

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2534

By: Faught

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2001, Sections 1272, as last amended by
9 Section 1, Chapter 128, O.S.L. 2007 and 1277, as
10 amended by Section 2, Chapter 128, O.S.L. 2007 (21
11 O.S. Supp. 2009, Sections 1272 and 1277), which
12 relate to the unlawful carrying of concealed
13 handguns; authorizing assistant district attorneys to
14 carry weapons within courtrooms; and providing an
15 effective date.

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

17 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1272, as
18 last amended by Section 1, Chapter 128, O.S.L. 2007 (21 O.S. Supp.
19 2009, Section 1272), is amended to read as follows:

20 Section 1272.

21 UNLAWFUL CARRY

22 A. It shall be unlawful for any person to carry upon or about
23 his or her person, or in a purse or other container belonging to the
24 person, any pistol, revolver, shotgun or rifle whether loaded or
unloaded or any dagger, bowie knife, dirk knife, switchblade knife,
spring-type knife, sword cane, knife having a blade which opens

1 automatically by hand pressure applied to a button, spring, or other
2 device in the handle of the knife, blackjack, loaded cane, billy,
3 hand chain, metal knuckles, or any other offensive weapon, whether
4 such weapon be concealed or unconcealed, except this section shall
5 not prohibit:

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

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

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

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

20 5. The carrying or use of weapons in a courtroom within this
21 state by an assistant district attorney, who is in possession of a
22 valid concealed handgun license issued pursuant to the provisions of
23 the Oklahoma Self-Defense Act; or

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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, or technology center
8 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, the prohibited place does not include and
15 specifically excludes the following property:

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

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

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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 to establish any policy or rule that has the effect of
14 prohibiting any person in lawful possession of a concealed handgun
15 license from possession of a handgun allowable under such license in
16 places described in paragraph 1, 2, 3 or 4 of this subsection.

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

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

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

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

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

18 The college or university may notify the Oklahoma State Bureau
19 of Investigation within ten (10) days of a violation of any
20 provision of this subsection by a licensee. Upon receipt of a
21 written notification of violation, the Bureau shall give a
22 reasonable notice to the licensee and hold a hearing. At the
23 hearing upon a determination that the licensee has violated any
24 provision of this subsection, the licensee may be subject to an

1 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
2 have the concealed handgun license suspended for three (3) months.

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

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

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

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

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