

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2417

By: Enns

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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; providing and  
10 clarifying manner in which handguns may be  
11 transported onto school property; modifying certain  
12 penalty provisions; and providing an effective date.

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

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

16 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 public or private elementary or secondary school;

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

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

10 and

11           7. Any other place specifically prohibited by law.

12           B. For purposes of paragraphs 1, 2, 3, 5 and 6 of subsection A  
13 of this section, the prohibited place does not include and  
14 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 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. Notwithstanding paragraph 4 of subsection A of this section,  
18 a concealed handgun may be carried into a public or private  
19 elementary or secondary school by a person who is licensed pursuant  
20 to the Oklahoma Self-Defense Act, provided a policy has been adopted  
21 by the board of education of a public school district or the  
22 governing entity of a private school that authorizes the carrying of  
23 a concealed handgun into the elementary or secondary school.  
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1        D. Any person violating the provisions of subsection A of this  
2 section ~~shall, upon conviction, be guilty of a misdemeanor~~  
3 ~~punishable by a fine not to exceed Two Hundred Fifty Dollars~~  
4 ~~(\$250.00). Any person convicted of violating the provisions of~~  
5 ~~subsection A of this section~~ may be liable for an administrative  
6 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and  
7 determination by the Oklahoma State Bureau of Investigation that the  
8 person is in violation of the provisions of subsection A of this  
9 section.

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

17        1. Any property set aside for the use or parking of any  
18 vehicle, whether attended or unattended, provided the handgun is  
19 carried or stored as required by law and the handgun is not removed  
20 from the vehicle without the prior consent of the college or  
21 university president or technology center school administrator while  
22 the vehicle is on any college, university, or technology center  
23 school property;

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1           2. Any property authorized for possession or use of handguns by  
2 college, university, or technology center school policy; and

3           3. Any property authorized by the written consent of the  
4 college or university president or technology center school  
5 administrator, provided the written consent is carried with the  
6 handgun and the valid concealed handgun license while on college,  
7 university, or technology center school property.

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

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

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

4 ~~E.~~ F. The provisions of this section shall not apply to any  
5 peace officer or to any person authorized by law to carry a pistol  
6 in the course of employment. District judges, associate district  
7 judges 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 ~~or~~ or secondary ~~or~~  
3 ~~vocational-technical~~ education, and shall not include property owned  
4 by public school districts or private educational entities where  
5 such property is leased or rented to an individual or corporation  
6 and used for 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 privately owned vehicle and properly displayed or stored as  
11 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 gun or knife used for the purposes of participating in the  
17 Oklahoma Department of Wildlife Conservation certified hunter  
18 training education course or any other hunting, fishing, safety or  
19 firearms training courses, or a recognized firearms sports event,  
20 team shooting program or competition, or living history reenactment,  
21 provided the course or event is approved by the principal or chief  
22 administrator of the school where the course or event is offered,  
23 and provided the weapon is properly displayed or stored as required

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1 by law pending participation in the course, event, program or  
2 competition; and

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

6 4. A handgun carried in a concealed manner onto school property  
7 by a person who is licensed pursuant to the Oklahoma Self-Defense  
8 Act, provided a policy has been adopted by the board of education of  
9 a public school district or the governing entity of a private school  
10 that authorizes the carrying of a concealed handgun on school  
11 property.

12 D. Any person violating the provisions of this section shall,  
13 upon conviction, be guilty of a felony punishable by a fine not to  
14 exceed Five Thousand Dollars (\$5,000.00), and imprisonment for not  
15 more than two (2) years.

16 E. Any person convicted of violating the provisions of this  
17 section after having been issued a concealed handgun license  
18 pursuant to the provisions of the Oklahoma Self-Defense Act ~~shall~~  
19 ~~have the license permanently revoked and shall~~ may be liable for an  
20 administrative fine of ~~One Hundred Dollars (\$100.00)~~ Two Hundred  
21 Fifty Dollars (\$250.00) upon a hearing and determination by the  
22 Oklahoma State Bureau of Investigation that the person is in  
23 violation of the provisions of this section.

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

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