

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1622

By: Kern, Moore, Newell,
Murphey, Wesselhoft, Fisher
and Ritze of the House

7 and

8 Treat of the Senate

9
10 COMMITTEE SUBSTITUTE

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

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

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

24 Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

14 4. Any public elementary or public secondary school;

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

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

17 and

18 7. Any other place specifically prohibited by law.

19 B. For purposes of paragraphs 1, 2, 3, 5 and 6 of subsection A
20 of this section, the prohibited place does not include and
21 specifically excludes the following property:
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1 1. Any property set aside for the use or parking of any
2 vehicle, whether attended or unattended, by a city, town, county,
3 state, or federal governmental authority;

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

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

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

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

3 C. A concealed or unconcealed handgun may be carried onto
4 private elementary or private secondary school property by a person
5 who is licensed pursuant to the Oklahoma Self-Defense Act, provided
6 a policy has been adopted by the governing entity of the private
7 school that authorizes the carrying and possession of a handgun on
8 private school property.

9 D. Any person violating the provisions of subsection A of this
10 section shall, upon conviction, be guilty of a misdemeanor
11 punishable by a fine not to exceed Two Hundred Fifty Dollars
12 (\$250.00). Any person convicted of violating the provisions of
13 subsection A of this section may be liable for an administrative
14 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and
15 determination by the Oklahoma State Bureau of Investigation that the
16 person is in violation of the provisions of subsection A of this
17 section.

18 ~~D.~~ E. No person in possession of a valid handgun license issued
19 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
20 authorized to carry the handgun into or upon any college,
21 university, or technology center school property, except as provided
22 in this subsection. For purposes of this subsection, the following
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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

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

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

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

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

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

4 Section 1280.1

5 POSSESSION OF FIREARM ON SCHOOL PROPERTY

6 A. It shall be unlawful for any person to have in his or her
7 possession on any public ~~or private~~ school property or while in any
8 school bus or vehicle used by any public school for transportation
9 of students or teachers any firearm or weapon designated in Section
10 1272 of this title, except as provided in subsection C of this
11 section or as otherwise authorized by law.

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

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

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

6 2. A gun or knife used for the purposes of participating in the
7 Oklahoma Department of Wildlife Conservation certified hunter
8 training education course or any other hunting, fishing, safety or
9 firearms training courses, or a recognized firearms sports event,
10 team shooting program or competition, or living history reenactment,
11 provided the course or event is approved by the principal or chief
12 administrator of the public school where the course or event is
13 offered, and provided the weapon is properly displayed or stored as
14 required by law pending participation in the course, event, program
15 or competition; and

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

19 D. A concealed or unconcealed weapon may be carried onto
20 private school property or in any school bus or vehicle used by any
21 private school for transportation of students or teachers by a
22 person who is licensed pursuant to the Oklahoma Self-Defense Act,
23 provided a policy has been adopted by the governing entity of the
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1 private school that authorizes the possession of a weapon on private
2 school property or in any school bus or vehicle used by a private
3 school. Except for acts of gross negligence or willful or wanton
4 misconduct, a governing entity of a private school that adopts a
5 policy which authorizes the possession of a weapon on private school
6 property, a school bus or vehicle used by the private school shall
7 be immune from liability for any injuries arising from the adoption
8 of said policy. The provisions of this subsection shall not apply
9 to claims pursuant to the Workers' Compensation Code.

10 E. Any person violating the provisions of this section shall,
11 upon conviction, be guilty of a ~~felony~~ misdemeanor punishable by a
12 fine of not to exceed Five Thousand Dollars (\$5,000.00), and
13 ~~imprisonment in the custody of the Department of Corrections for not~~
14 ~~more than two (2) years~~ more than Two Hundred Fifty Dollars
15 (\$250.00). Any person convicted of violating the provisions of this
16 section after having been issued a handgun license pursuant to the
17 provisions of the Oklahoma Self-Defense Act shall have the license
18 permanently revoked and shall be liable for an administrative fine
19 of One Hundred Dollars (\$100.00) upon a hearing and determination by
20 the Oklahoma State Bureau of Investigation that the person is in
21 violation of the provisions of this section.

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

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3 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/21/2013 -
4 DO PASS, As Amended and Coauthored.
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