

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1778

By: Treat

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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 unlawful carry in certain places and possession of
10 firearms on school property; modifying places where
11 it is unlawful to carry a concealed handgun; allowing
12 certain firearms on private school property under
13 certain circumstances; and providing an effective
14 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, public school board members, legislative members, or any
3 other 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;

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. 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, except as provided
7 in this subsection. For purposes of this subsection, the following
8 property shall not be construed as prohibited for persons having a
9 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 while
15 the vehicle is on any college, university, or technology center
16 school property;

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

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

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

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

21 E. The provisions of this section shall not apply to any peace
22 officer or to any person authorized by law to carry a pistol in the
23 course of employment. District judges, associate district judges
24 and special district judges, who are in possession of a valid

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

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

10 Section 1280.1.

11 POSSESSION OF FIREARM ON PUBLIC SCHOOL PROPERTY

12 A. It shall be unlawful for any person to have in his or her
13 possession on any public ~~or private~~ school property or while in any
14 public school bus or vehicle used by any public 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 public property held for purposes of public elementary, ~~or public~~
20 secondary or vocational-technical education, and shall not include
21 property owned by public school districts ~~or private educational~~
22 ~~entities~~ where such property is leased or rented to an individual or
23 corporation and used for purposes other than educational.

24

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

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

12 2. 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 public school where the course or event is
19 offered, and provided the weapon is properly displayed or stored as
20 required by law pending participation in the course, event, program
21 or competition; and

22 3. 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. A person in possession of a valid concealed handgun license
2 pursuant to the Oklahoma Self-Defense Act or such valid license or
3 permit from another state, may carry a loaded firearm on private
4 school property and deemed not in violation of this section if the
5 person is in compliance with the private property right to control
6 weapons and policy set by the private school headmaster, principal
7 or governing authority. Provided, nothing in this act shall be
8 construed to require a private school headmaster, principal or
9 governing authority to set policy regarding the provisions of this
10 act.

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

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

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