

1 **SENATE FLOOR VERSION**

2 April 6, 2017

3 ENGROSSED HOUSE
4 BILL NO. 1104

5 By: Cleveland, Ritze, McDugle,
6 Moore, Coody, Bennett
7 (John), Calvey, O'Donnell,
8 Faught, Murdock, Gann,
9 Roberts (Dustin), Jordan,
10 Tadlock, Teague, McEachin,
11 Babinec, Newton, Dunlap,
12 West (Kevin), West (Rick),
13 Roberts (Sean), Wallace,
14 Osborn (Leslie), Humphrey,
15 Rogers, Enns, Ford, Murphey
16 and Hilbert of the House

17 and

18 Dahm, Brecheen, Bergstrom,
19 Standridge, Scott, Kidd,
20 Quinn, Griffin, Boggs,
21 Stanislowski, Rader, Allen
22 and Pemberton of the Senate

23 An Act relating to firearms; amending 21 O.S. 2011,
24 Section 1277, as last amended by Section 3, Chapter
25 210, O.S.L. 2016 (21 O.S. Supp. 2016, Section 1277),
26 which relates to the unlawful carry of firearms in
27 certain places; providing an exception for elected
28 county officials; and providing an effective date.

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

30 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
31 last amended by Section 3, Chapter 210, O.S.L. 2016 (21 O.S. Supp.
32 2016, Section 1277), is amended to read as follows:

1 Section 1277.

2 UNLAWFUL CARRY IN CERTAIN PLACES

3 A. It shall be unlawful for any person in possession of a valid
4 handgun license issued pursuant to the provisions of the Oklahoma
5 Self-Defense Act to carry any concealed or unconcealed handgun into
6 any of the following places:

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

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

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

17 4. Any sports arena during a professional sporting event;

18 5. Any place where pari-mutuel wagering is authorized by law;
19 and

20 6. Any other place specifically prohibited by law.

21 B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A
22 of this section, the prohibited place does not include and
23 specifically excludes the following property:
24

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

4 2. Any property set aside for the use or parking of any
5 vehicle, whether attended or unattended, by any entity offering any
6 professional sporting event which is open to the public for
7 admission, or by any entity engaged in pari-mutuel wagering
8 authorized by law;

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

12 4. Any property designated by a city, town, county or state
13 governmental authority as a park, recreational area, or fairgrounds;
14 provided, nothing in this paragraph shall be construed to authorize
15 any entry by a person in possession of a concealed or unconcealed
16 handgun into any structure, building or office space which is
17 specifically prohibited by the provisions of subsection A of this
18 section; and

19 5. Any property set aside by a public or private elementary or
20 secondary school for the use or parking of any vehicle, whether
21 attended or unattended; provided, however, said handgun shall be
22 stored and hidden from view in a locked motor vehicle when the motor
23 vehicle is left unattended on school property.

24

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 paragraph 1,
4 2, 3, 4 or 5 of subsection A of this section to establish any policy
5 or rule that has the effect of prohibiting any person in lawful
6 possession of a handgun license from possession of a handgun
7 allowable under such license in places described in paragraph 1, 2,
8 3, 4 or 5 of this subsection.

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

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 education,
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. Any person violating the provisions of subsection A of this
12 section shall, upon conviction, be guilty of a misdemeanor
13 punishable by a fine not to exceed Two Hundred Fifty Dollars
14 (\$250.00).

15 F. No person in possession of a valid handgun license issued
16 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
17 authorized to carry the handgun into or upon any college, university
18 or technology center school property, except as provided in this
19 subsection. For purposes of this subsection, the following property
20 shall not be construed as prohibited for persons having a valid
21 handgun license:

22 1. Any property set aside for the use or parking of any
23 vehicle, whether attended or unattended, provided the handgun is
24 carried or stored as required by law and the handgun is not removed

1 from the vehicle without the prior consent of the college or
2 university president or technology center school administrator while
3 the vehicle is on any college, university or technology center
4 school property;

5 2. Any property authorized for possession or use of handguns by
6 college, university or technology center school policy; and

7 3. Any property authorized by the written consent of the
8 college or university president or technology center school
9 administrator, provided the written consent is carried with the
10 handgun and the valid handgun license while on college, university
11 or technology center school property.

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

21 Nothing contained in any provision of this subsection shall be
22 construed to authorize or allow any college, university or
23 technology center school to establish any policy or rule that has
24 the effect of prohibiting any person in lawful possession of a

1 handgun license from possession of a handgun allowable under such
2 license in places described in paragraphs 1, 2 and 3 of this
3 subsection. Nothing contained in any provision of this subsection
4 shall be construed to limit the authority of any college, university
5 or technology center school in this state from taking administrative
6 action against any student for any violation of any provision of
7 this subsection.

8 G. The provisions of this section shall not apply to ~~any~~ the
9 following:

10 1. Any peace officer or ~~to~~ any person authorized by law to
11 carry a pistol 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, ~~shall be exempt from this section~~ when
17 acting in the course and scope of employment within the courthouses
18 of this state;

19 3. Private investigators with a firearms authorization ~~shall be~~
20 ~~exempt from this section~~ when acting in the course and scope of
21 employment; and

22 4. Elected officials of a county, who are in possession of a
23 valid handgun license issued pursuant to the provisions of the
24 Oklahoma Self-Defense Act, may carry a concealed handgun when acting

1 in the performance of their duties within the courthouses of the
2 county in which he or she was elected. The provisions of this
3 paragraph shall not allow the elected county official to carry the
4 handgun into a courtroom.

5 H. For the purposes of this section, "motor vehicle" means any
6 automobile, truck, minivan or sports utility vehicle.

7 SECTION 2. This act shall become effective November 1, 2017.

8 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
9 April 6, 2017 - DO PASS

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