

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2075

By: Smithson

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1280.1, as amended by Section 2, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2005, Section 1280.1), which relates to possession of firearms on school property; expanding authorization for firearms on school property; amending 21 O.S. 2001, Sections 1290.5, as amended by Section 1, Chapter 122, O.S.L. 2003 and 1290.8, as amended by Section 6, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2005, Sections 1290.5 and 1290.8), which relate to the Oklahoma Self-Defense Act; authorizing unconcealed carry of long guns under certain circumstances; modifying license renewal period; removing concealment requirement for handguns under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1280.1, as amended by Section 2, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2005, Section 1280.1), is amended to read as follows:

Section 1280.1

POSSESSION OF FIREARM ON SCHOOL PROPERTY

A. It shall be unlawful for any person to have in his or her possession on any public or private school property or while in any school bus or vehicle used by any school for transportation of students or teachers any firearm or weapon designated in Section 1272 of this title, except as provided in subsection C of this section or as otherwise authorized by law.

B. "School property" means any publicly or privately owned property held for purposes of elementary, secondary or vocational-technical education, and shall not include property owned by public school districts or private educational entities where such property

is leased or rented to an individual or corporation and used for purposes other than educational.

C. Firearms and weapons are allowed on school property and deemed not in violation of subsection A of this section as follows:

1. A gun or knife designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law, or a handgun carried in a vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act, provided such vehicle containing said gun or knife is driven onto school property only to transport a student to and from school and such vehicle does not remain unattended on school property;

2. A gun or knife used for the purposes of participating in the Oklahoma Department of Wildlife Conservation certified hunter training education course or any other hunting, fishing, safety or firearms training courses, or a recognized firearms sports event, team shooting program or competition, or living history reenactment, provided the course or event is approved by the principal or chief administrator of the school where the course or event is offered, and provided the weapon is properly displayed or stored as required by law pending participation in the course, event, program or competition; ~~and~~

3. Weapons in the possession of any peace officer or other person authorized by law to possess a weapon in the performance of their duties and responsibilities; and

4. A handgun carried by a principal or superintendent pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act. In addition to a valid handgun license authorized by the Oklahoma Self-Defense Act, the principal or superintendent must possess a letter of approval from a majority of the board members of that school district. This exception only applies if the principal or superintendent is on property of the school district in which the principal or superintendent is employed.

D. Any person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), and imprisonment for not more than two (2) years. Any person convicted of violating the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license permanently revoked and shall be liable for an administrative fine of One Hundred Dollars (\$100.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 2. AMENDATORY 21 O.S. 2001, Section 1290.5, as amended by Section 1, Chapter 122, O.S.L. 2003 (21 O.S. Supp. 2005, Section 1290.5), is amended to read as follows:

Section 1290.5

TERM OF LICENSE AND RENEWAL

A. A concealed handgun license when issued shall authorize the person to whom the license is issued to carry a loaded or unloaded concealed handgun as authorized by the provisions of the Oklahoma Self-Defense Act, and any future modifications thereto. A concealed handgun license when issued shall also authorize the person to whom the license is issued to carry an unconcealed magazine-loaded long gun that is not chamber loaded as authorized by the provisions of the Oklahoma Self-Defense Act, and any future modifications thereto. The license shall be valid in this state for a period of five (5) years, unless subsequently surrendered, suspended or revoked as provided by law. The person shall have no authority to continue to carry a concealed handgun in this state pursuant to the Oklahoma Self-Defense Act when a license is expired or when a license has been voluntarily surrendered or suspended or revoked for any reason.

B. A license may be renewed any time within ninety (90) days prior to the expiration date as provided in this subsection. The

Bureau shall send a renewal application to each eligible licensee with a return address requested. There shall be a thirty-day grace period on license renewals beginning on the date of expiration, thereafter the license is considered expired. However, any applicant shall have ~~one (1) year~~ five (5) years from the expiration of the license to comply with the renewal requirements of this section.

1. To renew a handgun license, the licensee must first obtain a renewal form from the Oklahoma State Bureau of Investigation.

2. The applicant must complete the renewal form, attach two current passport size photographs of the applicant, and submit a renewal fee in the amount of Eighty-five Dollars (\$85.00) to the Bureau. The renewal fee may be paid with a nationally recognized credit card as provided in subparagraph b of paragraph 4 of subsection A of Section 1290.12 of this title, or by a cashier's check or money order made payable to the Oklahoma State Bureau of Investigation.

3. Upon receipt of the renewal application, photographs and fee, the Bureau will conduct a criminal history records name search, an investigation of medical records or other records or information deemed by the Bureau to be relevant to the renewal application. If the applicant appears not to have any prohibition to renewing the handgun license, the Bureau shall issue the renewed license for a period of five (5) years.

SECTION 3. AMENDATORY 21 O.S. 2001, Section 1290.8, as amended by Section 6, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2005, Section 1290.8), is amended to read as follows:

Section 1290.8

POSSESSION OF LICENSE REQUIRED

NOTIFICATION TO POLICE OF GUN

A. Except as otherwise prohibited by law, an eligible person shall have authority to carry a concealed handgun in this state when

the person has been issued a handgun license from the Oklahoma State Bureau of Investigation pursuant to the provisions of the Oklahoma Self-Defense Act, provided the person is in compliance with the provisions of the Oklahoma Self-Defense Act, and the license has not expired or been subsequently suspended or revoked. A person in possession of a valid handgun license and in compliance with the provisions of the Oklahoma Self-Defense Act shall be authorized to carry such ~~concealed~~ handgun while bow hunting or fishing without concealing the handgun.

B. The person shall be required to have possession of his or her valid handgun license and a valid Oklahoma driver license or an Oklahoma State photo identification at all times when in possession of an authorized pistol. Any violation of the provisions of this subsection may be punishable as a criminal offense as authorized by Section 1272 of this title or pursuant to any other applicable provision of law. In addition to any criminal prosecution which may result from not carrying the handgun license and the required identification with the authorized pistol as required by the provisions of this subsection, the person may be subject to an administrative fine for violation of the provisions of this subsection. The administrative fine shall be Fifty Dollars (\$50.00) and shall be assessed by the Oklahoma State Bureau of Investigation after a hearing and determination that the licensee is in violation of the provisions of this subsection. Any second or subsequent violation of the provisions of this subsection shall be grounds for the Bureau to suspend the handgun license for a period of six (6) months, in addition to any other penalty imposed.

Upon the arrest of any person for a violation of the provisions of this subsection, the person may show proof to the court that a valid handgun license and the other required identification has been issued to such person and the person may state any reason why the handgun license or the other required identification was not carried

by the person as required by the Oklahoma Self-Defense Act. The court shall dismiss an alleged violation of Section 1272 of this title upon payment of court costs, if proof of a valid handgun license and other required identification is shown to the court within ten (10) days of the arrest of the person. The court shall report a dismissal of a charge to the Bureau for consideration of administrative proceedings against the licensee.

C. It shall be unlawful for any person to fail or refuse to identify the fact that the person is in actual possession of a concealed handgun pursuant to the authority of the Oklahoma Self-Defense Act when the person first comes into contact with any law enforcement officer of this state or its political subdivisions or a federal law enforcement officer during the course of any arrest, detainment, or routine traffic stop. No person shall be required to identify himself or herself as a concealed handgun licensee when no handgun is in the person's possession or in any vehicle in which the person is driving or is a passenger. Any violation of the provisions of this subsection shall, upon conviction, be a misdemeanor punishable by a fine not exceeding Five Hundred Dollars (\$500.00), by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. In addition to any criminal prosecution for a violation of the provisions of this subsection, the licensee shall be subject to a six-month suspension of the license and an administrative fine of Fifty Dollars (\$50.00), upon a hearing and determination by the Bureau that the person is in violation of the provisions of this subsection.

D. Any law enforcement officer coming in contact with a person whose handgun license is suspended, revoked, or expired, or who is in possession of a handgun license which has not been lawfully issued to that person, shall confiscate the license and return it to the Oklahoma State Bureau of Investigation for appropriate

administrative proceedings against the licensee when the license is no longer needed as evidence in any criminal proceeding.

E. Nothing in this section shall be construed to authorize a law enforcement officer to inspect any weapon properly concealed without probable cause that a crime has been committed.

SECTION 4. This act shall become effective November 1, 2006.

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