

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 2230

By: Russell of the Senate

and

6 Enns of the House

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to crimes and punishments; amending
11 21 O.S. 2001, Section 1277, as amended by Section 2,
12 Chapter 128, O.S.L. 2007 (21 O.S. Supp. 2009, Section
13 1277), which relates to areas it is unlawful to carry
14 a concealed handgun; modifying definition of
15 technology center school; including technology center
16 schools in exclusions; allowing concealed handgun in
17 vehicle on certain property; allowing administrator
18 to report violation; amending 21 O.S. 2001, Section
19 1280.1, as amended by Section 2, Chapter 465, O.S.L.
20 2003 (21 O.S. Supp. 2009, Section 1280.1), which
21 relates to possession of firearms on school property;
22 allowing concealed handgun on technology center
23 school property; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1277, as
amended by Section 2, Chapter 128, O.S.L. 2007 (21 O.S. Supp. 2009,
Section 1277), is amended to read as follows:

1 Section 1277. A. It shall be unlawful for any person in
2 possession of a valid concealed handgun license issued pursuant to
3 the provisions of the Oklahoma Self-Defense Act to carry any
4 concealed handgun into any of the following places:

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

8 2. Any meeting of any city, town, county, state or federal
9 officials, school board members, legislative members, or any other
10 elected or appointed officials;

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

14 4. Any elementary or secondary school property, or technology
15 center school ~~property~~;

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

17 6. Any place where pari-mutuel wagering is authorized by law;
18 and

19 7. Any other place specifically prohibited by law.

20 B. For purposes of paragraphs 1, 2, 3, 5 and 6 of subsection A
21 of this section and technology center school property, the
22 prohibited place does not include and specifically excludes the
23 following property:
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1 1. Any property set aside for the use of any vehicle, whether
2 attended or unattended, by a city, town, county, state, or federal
3 governmental authority;

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

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

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

17 Nothing contained in any provision of this subsection shall be
18 construed to authorize or allow any person in control of any place
19 described in paragraph 1, 2, 3, 5 or 6 of subsection A of this
20 section and technology center school property to establish any
21 policy or rule that has the effect of prohibiting any person in
22 lawful possession of a concealed handgun license from possession of
23 a handgun allowable under such license in places described in
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1 paragraph 1, 2, 3 or 4 of this subsection and technology center
2 school property.

3 C. Any person violating the provisions of subsection A of this
4 section shall, upon conviction, be guilty of a misdemeanor
5 punishable by a fine not to exceed Two Hundred Fifty Dollars
6 (\$250.00). Any person convicted of violating the provisions of this
7 section may be liable for an administrative fine of Two Hundred
8 Fifty Dollars (\$250.00) upon a hearing and determination by the
9 Oklahoma State Bureau of Investigation that the person is in
10 violation of the provisions of this section.

11 D. No person in possession of any concealed handgun pursuant to
12 the Oklahoma Self-Defense Act shall be authorized to carry the
13 handgun into or upon any college, ~~or~~ university, or technology
14 center school property, except as provided in this subsection. For
15 purposes of this subsection, the following property shall not be
16 construed as prohibited for persons having a valid concealed handgun
17 license:

18 1. Any property set aside for the use of any vehicle, whether
19 attended or unattended, provided the handgun is carried or stored as
20 required by law and the handgun is not removed from the vehicle
21 without the prior consent of the college or university president or
22 technology center school administrator while the vehicle is on any
23 college, ~~or~~ university, or technology center school property;

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

3 3. Any property authorized by the written consent of the
4 college or university president, provided the written consent is
5 carried with the handgun and the valid concealed handgun license
6 while on college or university property.

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

17 Nothing contained in any provision of this subsection shall be
18 construed to authorize or allow any college, ~~or~~ university, or
19 technology center school to establish any policy or rule that has
20 the effect of prohibiting any person in lawful possession of a
21 concealed handgun license from possession of a handgun allowable
22 under such license in places described in paragraphs 1, 2 and 3 of
23 this subsection. Nothing contained in any provision of this
24 subsection shall be construed to limit the authority of any college,

1 ~~or~~ university, or technology center school in this state from taking
2 administrative action against any student for any violation of any
3 provision of this subsection.

4 E. The provisions of this section shall not apply to any peace
5 officer or to any person authorized by law to carry a pistol in the
6 course of employment. District judges, associate district judges
7 and special district judges, who are in possession of a valid
8 concealed handgun license issued pursuant to the provisions of the
9 Oklahoma Self-Defense Act and whose names appear on a list
10 maintained by the Administrative Director of the Courts, shall be
11 exempt from this section when acting in the course and scope of
12 employment within the courthouses of this state. Private
13 investigators with a firearms authorization shall be exempt from
14 this section when acting in the course and scope of employment.

15 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1280.1, as
16 amended by Section 2, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2009,
17 Section 1280.1), is amended to read as follows:

18 Section 1280.1 A. It shall be unlawful for any person to have
19 in his or her possession on any public or private school property or
20 while in any school bus or vehicle used by any school for
21 transportation of students or teachers any firearm or weapon
22 designated in Section 1272 of this title, except as provided in
23 subsection C of this section or as otherwise authorized by law.

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1 B. "School property" means any publicly or privately owned
2 property held for purposes of elementary, secondary or vocational-
3 technical education, and shall not include property owned by public
4 school districts or private educational entities where such property
5 is leased or rented to an individual or corporation and used for
6 purposes other than educational.

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

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

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

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1 by law pending participation in the course, event, program or
2 competition; ~~and~~

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

6 4. Concealed weapons are allowed on any technology center
7 school district property set aside for the use of any vehicle,
8 whether attended or unattended, provided the handgun is carried or
9 stored as required by law, the handgun is not removed from the
10 vehicle and the handgun is inoperable due to the use of a mechanical
11 locking device.

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

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1 SECTION 3. This act shall become effective November 1, 2010.

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