

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 145

By: Crain of the Senate

and

Sullivan of the House

6
7
8 COMMITTEE SUBSTITUTE

9
10 An Act relating to crimes and punishments; amending
11 21 O.S. 2001, Sections 1272, as amended by Section 1,
12 Chapter 465, O.S.L. 2003 and 1277 (21 O.S. Supp.
13 2006, Section 1272), which relate to unlawful carry;
14 allowing certain judges to carry weapons under
15 specified circumstances; amending 21 O.S. 2001,
16 Section 1290.5, as amended by Section 1, Chapter 122,
17 O.S.L. 2003 (21 O.S. Supp. 2006, Section 1290.5),
18 which relates to the Oklahoma Self-Defense Act;
19 modifying certain time limitation; and providing an
20 effective date.

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

22 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1272, as
23 amended by Section 1, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2006,
24 Section 1272), is amended to read as follows:

Section 1272.

UNLAWFUL CARRY

A. It shall be unlawful for any person to carry upon or about
his or her person, or in a purse or other container belonging to the

1 person, any pistol, revolver, shotgun or rifle whether loaded or
2 unloaded or any dagger, bowie knife, dirk knife, switchblade knife,
3 spring-type knife, sword cane, knife having a blade which opens
4 automatically by hand pressure applied to a button, spring, or other
5 device in the handle of the knife, blackjack, loaded cane, billy,
6 hand chain, metal knuckles, or any other offensive weapon, whether
7 such weapon be concealed or unconcealed, except this section shall
8 not prohibit:

9 1. The proper use of guns and knives for hunting, fishing,
10 educational or recreational purposes;

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

13 3. The carrying, possession and use of any weapon by a peace
14 officer or other person authorized by law to carry a weapon in the
15 performance of official duties and in compliance with the rules of
16 the employing agency; ~~or~~

17 4. The carrying or use of weapons in a courthouse by a district
18 judge, associate district judge or special district judge within
19 this state, who is in possession of a valid concealed handgun
20 license issued pursuant to the provisions of the Oklahoma Self-
21 Defense Act and whose name appears on a list maintained by the
22 Administrative Director of the Courts; or

23 5. The carrying and use of firearms and other weapons provided
24 in this subsection when used for the purpose of living history

1 reenactment. For purposes of this paragraph, "living history
2 reenactment" means depiction of historical characters, scenes,
3 historical life or events for entertainment, education, or
4 historical documentation through the wearing or use of period,
5 historical, antique or vintage clothing, accessories, firearms,
6 weapons, and other implements of the historical period.

7 B. Any person convicted of violating the foregoing provision
8 shall be guilty of a misdemeanor punishable as provided in Section
9 1276 of this title.

10 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1277, is
11 amended to read as follows:

12 Section 1277.

13 UNLAWFUL CARRY IN CERTAIN PLACES

14 A. It shall be unlawful for any person in possession of a valid
15 concealed handgun license issued pursuant to the provisions of the
16 Oklahoma Self-Defense Act, ~~Section 1290.1 et seq. of this title,~~ to
17 carry any concealed handgun into any of the following places:

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

21 2. Any meeting of any city, town, county, state or federal
22 officials, school board members, legislative members, or any other
23 elected or appointed officials;

24

1 3. Any prison, jail, detention facility or any facility used to
2 process, hold, or house arrested persons, prisoners or persons
3 alleged delinquent or adjudicated delinquent;

4 4. Any elementary or secondary school, or technology center
5 school property;

6 5. Any sports arena during a professional sporting event;

7 6. Any place where pari-mutuel wagering is authorized by law;

8 and

9 7. Any other place specifically prohibited by law.

10 B. For purposes of paragraphs 1, 2, 3, 5 and 6 of subsection A
11 of this section, the prohibited place does not include and
12 specifically excludes the following property:

13 ~~a.~~ any

14 1. Any property set aside for the use of any vehicle, whether
15 attended or unattended, by a city, town, county, state, or federal
16 governmental authority~~;~~i

17 ~~b.~~ any

18 2. Any property set aside for the use of any vehicle, whether
19 attended or unattended, by any entity offering any professional
20 sporting event which is open to the public for admission, or by any
21 entity engaged in pari-mutuel wagering authorized by law~~;~~i

22 ~~c.~~ any

23

24

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

4 ~~d.~~ any

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

12 Nothing contained in any provision of this subsection shall be
13 construed to authorize or allow any person in control of any place
14 described in paragraph 1, 2, 3, 5 or 6 of subsection A of this
15 section to establish any policy or rule that has the effect of
16 prohibiting any person in lawful possession of a concealed handgun
17 license from possession of a handgun allowable under such license in
18 places described in paragraph ~~a, b, c or d~~ 1, 2, 3 or 4 of this
19 subsection.

20 C. Any person violating the provisions of subsection A of this
21 section shall, upon conviction, be guilty of a misdemeanor
22 punishable by a fine not to exceed Two Hundred Fifty Dollars
23 (\$250.00). Any person convicted of violating the provisions of this
24 section may be liable for an administrative fine of Two Hundred

1 Fifty Dollars (\$250.00) upon a hearing and determination by the
2 Oklahoma State Bureau of Investigation that the person is in
3 violation of the provisions of this section.

4 D. No person in possession of any concealed handgun pursuant to
5 the Oklahoma Self-Defense Act shall be authorized to carry the
6 handgun into or upon any college or university property, except as
7 provided in this subsection. For purposes of this subsection, the
8 following property shall not be construed as prohibited for persons
9 having a valid concealed handgun license:

10 1. Any property set aside for the use of any vehicle, whether
11 attended or unattended, provided the handgun is carried or stored as
12 required by law and the handgun is not removed from the vehicle
13 without the prior consent of the college or university president
14 while the vehicle is on any college or university property;

15 2. Any property authorized for possession or use of handguns by
16 college or university policy; and

17 3. Any property authorized by the written consent of the
18 college or university president, provided the written consent is
19 carried with the handgun and the valid concealed handgun license
20 while on college or university property.

21 The college or university may notify the Oklahoma State Bureau
22 of Investigation within ten (10) days of a violation of any
23 provision of this subsection by a licensee. Upon receipt of a
24 written notification of violation, the Bureau shall give a

1 reasonable notice to the licensee and hold a hearing. At the
2 hearing upon a determination that the licensee has violated any
3 provision of this subsection, the licensee may be subject to an
4 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
5 have the concealed handgun license suspended for three (3) months.

6 Nothing contained in any provision of this subsection shall be
7 construed to authorize or allow any college or university to
8 establish any policy or rule that has the effect of prohibiting any
9 person in lawful possession of a concealed handgun license from
10 possession of a handgun allowable under such license in places
11 described in paragraphs 1, 2 and 3 of this subsection. Nothing
12 contained in any provision of this subsection shall be construed to
13 limit the authority of any college or university in this state from
14 taking administrative action against any student for any violation
15 of any provision of this subsection.

16 E. The provisions of this section shall not apply to any peace
17 officer or to any person authorized by law to carry a pistol in the
18 course of employment. District judges, associate district judges
19 and special district judges, who are in possession of a valid
20 concealed handgun license issued pursuant to the provisions of the
21 Oklahoma Self-Defense Act and whose names appear on a list
22 maintained by the Administrative Director of the Courts, shall be
23 exempt from this section when acting in the course and scope of
24 employment within the courthouses of this state. Private

1 investigators with a firearms authorization shall be exempt from
2 this section when acting in the course and scope of employment.

3 SECTION 3. AMENDATORY 21 O.S. 2001, Section 1290.5, as
4 amended by Section 1, Chapter 122, O.S.L. 2003 (21 O.S. Supp. 2006,
5 Section 1290.5), is amended to read as follows:

6 Section 1290.5

7 TERM OF LICENSE AND RENEWAL

8 A. A concealed handgun license when issued shall authorize the
9 person to whom the license is issued to carry a loaded or unloaded
10 concealed handgun as authorized by the provisions of the Oklahoma
11 Self-Defense Act, and any future modifications thereto. The license
12 shall be valid in this state for a period of five (5) years, unless
13 subsequently surrendered, suspended or revoked as provided by law.
14 The person shall have no authority to continue to carry a concealed
15 handgun in this state pursuant to the Oklahoma Self-Defense Act when
16 a license is expired or when a license has been voluntarily
17 surrendered or suspended or revoked for any reason.

18 B. A license may be renewed any time within ninety (90) days
19 prior to the expiration date as provided in this subsection. The
20 Bureau shall send a renewal application to each eligible licensee
21 with a return address requested. There shall be a thirty-day grace
22 period on license renewals beginning on the date of expiration,
23 thereafter the license is considered expired. However, any
24 applicant shall have ~~one (1) year~~ three (3) years from the

1 expiration of the license to comply with the renewal requirements of
2 this section.

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

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

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

20 SECTION 4. This act shall become effective November 1, 2007.

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