

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2384

By: Cockroft

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2011, Sections 1277 and 1280.1, which relate  
9 to the unlawful carrying of firearms; modifying  
10 manner in which handguns may be transported onto  
11 elementary and secondary school property; modifying  
12 certain penalty provision; and providing an effective  
13 date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, is  
16 amended to read as follows:

Section 1277.

17 UNLAWFUL CARRY IN CERTAIN PLACES

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

22 1. Any structure, building, or office space which is owned or  
23 leased by a city, town, county, state, or federal governmental  
24 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;~~

8           ~~5.~~ Any sports arena during a professional sporting event;

9           ~~6.~~ 5. Any place where pari-mutuel wagering is authorized by  
10 law; and

11           ~~7.~~ 6. Any other place specifically prohibited by law.

12           B. For purposes of paragraphs 1, 2, 3, ~~5~~ 4 and ~~6~~ 5 of  
13 subsection A of this section, the prohibited place does not include  
14 and specifically excludes the following property:

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

18           2. Any property set aside for the use or parking of any  
19 vehicle, whether attended or unattended, by any entity offering any  
20 professional sporting event which is open to the public for  
21 admission, or by any entity engaged in pari-mutuel wagering  
22 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~~ 4 or ~~6~~ 5 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  
21 subsection A of this section may be liable for an administrative  
22 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and  
23 determination by the Oklahoma State Bureau of Investigation that the  
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1 person is in violation of the provisions of subsection A of this  
2 section.

3 D. No person in possession of a valid concealed handgun license  
4 issued pursuant to the provisions of the Oklahoma Self-Defense Act  
5 shall be authorized to carry the handgun into or upon any college,  
6 university, ~~or~~ technology center school property, elementary or  
7 secondary school property, except as provided in this subsection.

8 For 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 or parking of any  
12 vehicle, whether attended or unattended, provided the handgun is  
13 carried or stored as required by law and the handgun is not removed  
14 from the vehicle without the prior consent of the college or  
15 university president ~~or~~, technology center school administrator,  
16 board of education of a public school district or the governing  
17 entity of a private school while the vehicle is on any college,  
18 university, ~~or~~ technology center school property, elementary or  
19 secondary school property;

20 2. Any property authorized for possession or use of handguns by  
21 college, university, ~~or~~ technology center school, public school  
22 district or private school policy; and

23 3. Any property authorized by the written consent of the  
24 college or university president ~~or~~, technology center school

1 administrator, board of education of a public school district or the  
2 governing entity of a private school, provided the written consent  
3 is carried with the handgun and the valid concealed handgun license  
4 while on college, university, ~~or~~ technology center school property,  
5 elementary or secondary school property.

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

16 Nothing contained in any provision of this subsection shall be  
17 construed to authorize or allow any college, university, ~~or~~  
18 technology center school, elementary or secondary school to  
19 establish any policy or rule that has the effect of prohibiting any  
20 person in lawful possession of a concealed handgun license from  
21 possession of a handgun allowable under such license in places  
22 described in paragraphs 1, 2 and 3 of this subsection. Nothing  
23 contained in any provision of this subsection shall be construed to  
24 limit the authority of any college ~~or~~ university, technology center

1 school, elementary or secondary school in this state from taking  
2 administrative action against any student for any violation of any  
3 provision of this subsection.

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

15 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, is  
16 amended to read as follows:

17 Section 1280.1

18 POSSESSION OF FIREARM ON SCHOOL PROPERTY

19 A. It shall be unlawful for any person to have in his or her  
20 possession on any public or private school property or while in any  
21 school bus or vehicle used by any school for transportation of  
22 students or teachers any firearm or weapon designated in Section  
23 1272 of this title, except as provided in subsection C of this  
24 section or as otherwise authorized by law.

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

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

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

16 2. A handgun carried by a person in possession of a valid  
17 concealed handgun license issued pursuant to the Oklahoma Self-  
18 Defense Act on:

19 a. any property set aside for the use or parking of any  
20 vehicle, whether attended or unattended, provided the  
21 handgun is carried or stored as required by law and  
22 the handgun is not removed from the vehicle without  
23 the prior consent of the board of education of a  
24 public school district or the governing entity of a

1 private school while the vehicle is on any elementary  
2 or secondary school property,

3 b. any property authorized for possession or use of  
4 handguns by public school district or private school  
5 policy, or

6 c. any property authorized by the written consent of the  
7 board of education of a public school district or the  
8 governing entity of a private school, provided the  
9 written consent is carried with the handgun and the  
10 valid concealed handgun license while on elementary or  
11 secondary school property;

12 3. 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

22 ~~3.~~ 4. Weapons in the possession of any peace officer or other  
23 person authorized by law to possess a weapon in the performance of  
24 their duties and responsibilities.

1 D. Any person violating the provisions of this section shall,  
2 upon conviction, be guilty of a felony punishable by a fine not to  
3 exceed Five Thousand Dollars (\$5,000.00), and imprisonment for not  
4 more than two (2) years. Any person convicted of violating the  
5 provisions of this section after having been issued a concealed  
6 handgun license pursuant to the provisions of the Oklahoma Self-  
7 Defense Act ~~shall~~ may have the license ~~permanently revoked~~ suspended  
8 for three (3) months and ~~shall~~ may be liable for an administrative  
9 fine of ~~One Hundred Dollars (\$100.00)~~ Two Hundred Fifty Dollars  
10 (\$250.00) upon a hearing and determination by the Oklahoma State  
11 Bureau of Investigation that the person is in violation of the  
12 provisions of this section.

13 SECTION 3. This act shall become effective November 1, 2012.

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15 53-2-8600 GRS 01/05/12

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