

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

HB1622

By: Kern of the House and Treat of the Senate

Title: Firearms; modifying manner in which handguns may be transported onto private school property; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HOUSE CONFEREES

Cannaday, Ed		Christian, Mike	<hr/>
Grau, Randy		Hardin, Tommy	<hr/>
Hoskin, Chuck	<hr/>	Jordan, Fred	<hr/>
Martin, Steve		Osborn, Leslie	
Ownbey, Pat		Pruett, R. C.	
Renegar, Brian		Ritze, Mike	<hr/>
Vaughan, Steve		Walker, Ken	

HB1622 CCR A

SENATE CONFEREES

Treat

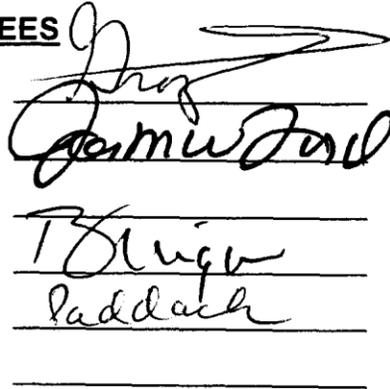
Ford

Schulz

Bingman

Paddack

Burrage

Handwritten signatures of Senate conferees on horizontal lines. The signatures are: a stylized signature for Treat, a signature for Ford, a signature for Bingman, and a signature for Paddack. There are two empty lines below the Paddack signature.

House Action _____ Date _____ Senate Action _____ Date _____

House Action _____ Date _____ Senate Action _____ Date _____

AUTHOR(s)/COAUTHOR(s)CURRENTLY IN THE QUEUE for HB1622

As of 5/14/2013 8:42:34 AM

Add as coauthor Senator Allen

Add as coauthor Senator Shortey

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1622

By: Kern, Moore, Newell,
Murphey, Wesselhoft,
Fisher, Ritze, Walker,
Vaughan, Bennett and
McCullough of the House

7 and

8 Treat and Boggs of the
9 Senate

10
11
12 CONFERENCE COMMITTEE SUBSTITUTE

13 An Act relating to firearms; amending 21 O.S. 2011,
14 Sections 1277, as amended by Section 6, Chapter 259,
15 O.S.L. 2012 and 1280.1, as amended by Section 8,
16 Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
17 Sections 1277 and 1280.1), which relate to the
18 unlawful carrying of firearms; deleting certain
19 handgun license prohibition; clarifying certain
20 prohibition; providing exception; authorizing the
21 carrying of handguns onto private school property
22 under certain circumstances; providing immunity from
23 liability; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
amended by Section 6, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
Section 1277), is amended to read as follows:

1 Section 1277.

2 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

10 ~~2. Any meeting of any city, town, county, state or federal~~
11 ~~officials, school board members, legislative members, or any other~~
12 ~~elected or appointed officials;~~

13 ~~3.~~ Any prison, jail, detention facility or any facility used to
14 process, hold, or house arrested persons, prisoners or persons
15 alleged delinquent or adjudicated delinquent;

16 ~~4.~~ 3. Any public or private elementary or public or private
17 secondary school, except as provided in subsection C of this
18 section;

19 ~~5.~~ 4. Any sports arena during a professional sporting event;

20 ~~6.~~ 5. Any place where pari-mutuel wagering is authorized by
21 law; and

22 ~~7.~~ 6. Any other place specifically prohibited by law.
23
24

1 B. For purposes of paragraphs 1, 2, ~~3~~, 4, and 5 ~~and 6~~ of
2 subsection A of this section, the prohibited place does not include
3 and specifically excludes the following property:

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

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

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

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

22 Nothing contained in any provision of this subsection shall be
23 construed to authorize or allow any person in control of any place
24 described in paragraph 1, 2, ~~3~~, 4 or 5 ~~or 6~~ of subsection A of this

1 section to establish any policy or rule that has the effect of
2 prohibiting any person in lawful possession of a handgun license
3 from possession of a handgun allowable under such license in places
4 described in paragraph 1, 2, 3 or 4 of this subsection.

5 C. A concealed or unconcealed weapon may be carried onto
6 private school property or in any school bus or vehicle used by any
7 private school for transportation of students or teachers by a
8 person who is licensed pursuant to the Oklahoma Self-Defense Act,
9 provided a policy has been adopted by the governing entity of the
10 private school that authorizes the carrying and possession of a
11 weapon on private school property or in any school bus or vehicle
12 used by a private school. Except for acts of gross negligence or
13 willful or wanton misconduct, a governing entity of a private school
14 that adopts a policy which authorizes the possession of a weapon on
15 private school property, a school bus or vehicle used by the private
16 school shall be immune from liability for any injuries arising from
17 the adoption of the policy. The provisions of this paragraph shall
18 not apply to claims pursuant to the Workers' Compensation Code.

19 D. Any person violating the provisions of subsection A of this
20 section shall, upon conviction, be guilty of a misdemeanor
21 punishable by a fine not to exceed Two Hundred Fifty Dollars
22 (\$250.00). Any person convicted of violating the provisions of
23 subsection A of this section may be liable for an administrative
24 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and

1 determination by the Oklahoma State Bureau of Investigation that the
2 person is in violation of the provisions of subsection A of this
3 section.

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

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

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

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

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 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 handgun license from possession of a handgun allowable under such
15 license in places described in paragraphs 1, 2 and 3 of this
16 subsection. Nothing contained in any provision of this subsection
17 shall be construed to limit the authority of any college or
18 university in this state from taking administrative action against
19 any student for any violation of any provision of this subsection.

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

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

7 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, as
8 amended by Section 8, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
9 Section 1280.1), is amended to read as follows:

10 Section 1280.1

11 POSSESSION OF FIREARM ON 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 school bus or vehicle used by any school for transportation of
15 students or teachers any firearm or weapon designated in Section
16 1272 of this title, except as provided in subsection C of this
17 section or as otherwise authorized by law.

18 B. For purposes of this section:

19 1. "School property" means any publicly ~~or privately~~ owned
20 property held for purposes of elementary~~r~~ or secondary ~~or~~
21 ~~vocational-technical~~ education, and shall not include property owned
22 by public school districts or ~~private educational entities~~ where
23 such property is leased or rented to an individual or corporation
24 and used for purposes other than educational; and

1 2. "Private school" means a school that offers a course of
2 instruction for students in one or more grades from prekindergarten
3 through grade twelve and is not operated by a governmental entity.

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 privately owned vehicle and properly displayed or stored as
8 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~~

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~~ his or her duties and responsibilities; and

4 4. A concealed or unconcealed weapon carried onto private
5 school property or in any school bus or vehicle used by any private
6 school for transportation of students or teachers by a person who is
7 licensed pursuant to the Oklahoma Self-Defense Act, provided a
8 policy has been adopted by the governing entity of the private
9 school that authorizes the possession of a weapon on private school
10 property or in any school bus or vehicle used by a private school.
11 Except for acts of gross negligence or willful or wanton misconduct,
12 a governing entity of a private school that adopts a policy which
13 authorizes the possession of a weapon on private school property, a
14 school bus or vehicle used by the private school shall be immune
15 from liability for any injuries arising from the adoption of the
16 policy. The provisions of this paragraph shall not apply to claims
17 pursuant to the Workers' Compensation Code.

18 D. Any person violating the provisions of this section shall,
19 upon conviction, be guilty of a felony punishable by a fine of not
20 to exceed Five Thousand Dollars (\$5,000.00), and imprisonment in the
21 custody of the Department of Corrections for not more than two (2)
22 years. Any person convicted of violating the provisions of this
23 section after having been issued a handgun license pursuant to the
24 provisions of the Oklahoma Self-Defense Act shall have the license

1 permanently revoked and shall be liable for an administrative fine
2 of One Hundred Dollars (\$100.00) upon a hearing and determination by
3 the Oklahoma State Bureau of Investigation that the person is in
4 violation of the provisions of this section.

5 SECTION 3. This act shall become effective November 1, 2013.

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7 54-1-8009 GRS 05/06/13

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