

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1717

By: Shortey

4  
5 AS INTRODUCED

6 An Act relating to crimes and punishments; amending  
7 21 O.S. 2011, Sections 1277 and 1280.1, which relate  
8 to unlawful carry and possession of a firearm on  
9 school property; making it lawful to carry a  
10 concealed handgun in certain places under certain  
11 circumstances; deleting certain condition to  
12 possession of certain firearm or weapon on certain  
13 property; deleting certain violations and  
14 punishments; and providing an effective date.

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

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

18 Section 1277.

19 UNLAWFUL CARRY IN CERTAIN PLACES

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

24 1. Any structure, building, or office space which is owned or  
leased by a city, town, county, state, or federal governmental  
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~~, or 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 or elementary or secondary school  
7 property, except as provided in this subsection. For purposes of  
8 this subsection, the following property shall not be construed as  
9 prohibited for persons having a valid concealed handgun license:

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

18 2. Any property authorized for possession or use of handguns by  
19 college, university, ~~or~~ technology center or elementary or secondary  
20 school policy; and

21 3. Any property authorized by the written consent of the  
22 college or university president ~~or~~, technology center school  
23 administrator or elementary or secondary school principal, chief  
24 administrator or school board, provided the written consent is

1 carried with the handgun and the valid concealed handgun license  
2 while on college, university, ~~or~~ technology center or elementary or  
3 secondary school property.

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

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

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

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

14 Section 1280.1.

15 POSSESSION OF FIREARM ON SCHOOL PROPERTY

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

22 B. "School property" means any publicly or privately owned  
23 property held for purposes of elementary, secondary or vocational-  
24 technical education, and shall not include property owned by public

1 school districts or private educational entities where such property  
2 is leased or rented to an individual or corporation and used for  
3 purposes other than educational.

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

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

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

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

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, 2012.

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17           53-2-3058           LKS           1/19/2012 4:21:55 PM