

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2136

By: McDugle of the House

and

Stephens of the Senate

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to crimes and punishments; amending
11 21 O.S. 2021, Section 1277, which relates to the
12 unlawful carry of firearms in certain places;
13 providing an exception to certain prohibited act;
14 authorizing municipalities to allow employees or
15 public officials to carry firearms under certain
16 circumstances; providing restrictions; defining term;
17 providing construing provision; providing for the
18 public display of firearms subject to policies; and
19 providing an effective date.

20
21
22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1277, is
24 amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

A. It shall be unlawful for any person, including a person in
possession of a valid handgun license issued pursuant to the

1 provisions of the Oklahoma Self-Defense Act, to carry any concealed
2 or unconcealed firearm into any of the following places:

3 1. Any structure, building, or office space which is owned or
4 leased by a city, town, county, or state ~~or federal~~ governmental
5 authority for the purpose of conducting business with the public.
6 Notwithstanding the provisions of this subsection, the governing
7 body of a city or town may authorize the concealed carry of handguns
8 into any structure, building or office space, except those places
9 listed in paragraph 2 of this subsection, which is owned or leased
10 by a city or town;

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

16 3. Any public or private elementary or public or private
17 secondary school, except as provided in subsections C and D of this
18 section;

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

21 5. Any place where gambling is authorized by law, unless
22 allowed by the property owner;

23 6. Any other place specifically prohibited by law; and
24

1 7. Any property set aside by a county, city, town, public trust
2 with a county, city or town as a beneficiary, or state governmental
3 authority for an event that is secured with minimum-security
4 provisions. For purposes of this paragraph, a minimum-security
5 provision consists of a location that is secured utilizing the
6 following:

- 7 a. a metallic-style security fence that is at least eight
8 (8) feet in height that encompasses the property and
9 is secured in such a way as to deter unauthorized
10 entry,
- 11 b. controlled access points staffed by a uniformed,
12 commissioned peace officer, and
- 13 c. a metal detector whereby persons walk or otherwise
14 travel with their property through or by the metal
15 detector.

16 B. It shall be lawful for a person to carry a concealed or
17 unconcealed firearm on the following properties:

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

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

24

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, office space or event which is specifically
10 prohibited by the provisions of subsection A of this section;

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; and

16 6. Any public property set aside temporarily by a county, city,
17 town, public trust with a county, city or town as a beneficiary, or
18 state governmental authority for the holder of an event permit that
19 is without minimum-security provisions, as such term is defined in
20 paragraph 7 of subsection A of this section; provided, the carry of
21 firearms within said permitted event area shall be limited to
22 concealed carry of a handgun unless otherwise authorized by the
23 holder of the event permit.

1 Nothing contained in any provision of this subsection or
2 subsection C of this section shall be construed to authorize or
3 allow any person in control of any place described in subsection A
4 of this section to establish any policy or rule that has the effect
5 of prohibiting any person in lawful possession of a handgun license
6 or otherwise in lawful possession of a firearm from carrying or
7 possessing the firearm on the property described in this subsection.

8 C. A concealed or unconcealed weapon may be carried onto
9 private school property or in any school bus or vehicle used by any
10 private school for transportation of students or teachers by a
11 person who is licensed pursuant to the Oklahoma Self-Defense Act⁷;
12 provided, a policy has been adopted by the governing entity of the
13 private school that authorizes the carrying and possession of a
14 weapon on private school property or in any school bus or vehicle
15 used by a private school. Except for acts of gross negligence or
16 willful or wanton misconduct, a governing entity of a private school
17 that adopts a policy which authorizes the possession of a weapon on
18 private school property, a school bus or vehicle used by the private
19 school shall not be subject to liability for any injuries arising
20 from the adoption of the policy. The provisions of this subsection
21 shall not apply to claims pursuant to the Administrative Workers'
22 Compensation Act.

23 D. Notwithstanding paragraph 3 of subsection A of this section,
24 a board of education of a school district may adopt a policy

1 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
2 authorize the carrying of a handgun onto school property by school
3 personnel specifically designated by the board of education⁷ⁱ;
4 provided, such personnel either:

5 1. Possess a valid armed security guard license as provided for
6 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

7 2. Hold a valid reserve peace officer certification as provided
8 for in Section 3311 of Title 70 of the Oklahoma Statutes.

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

11 E. Notwithstanding the provisions of subsection A of this
12 section, on any property designated as a municipal zoo or park of
13 any size that is owned, leased, operated, or managed by:

14 1. A public trust created pursuant to the provisions of Section
15 176 of Title 60 of the Oklahoma Statutes; or

16 2. A nonprofit entity,
17 an individual shall be allowed to carry a concealed handgun but not
18 openly carry a handgun on the property.

19 F. Any person violating the provisions of paragraph 2 or 3 of
20 subsection A of this section shall, upon conviction, be guilty of a
21 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
22 Dollars (\$250.00). A person violating any other provision of
23 subsection A of this section may be denied entrance onto the
24 property or removed from the property. If the person refuses to

1 leave the property and a peace officer is summoned, the person may
2 be issued a citation for an amount not to exceed Two Hundred Fifty
3 Dollars (\$250.00).

4 G. No person in possession of a valid handgun license issued
5 pursuant to the provisions of the Oklahoma Self-Defense Act or who
6 is carrying or in possession of a firearm as otherwise permitted by
7 law or who is carrying or in possession of a machete, blackjack,
8 loaded cane, hand chain or metal knuckles shall be authorized to
9 carry the firearm, machete, blackjack, loaded cane, hand chain or
10 metal knuckles into or upon any college, university or technology
11 center school property, except as provided in this subsection. For
12 purposes of this subsection, the following property shall not be
13 construed to be college, university or technology center school
14 property:

15 1. Any property set aside for the use or parking of any motor
16 vehicle, whether attended or unattended, provided the firearm,
17 machete, blackjack, loaded cane, hand chain or metal knuckles are
18 carried or stored as required by law and the firearm, machete,
19 blackjack, loaded cane, hand chain or metal knuckles are not removed
20 from the motor vehicle without the prior consent of the college or
21 university president or technology center school administrator while
22 the vehicle is on any college, university or technology center
23 school property;

24

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

4 3. Any property authorized by the written consent of the
5 college or university president or technology center school
6 administrator, provided the written consent is carried with the
7 firearm, machete, blackjack, loaded cane, hand chain or metal
8 knuckles and the valid handgun license while on college, university
9 or technology center school property.

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

19 Nothing contained in any provision of this subsection shall be
20 construed to authorize or allow any college, university or
21 technology center school to establish any policy or rule that has
22 the effect of prohibiting any person in lawful possession of a
23 handgun license or any person in lawful possession of a firearm,
24 machete, blackjack, loaded cane, hand chain or metal knuckles from

1 possession of a firearm, machete, blackjack, loaded cane, hand chain
2 or metal knuckles in places described in paragraphs 1, 2 and 3 of
3 this subsection. Nothing contained in any provision of this
4 subsection shall be construed to limit the authority of any college,
5 university or technology center school in this state from taking
6 administrative action against any student for any violation of any
7 provision of this subsection.

8 H. The provisions of this section shall not apply to the
9 following:

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

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

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

20 4. Elected officials of a county, who are in possession of a
21 valid handgun license issued pursuant to the provisions of the
22 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
23 in the performance of his or her duties within the courthouses of
24 the county in which he or she was elected. The provisions of this

1 paragraph shall not allow the elected county official to carry the
2 handgun into a courtroom;

3 5. The sheriff of any county may authorize certain employees of
4 the county, who possess a valid handgun license issued pursuant to
5 the provisions of the Oklahoma Self-Defense Act, to carry a
6 concealed handgun when acting in the course and scope of employment
7 within the courthouse in the county in which the person is employed.
8 Nothing in the Oklahoma Self-Defense Act shall prohibit the sheriff
9 from requiring additional instruction or training before granting
10 authorization to carry a concealed handgun within the courthouse.
11 The provisions of this paragraph and of paragraph 6 of this
12 subsection shall not allow the county employee to carry the handgun
13 into a courtroom, sheriff's office, adult or juvenile jail or any
14 other prisoner detention area; and

15 6. The board of county commissioners of any county may
16 authorize certain employees of the county, who possess a valid
17 handgun license issued pursuant to the provisions of the Oklahoma
18 Self-Defense Act, to carry a concealed handgun when acting in the
19 course and scope of employment on county annex facilities or grounds
20 surrounding the county courthouse.

21 I. 1. Municipalities may authorize certain employees or public
22 officials of the municipality, municipal public trust, or municipal
23 authority who possess a valid handgun license issued pursuant to the
24 provisions of the Oklahoma Self-Defense Act and who have

1 successfully completed any additional training or requirements, as
2 established by ordinance or resolution, to carry a concealed
3 handgun when acting in the course and scope of employment.

4 2. For purposes of this subsection, firearms may not be present
5 in a location that is a firearm-prohibited location. As used in
6 this paragraph, "firearm-prohibited location" shall include the
7 following locations:

8 a. any structure, building, or office space on
9 municipally owned, leased, or maintained property
10 designated as a firearm-prohibited location by the
11 municipality, municipal public trust, or municipal
12 authority, and

13 b. any police department, courthouse, courtroom, prison,
14 jail, detention facility, or any facility used to
15 process, hold, or house arrested persons, prisoners,
16 or persons alleged delinquent or adjudicated
17 delinquent.

18 3. Nothing in this section shall be construed as a mechanism to
19 allow municipal employees to carry a firearm as a duty or function
20 of their employment with the municipality, municipal public trust,
21 or municipal authority.

22 4. Municipalities may authorize the public display of firearms
23 in public buildings subject to policies established by the
24 municipality, municipal public trust, or municipal authority.

1 J. For the purposes of this section, "motor vehicle" means any
2 automobile, truck, minivan, ~~sports~~ sport utility vehicle, or
3 motorcycle, as defined in Section 1-135 of Title 47 of the Oklahoma
4 Statutes, equipped with a locked accessory container within or
5 affixed to the motorcycle.

6 SECTION 2. This act shall become effective November 1, 2023.

7
8 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/22/2023 -
9 DO PASS, As Amended and Coauthored.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24