STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1622

By: Kern, Moore, Newell, Murphey, Wesselhoft and Fisher

COMMITTEE SUBSTITUTE

An Act relating to firearms; amending 21 O.S. 2011, Sections 1277, as amended by Section 6, Chapter 259, O.S.L. 2012 and 1280.1, as amended by Section 8, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012, Sections 1277 and 1280.1), which relate to the unlawful carrying of firearms; modifying manner in which handguns may be transported onto private school property; providing immunity from liability; modifying penalty; and providing an effective date.

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:

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 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 meeting of any city, town, county, state or federal officials, school board members, legislative members, or any other elected or appointed officials;

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

4. Any public elementary or public secondary school;

5. Any sports arena during a professional sporting event;

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

7. Any other place specifically prohibited by law.

B. For purposes of paragraphs 1, 2, 3, 5 and 6 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 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, 3, 5 or 6 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. <u>A concealed or unconcealed handgun may be carried onto private elementary or private secondary school property 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</u>

school that authorizes the carrying and possession of a handgun on private school property.

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.

~~D.~~ 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.

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

Section 1280.1

POSSESSION OF FIREARM ON SCHOOL PROPERTY

A. It shall be unlawful for any person to have in his or her possession on any public ~~or private~~ school property or while in any school bus or vehicle used by any public school for transportation of students or teachers any firearm or weapon designated in Section

1272 of this title, except as provided in subsection C of this section or as otherwise authorized by law.

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

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

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

2. A gun or knife used for the purposes of participating in the Oklahoma Department of Wildlife Conservation certified hunter training education course or any other hunting, fishing, safety or firearms training courses, or a recognized firearms sports event, team shooting program or competition, or living history reenactment,

provided the course or event is approved by the principal or chief administrator of the public school where the course or event is offered, and provided the weapon is properly displayed or stored as required by law pending participation in the course, event, program or competition; and

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

D. 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 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 said policy. The provisions of this subsection shall not apply to claims pursuant to the Workers' Compensation Code.

E. Any person violating the provisions of this section shall, upon conviction, be guilty of a ~~felony~~ misdemeanor punishable by a

fine of not ~~to exceed Five Thousand Dollars ($5,000.00), and imprisonment in the custody of the Department of Corrections for not more than two (2) years~~ more than Two Hundred Fifty Dollars ($250.00). Any person convicted of violating the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license permanently revoked and shall be liable for an administrative fine of One Hundred Dollars ($100.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

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

54-1-7191 GRS 02/20/13