

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1622

By: Kern, Moore, Newell,  
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Fisher

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7 AS INTRODUCED

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

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

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

Section 1277.

20 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

10       4. Any public elementary or public secondary school;

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

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

13 and

14       7. Any other place specifically prohibited by law.

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

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

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

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

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

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

20 C. A concealed or unconcealed handgun may be carried onto  
21 private elementary or private secondary school property by a person  
22 who is licensed pursuant to the Oklahoma Self-Defense Act, provided  
23 a policy has been adopted by the governing entity of the private  
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1 school that authorizes the carrying and possession of a handgun on  
2 private school property.

3 D. Any person violating the provisions of subsection A of this  
4 section shall, upon conviction, be guilty of a misdemeanor  
5 punishable by a fine not to exceed Two Hundred Fifty Dollars  
6 (\$250.00). Any person convicted of violating the provisions of  
7 subsection A of this section may be liable for an administrative  
8 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and  
9 determination by the Oklahoma State Bureau of Investigation that the  
10 person is in violation of the provisions of subsection A of this  
11 section.

12 ~~D.~~ E. No person in possession of a valid handgun license issued  
13 pursuant to the provisions of the Oklahoma Self-Defense Act shall be  
14 authorized to carry the handgun into or upon any college,  
15 university, or technology center school property, except as provided  
16 in this subsection. For purposes of this subsection, the following  
17 property shall not be construed as prohibited for persons having a  
18 valid handgun license:

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

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

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

10 The college, university, or technology center school may notify  
11 the Oklahoma State Bureau of Investigation within ten (10) days of a  
12 violation of any provision of this subsection by a licensee. Upon  
13 receipt of a written notification of violation, the Bureau shall  
14 give a reasonable notice to the licensee and hold a hearing. At the  
15 hearing upon a determination that the licensee has violated any  
16 provision of this subsection, the licensee may be subject to an  
17 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may  
18 have the handgun license suspended for three (3) months.

19 Nothing contained in any provision of this subsection shall be  
20 construed to authorize or allow any college, university, or  
21 technology center school to establish any policy or rule that has  
22 the effect of prohibiting any person in lawful possession of a  
23 handgun license from possession of a handgun allowable under such  
24 license in places described in paragraphs 1, 2 and 3 of this

1 subsection. Nothing contained in any provision of this subsection  
2 shall be construed to limit the authority of any college or  
3 university in this state from taking administrative action against  
4 any student for any violation of any provision of this subsection.

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

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

19 Section 1280.1

20 POSSESSION OF FIREARM ON SCHOOL PROPERTY

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

1 1272 of this title, except as provided in subsection C of this  
2 section or as otherwise authorized by law.

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

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

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

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

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

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

9 D. A concealed or unconcealed weapon may be carried onto  
10 private school property or in any school bus or vehicle used by any  
11 private school for transportation of students or teachers by a  
12 person who is licensed pursuant to the Oklahoma Self-Defense Act,  
13 provided a policy has been adopted by the governing entity of the  
14 private school that authorizes the possession of a weapon on private  
15 school property or in any school bus or vehicle used by a private  
16 school. Any governing entity of a private school that adopts a  
17 policy which authorizes the possession of a weapon on private school  
18 property, a school bus or vehicle used by the private school shall  
19 be immune from any liability for any injuries arising from the  
20 adoption of said policy. The provisions of this subsection shall  
21 not apply to claims pursuant to the Workers' Compensation Code.

22 E. Any person violating the provisions of this section shall,  
23 upon conviction, be guilty of a ~~felony~~ misdemeanor punishable by a  
24 fine of not to exceed Five Thousand Dollars (\$5,000.00), and

1 ~~imprisonment in the custody of the Department of Corrections for not~~  
2 ~~more than two (2) years~~ more than Two Hundred Fifty Dollars  
3 (\$250.00). Any person convicted of violating the provisions of this  
4 section after having been issued a handgun license pursuant to the  
5 provisions of the Oklahoma Self-Defense Act shall have the license  
6 permanently revoked and shall be liable for an administrative fine  
7 of One Hundred Dollars (\$100.00) upon a hearing and determination by  
8 the Oklahoma State Bureau of Investigation that the person is in  
9 violation of the provisions of this section.

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

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12 54-1-6706 GRS 01/16/13

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