

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 2796

By: Hardin (David)

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5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,
8 Sections 1272, as last amended by Section 1, Chapter
9 1, O.S.L. 2019 and 1277, as last amended by Section
10 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp. 2019,
11 Sections 1272 and 1277), which relate to the carrying
of firearms; providing exception to certain
12 prohibited acts for members of the Oklahoma
13 Legislature and retired peace officers; and providing
an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
16 last amended by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
17 2019, Section 1272), is amended to read as follows:

18 Section 1272.

19 UNLAWFUL CARRY

20 A. Notwithstanding any other provision of law, it shall be
21 unlawful for any person to carry upon or about his or her person, or
22 in a purse or other container belonging to the person, any pistol,
23 revolver, shotgun or rifle whether loaded or unloaded or any
24 blackjack, loaded cane, hand chain, metal knuckles, or any other

1 offensive weapon, whether such weapon be concealed or unconcealed,
2 except this section shall not prohibit:

3 1. The proper use of guns and knives for self-defense, hunting,
4 fishing, educational or recreational purposes;

5 2. The carrying or use of weapons in a manner otherwise
6 permitted by statute or authorized by the Oklahoma Self-Defense Act;

7 3. The carrying, possession and use of any weapon by a peace
8 officer or other person authorized by law to carry a weapon in the
9 performance of official duties and in compliance with the rules of
10 the employing agency;

11 4. The carrying or use of weapons in a courthouse by a district
12 judge, associate district judge or special district judge within
13 this state, who is in possession of a valid handgun license issued
14 pursuant to the provisions of the Oklahoma Self-Defense Act and
15 whose name appears on a list maintained by the Administrative
16 Director of the Courts;

17 5. The carrying and use of firearms and other weapons provided
18 in this subsection when used for the purpose of living history
19 reenactment. For purposes of this paragraph, "living history
20 reenactment" means depiction of historical characters, scenes,
21 historical life or events for entertainment, education, or
22 historical documentation through the wearing or use of period,
23 historical, antique or vintage clothing, accessories, firearms,
24 weapons, and other implements of the historical period; ~~or~~

1 6. The carrying of a firearm, concealed or unconcealed, loaded
2 or unloaded, by a person who is twenty-one (21) years of age or
3 older or by a person who is eighteen (18) years of age but not yet
4 twenty-one (21) years of age and the person is a member or veteran
5 of the United States Armed Forces, Reserves or National Guard or was
6 discharged under honorable conditions from the United States Armed
7 Forces, Reserves or National Guard, and the person is otherwise not
8 disqualified from the possession or purchase of a firearm under
9 state or federal law and is not carrying the firearm in furtherance
10 of a crime.

11 Except as provided in subsection B of Section 1283 of this
12 title, a person who has been convicted of any one of the following
13 offenses in this state or a violation of the equivalent law of
14 another state:

- 15 a. assault and battery pursuant to the provisions of
16 Section 644 of this title which caused serious
17 physical injury to the victim,
- 18 b. aggravated assault and battery pursuant to the
19 provisions of Section 646 of this title,
- 20 c. assault and battery that qualifies as domestic abuse
21 as defined in Section 644 of this title,
- 22 d. stalking pursuant to the provisions of Section 1173 of
23 this title,

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1 e. a violation of an order issued under the Protection
2 from Domestic Abuse Act or a domestic abuse protection
3 order issued by another state, or

4 f. a violation relating to illegal drug use or possession
5 under the provisions of the Uniform Controlled
6 Dangerous Substances Act,

7 shall be prohibited from carrying a firearm under the provisions of
8 this paragraph. Any person who carries a firearm in the manner
9 provided for in this paragraph shall be prohibited from carrying the
10 firearm into any of the places prohibited in subsection A of Section
11 1277 of this title or any other place currently prohibited by law.
12 Nothing in this section shall modify or otherwise change where a
13 person may legally carry a firearm;

14 7. The carrying, possession or use of firearms in the State
15 Capitol Building or any structure, building or office space that is
16 owned or leased by the State of Oklahoma by a member of the Oklahoma
17 Legislature; or

18 8. The carrying, possession or use of firearms in the State
19 Capitol Building or any structure, building or office space that is
20 owned or leased by the State of Oklahoma by a state, county or
21 municipal peace officer of this state who is retired and is
22 authorized to carry a firearm pursuant to the provisions provided
23 for in Section 1289.8 of this title.

1 B. Any person convicted of violating the foregoing provision
2 shall be guilty of a misdemeanor punishable as provided in Section
3 1276 of this title.

4 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
5 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.
6 2019, Section 1277), is amended to read as follows:

7 Section 1277.

8 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

21 3. Any public or private elementary or public or private
22 secondary school, except as provided in subsections C and D of this
23 section;

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

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

5 6. Any other place specifically prohibited by law.

6 B. For purposes of subsection A of this section, the prohibited
7 ~~place does~~ places do not include and specifically ~~excludes~~ exclude
8 the following ~~property~~ properties:

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

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

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

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

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

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

13 C. A concealed or unconcealed weapon may be carried onto
14 private school property or in any school bus or vehicle used by any
15 private school for transportation of students or teachers by a
16 person who is licensed pursuant to the Oklahoma Self-Defense Act,
17 provided a policy has been adopted by the governing entity of the
18 private school that authorizes the carrying and possession of a
19 weapon on private school property or in any school bus or vehicle
20 used by a private school. Except for acts of gross negligence or
21 willful or wanton misconduct, a governing entity of a private school
22 that adopts a policy which authorizes the possession of a weapon on
23 private school property, a school bus or vehicle used by the private
24 school shall be immune from liability for any injuries arising from

1 the adoption of the policy. The provisions of this subsection shall
2 not apply to claims pursuant to the Administrative Workers'
3 Compensation Act.

4 D. Notwithstanding paragraph 3 of subsection A of this section,
5 a board of education of a school district may adopt a policy
6 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
7 authorize the carrying of a handgun onto school property by school
8 personnel specifically designated by the board of education,
9 provided such personnel either:

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

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

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

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

18 1. A public trust created pursuant to the provisions of Section
19 176 of Title 60 of the Oklahoma Statutes; or

20 2. A nonprofit entity,
21 an individual shall be allowed to carry a concealed handgun but not
22 openly carry a handgun on the property.

23 F. Any person violating the provisions of paragraph 2 or 3 of
24 subsection A of this section shall, upon conviction, be guilty of a

1 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
2 Dollars (\$250.00). A person violating any other provision of
3 subsection A of this section may be denied entrance onto the
4 property or removed from the property. If the person refuses to
5 leave the property and a peace officer is summoned, the person may
6 be issued a citation for an amount not to exceed Two Hundred Fifty
7 Dollars (\$250.00).

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

19 1. Any property set aside for the use or parking of any motor
20 vehicle, whether attended or unattended, provided the firearm,
21 machete, blackjack, loaded cane, hand chain or metal knuckles are
22 carried or stored as required by law and the firearm, machete,
23 blackjack, loaded cane, hand chain or metal knuckles are not removed
24 from the motor vehicle without the prior consent of the college or

1 university president or technology center school administrator while
2 the vehicle is on any college, university or technology center
3 school property;

4 2. Any property authorized for possession or use of firearms,
5 machetes, blackjacks, loaded canes, hand chains or metal knuckles 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 firearm, machete, blackjack, loaded cane, hand chain or metal
11 knuckles and the valid handgun license while on college, university
12 or technology center school property.

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

22 Nothing contained in any provision of this subsection shall be
23 construed to authorize or allow any college, university or
24 technology center school to establish any policy or rule that has

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

11 H. The provisions of this section shall not apply to the
12 following:

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

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

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

23 4. Elected officials of a county, who are in possession of a
24 valid handgun license issued pursuant to the provisions of the

1 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
2 in the performance of their duties within the courthouses of the
3 county in which he or she was elected. The provisions of this
4 paragraph shall not allow the elected county official to carry the
5 handgun into a courtroom;

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

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

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1 7. Members of the Oklahoma Legislature when entering the State
2 Capitol Building or any structure, building or office space that is
3 owned or leased by the State of Oklahoma; and

4 8. State, county or municipal peace officers of this state who
5 are retired and authorized to carry a firearm pursuant to the
6 provisions provided for in Section 1289.8 of this title when
7 entering the State Capitol Building or any structure, building or
8 office space that is owned or leased by the State of Oklahoma.

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

14 SECTION 3. This act shall become effective November 1, 2020.

16 57-2-9465 GRS 12/06/19

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