ENGROSSED SENATE AMENDMENTS
TO
ENGROSSED HOUSE
BILL NO. 2617

By: Martin (Steve), Ritze and Bennett of the House

and

Sharp of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 344, O.S.L. 2013 (21 O.S. Supp. 2013, Section 1277), which relates to the unlawful carrying of firearms; clarifying certain prohibited acts; deleting certain construing provision and administrative penalty; and providing an effective date.

AMENDMENT NO. 1. Page 2, line 15 1/2, by adding a new subsection B as follows

"B. <u>For purposes of paragraph 1 of subsection A of this section, except for acts of gross negligence or willful or wanton misconduct, a city, town, county, state or federal governmental authority shall be immune from liability resulting or arising from any action or misconduct with a weapon committed by a person to whom a license to carry a concealed or unconcealed handgun has been issued or by any person who obtains a weapon from a licensee. The provisions of this paragraph shall not apply to claims pursuant to the Workers' Compensation Code.</u>"

AMENDMENT NO. 2. Page 1, strike the title to read

"[crimes and punishments - unlawful carrying of firearms - prohibited acts - effective date]"

and renumber subsequent sections
and when the title is restored, amend the title to conform

Passed the Senate the 24th day of April, 2014.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2014.

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Presiding Officer of the House of Representatives

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 344, O.S.L. 2013 (21 O.S. Supp. 2013, Section 1277), is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

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

1. Any structure, building, or office space that has a security checkpoint at each public entrance for the detection of weapons and which is owned or leased by a city, town, county, state, or federal governmental authority for the purpose of conducting business with the public;

2. Any courthouse, courtroom, prison, jail, detention facility or any facility used to process, hold, or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent;

3. Any public or private elementary or public or private secondary school, except as provided in subsection C of this section;

4. Any sports arena during a professional sporting event;

5. Any place where pari-mutuel wagering is authorized by law; and

6. Any other place specifically prohibited by law.

B. For purposes of paragraphs 1, 2, 4 and 5 of subsection A of this section, the prohibited place does not include and specifically excludes the following property:

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

2. Any property set aside for the use or parking of any vehicle, whether attended or unattended, by any entity offering any professional sporting event which is open to the public for

admission, or by any entity engaged in pari-mutuel wagering authorized by law;

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

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

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

C. A concealed or unconcealed weapon may be carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the

private school that authorizes the carrying and possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this subsection shall not apply to claims pursuant to the Workers' Compensation Code.

D. Any person violating the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars ($250.00). ~~Any person convicted of violating the provisions of subsection A of this section may be liable for an administrative fine of Two Hundred Fifty Dollars ($250.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of subsection A of this section.~~

E. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act shall be authorized to carry the handgun into or upon any college, university, or technology center school property, except as provided in this subsection. For purposes of this subsection, the following

property shall not be construed as prohibited for persons having a valid handgun license:

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

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

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

The college, university, or technology center school may notify the Oklahoma State Bureau of Investigation within ten (10) days of a violation of any provision of this subsection by a licensee. Upon receipt of a written notification of violation, the Bureau shall give a reasonable notice to the licensee and hold a hearing. At the hearing upon a determination that the licensee has violated any provision of this subsection, the licensee may be subject to an

administrative fine of Two Hundred Fifty Dollars ($250.00) and may have the handgun license suspended for three (3) months.

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

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

SECTION 2. This act shall become effective November 1, 2014.

Passed the House of Representatives the 12th day of March, 2014.

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Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2014.

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Presiding Officer of the Senate