

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2230

By: Russell

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5
6 AS INTRODUCED

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

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

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

Section 1277. A. It shall be unlawful for any person in
possession of a valid concealed handgun license issued pursuant to
the provisions of the Oklahoma Self-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
2 leased by a city, town, county, state, or federal governmental
3 authority for the purpose of conducting business with the public;

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

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

10 4. Any elementary or secondary school property, or technology
11 center school ~~property~~;

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

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

15 7. Any other place specifically prohibited by law.

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

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

23 2. Any property set aside for the use of any vehicle, whether
24 attended or unattended, by any entity offering any professional

1 sporting event which is open to the public for admission, or by any
2 entity engaged in pari-mutuel wagering authorized by law;

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

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

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

21 C. Any person violating the provisions of subsection A of this
22 section shall, upon conviction, be guilty of a misdemeanor
23 punishable by a fine not to exceed Two Hundred Fifty Dollars
24 (\$250.00). Any person convicted of violating the provisions of this

1 section may be liable for an administrative fine of Two Hundred
2 Fifty Dollars (\$250.00) upon a hearing and determination by the
3 Oklahoma State Bureau of Investigation that the person is in
4 violation of the provisions of this section.

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

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

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

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

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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
24 course of employment. District judges, associate district judges

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

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

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

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

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

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

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

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

23 4. Concealed weapons are allowed on any technology center
24 school district property set aside for the use of any vehicle,

1 whether attended or unattended, provided the handgun is carried or
2 stored as required by law and the handgun is not removed from the
3 vehicle.

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

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

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