

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2514

By: Kern

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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 private school property; and providing an effective
12 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 elementary or public 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. A concealed handgun may be carried onto private elementary
18 or private secondary school property by a person who is licensed
19 pursuant to the Oklahoma Self-Defense Act, provided a policy has
20 been adopted by the governing entity of the private school that
21 authorizes the possession of a concealed handgun on private school
22 property.

23 D. Any person violating the provisions of subsection A of this
24 section shall, upon conviction, be guilty of a misdemeanor

1 punishable by a fine not to exceed Two Hundred Fifty Dollars
2 (\$250.00). Any person convicted of violating the provisions of
3 subsection A of this section may be liable for an administrative
4 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and
5 determination by the Oklahoma State Bureau of Investigation that the
6 person is in violation of the provisions of subsection A of this
7 section.

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

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

22 2. Any property authorized for possession or use of handguns by
23 college, university, or technology center school policy; and
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1 3. Any property authorized by the written consent of the
2 college or university president or technology center school
3 administrator, provided the written consent is carried with the
4 handgun and the valid concealed handgun license while on college,
5 university, or technology center school property.

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

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

1 against any student for any violation of any provision of this
2 subsection.

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

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

16 Section 1280.1

17 POSSESSION OF FIREARM ON SCHOOL PROPERTY

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

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1 B. "School property" means any publicly ~~or privately~~ owned
2 property held for purposes of elementary, 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 public school property
8 and deemed not in violation of subsection A of this section as
9 follows:

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

18 2. A gun or knife used for the purposes of participating in the
19 Oklahoma Department of Wildlife Conservation certified hunter
20 training education course or any other hunting, fishing, safety or
21 firearms training courses, or a recognized firearms sports event,
22 team shooting program or competition, or living history reenactment,
23 provided the course or event is approved by the principal or chief
24 administrator of the public school where the course or event is

1 offered, and provided the weapon is properly displayed or stored as
2 required by law pending participation in the course, event, program
3 or competition; and

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

7 D. A concealed handgun may be carried onto private school
8 property by a person who is licensed pursuant to the Oklahoma Self-
9 Defense Act, provided a policy has been adopted by the governing
10 entity of the private school that authorizes the possession of a
11 concealed handgun on private school property.

12 E. 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 F. 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 be liable for an
20 administrative fine of One Hundred Dollars (\$100.00) upon a hearing
21 and determination by the Oklahoma State Bureau of Investigation that
22 the person is in violation of the provisions of this section.

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

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