 3 of subsection A of this section,  
15 a board of education of a school district may adopt a policy  
16 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to  
17 authorize the carrying of a handgun onto school property by school  
18 personnel specifically designated by the board of education,  
19 provided such personnel either:

- 20 1. Possess a valid armed security guard license as provided for  
21 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or
- 22 2. Hold a valid reserve peace officer certification as provided  
23 for in Section 3311 of Title 70 of the Oklahoma Statutes.

1 Nothing in this subsection shall be construed to restrict authority  
2 granted elsewhere in law to carry firearms.

3 E. In any municipal zoo or park of any size that is owned,  
4 leased, operated or managed by:

5 1. A public trust created pursuant to the provisions of Section  
6 176 of Title 60 of the Oklahoma Statutes; or

7 2. A nonprofit entity,  
8 an individual shall be allowed to carry a concealed handgun but not  
9 openly carry a handgun on the property.

10 F. Any person violating the provisions of paragraph 2 or 3 of  
11 subsection A of this section shall, upon conviction, be guilty of a  
12 misdemeanor punishable by a fine not to exceed Two Hundred Fifty  
13 Dollars (\$250.00). A person violating any other provision of  
14 subsection A of this section may be denied entrance onto the  
15 property or removed from the property. If the person refuses to  
16 leave the property and a peace officer is summoned, the person may  
17 be issued a citation for an amount not to exceed Two Hundred Fifty  
18 Dollars (\$250.00).

19 G. No person in possession of a valid handgun license issued  
20 pursuant to the provisions of the Oklahoma Self-Defense Act or who  
21 is carrying or in possession of a firearm as otherwise permitted by  
22 law or who is carrying or in possession of a machete, blackjack,  
23 loaded cane, hand chain or metal knuckles shall be authorized to  
24 carry the firearm, machete, blackjack, loaded cane, hand chain or

1 metal knuckles into or upon any college, university or technology  
2 center school property, except as provided in this subsection. For  
3 purposes of this subsection, the following property shall not be  
4 construed to be college, university or technology center school  
5 property:

6 1. Any property set aside for the use or parking of any motor  
7 vehicle, whether attended or unattended, provided the firearm,  
8 machete, blackjack, loaded cane, hand chain or metal knuckles are  
9 carried or stored as required by law and the firearm, machete,  
10 blackjack, loaded cane, hand chain or metal knuckles are not removed  
11 from the motor vehicle without the prior consent of the college or  
12 university president or technology center school administrator while  
13 the vehicle is on any college, university or technology center  
14 school property;

15 2. Any property authorized for possession or use of firearms,  
16 machetes, blackjacks, loaded canes, hand chains or metal knuckles by  
17 college, university or technology center school policy; and

18 3. Any property authorized by the written consent of the  
19 college or university president or technology center school  
20 administrator, provided the written consent is carried with the  
21 firearm, machete, blackjack, loaded cane, hand chain or metal  
22 knuckles and the valid handgun license while on college, university  
23 or technology center school property.

1 The college, university or technology center school may notify  
2 the Oklahoma State Bureau of Investigation within ten (10) days of a  
3 violation of any provision of this subsection by a licensee. Upon  
4 receipt of a written notification of violation, the Bureau shall  
5 give a reasonable notice to the licensee and hold a hearing. At the  
6 hearing, upon a determination that the licensee has violated any  
7 provision of this subsection, the licensee may be subject to an  
8 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may  
9 have the handgun license suspended for three (3) months.

10 Nothing contained in any provision of this subsection shall be  
11 construed to authorize or allow any college, university or  
12 technology center school to establish any policy or rule that has  
13 the effect of prohibiting any person in lawful possession of a  
14 handgun license or any person in lawful possession of a firearm,  
15 machete, blackjack, loaded cane, hand chain or metal knuckles from  
16 possession of a firearm, machete, blackjack, loaded cane, hand chain  
17 or metal knuckles in places described in paragraphs 1, 2 and 3 of  
18 this subsection. Nothing contained in any provision of this  
19 subsection shall be construed to limit the authority of any college,  
20 university or technology center school in this state from taking  
21 administrative action against any student for any violation of any  
22 provision of this subsection.

23 H. The provisions of this section shall not apply to the  
24 following:

1           1. Any peace officer or any person authorized by law to carry a  
2 firearm in the course of employment;

3           2. District judges, associate district judges and special  
4 district judges, who are in possession of a valid handgun license  
5 issued pursuant to the provisions of the Oklahoma Self-Defense Act  
6 and whose names appear on a list maintained by the Administrative  
7 Director of the Courts, when acting in the course and scope of  
8 employment within the courthouses of this state;

9           3. Private investigators with a firearms authorization when  
10 acting in the course and scope of employment;

11           4. Elected officials of a county, who are in possession of a  
12 valid handgun license issued pursuant to the provisions of the  
13 Oklahoma Self-Defense Act, may carry a concealed handgun when acting  
14 in the performance of their duties within the courthouses of the  
15 county in which he or she was elected. The provisions of this  
16 paragraph shall not allow the elected county official to carry the  
17 handgun into a courtroom;

18           5. The sheriff of any county may authorize certain employees of  
19 the county, who possess a valid handgun license issued pursuant to  
20 the provisions of the Oklahoma Self-Defense Act, to carry a  
21 concealed handgun when acting in the course and scope of employment  
22 within the courthouses in the county in which the person is  
23 employed. Nothing in the Oklahoma Self-Defense Act shall prohibit  
24 the sheriff from requiring additional instruction or training before  
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1 receiving authorization to carry a concealed handgun within the  
2 courthouse. The provisions of this paragraph and of paragraph 6 of  
3 this subsection shall not allow the county employee to carry the  
4 handgun into a courtroom, sheriff's office, adult or juvenile jail  
5 or any other prisoner detention area; ~~and~~

6 6. The board of county commissioners of any county may  
7 authorize certain employees of the county, who possess a valid  
8 handgun license issued pursuant to the provisions of the Oklahoma  
9 Self-Defense Act, to carry a concealed handgun when acting in the  
10 course and scope of employment on county annex facilities or grounds  
11 surrounding the county courthouse; and

12 7. First responders employed by a county or municipality, who  
13 possess a valid handgun license issued pursuant to the provisions of  
14 the Oklahoma Self-Defense Act, may be authorized to carry a  
15 concealed handgun when acting in the course and scope of employment.  
16 "First responders" as used in this section, means firefighters and  
17 emergency medical technicians.

18 I. For the purposes of this section, "motor vehicle" means any  
19 automobile, truck, minivan, sports utility vehicle or motorcycle as  
20 defined in Section 1-135 of Title 47 of the Oklahoma Statutes,  
21 equipped with a locked accessory container within or affixed to the  
22 motorcycle.

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

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