

THE HOUSE OF REPRESENTATIVES
Thursday, April 1, 2010

Committee Substitute for
ENGROSSED
Senate Bill No. 2230

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 2230 - By:
RUSSELL of the Senate and ENNS AND KERN of the House.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1277, as amended by Section 2, Chapter 128, O.S.L. 2007 (21 O.S. Supp. 2009, Section 1277), which relates to areas it is unlawful to carry a concealed handgun; modifying definition of technology center school; including technology center schools in exclusions; allowing concealed handgun in vehicle on certain property; allowing administrator to report violation; amending 21 O.S. 2001, Section 1280.1, as amended by Section 2, Chapter 465, O.S.L. 2003 (21 O.S. Supp. 2009, Section 1280.1), which relates to possession of firearms on school property; allowing concealed handgun on technology center school property; 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 1277, as amended by
2 Section 2, Chapter 128, O.S.L. 2007 (21 O.S. Supp. 2009, Section 1277), is amended to
3 read as follows:
4 Section 1277. A. It shall be unlawful for any person in possession of a valid
5 concealed handgun license issued pursuant to the provisions of the Oklahoma Self-
6 Defense Act to carry any concealed handgun into any of the following places:

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

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

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

8 4. Any elementary or secondary school property, or technology center school
9 ~~property~~;

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

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

12 7. Any other place specifically prohibited by law.

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

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

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

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

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

8 Nothing contained in any provision of this subsection shall be construed to authorize or
9 allow any person in control of any place described in paragraph 1, 2, 3, 5 or 6 of
10 subsection A of this section and technology center school property to establish any policy
11 or rule that has the effect of prohibiting any person in lawful possession of a concealed
12 handgun license from possession of a handgun allowable under such license in places
13 described in paragraph 1, 2, 3 or 4 of this subsection and technology center school
14 property.

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

21 D. No person in possession of any concealed handgun pursuant to the Oklahoma
22 Self-Defense Act shall be authorized to carry the handgun into or upon any college, or

1 university, or technology center school property, except as provided in this subsection.

2 For purposes of this subsection, the following property shall not be construed as
3 prohibited for persons having a valid concealed handgun license:

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

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

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

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

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

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

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

21 Section 1280.1 A. It shall be unlawful for any person to have in his or her
22 possession on any public or private school property or while in any school bus or vehicle

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

1 used by any school for transportation of students or teachers any firearm or weapon
2 designated in Section 1272 of this title, except as provided in subsection C of this section
3 or as otherwise authorized by law.

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

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

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

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

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

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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON HIGHER EDUCATION AND CAREER
19 TECH, dated 03-31-10 - DO PASS, As Amended and Coauthored.