

3 Senate Bill No. 2230

4 SENATE BILL NO. 2230 - By: Russell of the Senate and Enns of the
5 House.

6 An Act relating to crimes and punishments; amending 21 O.S.
7 2001, Section 1277, as amended by Section 2, Chapter 128,
8 O.S.L. 2007 (21 O.S. Supp. 2009, Section 1277), which
9 relates to areas it is unlawful to carry a concealed
10 handgun; modifying definition of technology center school;
11 including technology center schools in exclusions; allowing
12 concealed handgun in vehicle on certain property; allowing
13 administrator to report violation; amending 21 O.S. 2001,
14 Section 1280.1, as amended by Section 2, Chapter 465, O.S.L.
15 2003 (21 O.S. Supp. 2009, Section 1280.1), which relates to
16 possession of firearms on school property; allowing
17 concealed handgun on technology center school property; and
18 providing an effective date.

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

20
21 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1277, as
22 amended by Section 2, Chapter 128, O.S.L. 2007 (21 O.S. Supp. 2009,
23 Section 1277), is amended to read as follows:

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

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

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

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

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

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

10 6. Any place where pari-mutuel wagering is authorized by law;
11 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
14 of this section and technology center school property, the
15 prohibited place does not include and specifically excludes the
16 following property:

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

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

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

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

19 C. Any person violating the provisions of subsection A of this
20 section shall, upon conviction, be guilty of a misdemeanor
21 punishable by a fine not to exceed Two Hundred Fifty Dollars
22 (\$250.00). Any person convicted of violating the provisions of this
23 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, or technology
7 center school property, except as provided in this subsection. For
8 purposes of this subsection, the following property shall not be
9 construed as prohibited for persons having a valid concealed handgun
10 license:

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

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

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

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

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

22 E. The provisions of this section shall not apply to any peace
23 officer or to any person authorized by law to carry a pistol in the

1 course of employment. District judges, associate district judges
2 and special district judges, who are in possession of a valid
3 concealed handgun license issued pursuant to the provisions of the
4 Oklahoma Self-Defense Act and whose names appear on a list
5 maintained by the Administrative Director of the Courts, shall be
6 exempt from this section when acting in the course and scope of
7 employment within the courthouses of this state. Private
8 investigators with a firearms authorization shall be exempt from
9 this section when acting in the course and scope of employment.

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

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

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

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

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

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

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

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

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

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
22 dated 2-16-10 - DO PASS, As Coauthored.