

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 896

By: Shortey

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2001, Section 1277, as amended by Section 2,
9 Chapter 128, O.S.L. 2007 (21 O.S. Supp. 2010, Section
10 1277), which relates to unlawful carry of concealed
11 handguns in certain places; authorizing certain
12 persons to carry concealed handguns on public college
13 and university property; authorizing the
14 establishment of concealed handgun policies or rules
15 for certain college or university events; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1277, as
19 amended by Section 2, Chapter 128, O.S.L. 2007 (21 O.S. Supp. 2010,
20 Section 1277), is amended to read as follows:

21 Section 1277.

22 UNLAWFUL CARRY IN CERTAIN PLACES

23 A. It shall be unlawful for any person in possession of a valid
24 concealed handgun license issued pursuant to the provisions of the

1 Oklahoma Self-Defense Act to carry any concealed handgun into any of
2 the following places:

3 1. Any structure, building, or office space which is owned or
4 leased by a city, town, county, state, or federal governmental
5 authority for the purpose of conducting business with the public;

6 2. Any meeting of any city, town, county, state or federal
7 officials, school board members, legislative members, or any other
8 elected or appointed officials;

9 3. Any prison, jail, detention facility or any facility used to
10 process, hold, or house arrested persons, prisoners or persons
11 alleged delinquent or adjudicated delinquent;

12 4. Any elementary or secondary school, or technology center
13 school property;

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

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

16 and

17 7. Any other place specifically prohibited by law.

18 B. For purposes of paragraphs 1, 2, 3, 5 and 6 of subsection A
19 of this section, the prohibited place does not include and
20 specifically excludes the following property:

21 1. Any property set aside for the use of any vehicle, whether
22 attended or unattended, by a city, town, county, state, or federal
23 governmental authority;

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1 2. Any property set aside for the use of any vehicle, whether
2 attended or unattended, by any entity offering any professional
3 sporting event which is open to the public for admission, or by any
4 entity engaged in pari-mutuel wagering authorized by law;

5 3. Any property adjacent to a structure, building, or office
6 space in which concealed weapons are prohibited by the provisions of
7 this section; and

8 4. Any property designated by a city, town, county, or state,
9 governmental authority as a park, recreational area, or fairgrounds;
10 provided, nothing in this paragraph shall be construed to authorize
11 any entry by a person in possession of a concealed handgun into any
12 structure, building, or office space which is specifically
13 prohibited by the provisions of subsection A of this section.

14 Nothing contained in any provision of this subsection shall be
15 construed to authorize or allow any person in control of any place
16 described in paragraph 1, 2, 3, 5 or 6 of subsection A of this
17 section to establish any policy or rule that has the effect of
18 prohibiting any person in lawful possession of a concealed handgun
19 license from possession of a handgun allowable under such license in
20 places described in paragraph 1, 2, 3 or 4 of this subsection.

21 C. Any person violating the provisions of subsection A of this
22 section shall, upon conviction, be guilty of a misdemeanor
23 punishable by a fine not to exceed Two Hundred Fifty Dollars
24 (\$250.00). Any person convicted of violating the provisions of this

1 section may be liable for an administrative fine of Two Hundred
2 Fifty Dollars (\$250.00) upon a hearing and determination by the
3 Oklahoma State Bureau of Investigation that the person is in
4 violation of the provisions of this section.

5 D. No person in possession of any concealed handgun pursuant to
6 the Oklahoma Self-Defense Act shall be authorized to carry the
7 handgun into or upon any college or university property, except as
8 provided for in this subsection and subsection E of this section.

9 For purposes of this subsection and subsection E of this section,
10 the following property shall not be construed as prohibited for
11 persons having a valid concealed handgun license:

12 1. Any property set aside for the use of any vehicle, whether
13 attended or unattended, provided the handgun is carried or stored as
14 required by law and except for the provisions provided for in
15 subsection E of this section, the handgun is not removed from the
16 vehicle without the prior consent of the college or university
17 president while the vehicle is on any college or university
18 property;

19 2. Any property authorized for possession or use of handguns by
20 college or university policy; and

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

1 The college or university may notify the Oklahoma State Bureau
2 of Investigation within ten (10) days of a violation of any
3 provision of this subsection by a licensee. Upon receipt of a
4 written notification of violation, the Bureau shall give a
5 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 or university to
12 establish any policy or rule that has the effect of prohibiting any
13 person in lawful possession of a concealed handgun license from
14 possession of a handgun allowable under such license in places
15 described in paragraphs 1, 2 and 3 of this subsection. Nothing
16 contained in any provision of this subsection shall be construed to
17 limit the authority of any college or university in this state from
18 taking administrative action against any student for any violation
19 of any provision of this subsection.

20 E. In addition to the provisions of subsection D of this
21 section, any person who possesses a valid concealed handgun license
22 issued pursuant to the provisions of the Oklahoma Self-Defense Act
23 and who:

24

1 1. Is certified by the Council on Law Enforcement Education and
2 Training to carry a weapon; or
3 2. Is a member of faculty who is primarily charged with
4 classroom teaching responsibilities,
5 shall be authorized to carry the concealed handgun into or upon
6 any public college or university property. Nothing contained in
7 this subsection shall be construed to limit the authority of any
8 public college or university in this state from establishing a
9 policy or rule that restricts or prohibits persons who have a
10 concealed handgun license from carrying a concealed handgun into any
11 access-controlled event where all persons entering the event are
12 subject to security checkpoint screenings by immediately available
13 security personnel.

14 F. The provisions of this section shall not apply to any peace
15 officer or to any person authorized by law to carry a pistol in the
16 course of employment. District judges, associate district judges
17 and special district judges, who are in possession of a valid
18 concealed handgun license issued pursuant to the provisions of the
19 Oklahoma Self-Defense Act and whose names appear on a list
20 maintained by the Administrative Director of the Courts, shall be
21 exempt from this section when acting in the course and scope of
22 employment within the courthouses of this state. Private
23 investigators with a firearms authorization shall be exempt from
24 this section when acting in the course and scope of employment.

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SECTION 2. This act shall become effective November 1, 2011.

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