

THE HOUSE OF REPRESENTATIVES
Wednesday, February 10, 2010

House Bill No. 2534

HOUSE BILL NO. 2534 - By: FAUGHT of the House and SYKES of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Sections 1272, as last amended by Section 1, Chapter 128, O.S.L. 2007 and 1277, as amended by Section 2, Chapter 128, O.S.L. 2007 (21 O.S. Supp. 2009, Sections 1272 and 1277), which relate to the unlawful carrying of concealed handguns; authorizing assistant district attorneys to carry weapons within courtrooms; and providing an effective date.

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

1 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1272, as last amended by
2 Section 1, Chapter 128, O.S.L. 2007 (21 O.S. Supp. 2009, Section 1272), is amended to
3 read as follows:

4 Section 1272.

5 UNLAWFUL CARRY

6 A. It shall be unlawful for any person to carry upon or about his or her person, or in
7 a purse or other container belonging to the person, any pistol, revolver, shotgun or rifle
8 whether loaded or unloaded or any dagger, bowie knife, dirk knife, switchblade knife,
9 spring-type knife, sword cane, knife having a blade which opens automatically by hand
10 pressure applied to a button, spring, or other device in the handle of the knife, blackjack,
11 loaded cane, billy, hand chain, metal knuckles, or any other offensive weapon, whether
12 such weapon be concealed or unconcealed, except this section shall not prohibit:

- 1 1. The proper use of guns and knives for hunting, fishing, educational or
2 recreational purposes;
- 3 2. The carrying or use of weapons in a manner otherwise permitted by statute or
4 authorized by the Oklahoma Self-Defense Act;
- 5 3. The carrying, possession and use of any weapon by a peace officer or other
6 person authorized by law to carry a weapon in the performance of official duties and in
7 compliance with the rules of the employing agency;
- 8 4. The carrying or use of weapons in a courthouse by a district judge, associate
9 district judge or special district judge within this state, who is in possession of a valid
10 concealed handgun license issued pursuant to the provisions of the Oklahoma Self-
11 Defense Act and whose name appears on a list maintained by the Administrative
12 Director of the Courts; ~~or~~
- 13 5. The carrying or use of weapons in a courtroom within this state by an assistant
14 district attorney, who is in possession of a valid concealed handgun license issued
15 pursuant to the provisions of the Oklahoma Self-Defense Act; or
- 16 6. The carrying and use of firearms and other weapons provided in this subsection
17 when used for the purpose of living history reenactment. For purposes of this paragraph,
18 “living history reenactment” means depiction of historical characters, scenes, historical
19 life or events for entertainment, education, or historical documentation through the
20 wearing or use of period, historical, antique or vintage clothing, accessories, firearms,
21 weapons, and other implements of the historical period.

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

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

6 Section 1277.

7 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

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

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

21 7. Any other place specifically prohibited by law.

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

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

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

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

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

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

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

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

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

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

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

21 The college or university may notify the Oklahoma State Bureau of Investigation
22 within ten (10) days of a violation of any provision of this subsection by a licensee. Upon

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-09-10 - DO PASS,
6 As Coauthored.