

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1723

By: Osborn

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Sections 1272 and 1277, as amended by
9 Sections 1 and 6, Chapter 259, O.S.L. 2012 (21 O.S.
10 Supp. 2012, Sections 1272 and 1277), which relate to
11 the unlawful carry of firearms; allowing municipal
12 judges to carry firearms in courtrooms; and providing
13 an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
16 amended by Section 1, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
17 Section 1272), is amended to read as follows:

18 Section 1272.

19 UNLAWFUL CARRY

20 A. It shall be unlawful for any person to carry upon or about
21 his or her person, or in a purse or other container belonging to the
22 person, any pistol, revolver, shotgun or rifle whether loaded or
23 unloaded or any dagger, bowie knife, dirk knife, switchblade knife,
24 spring-type knife, sword cane, knife having a blade which opens

1 automatically by hand pressure applied to a button, spring, or other
2 device in the handle of the knife, blackjack, loaded cane, billy,
3 hand chain, metal knuckles, or any other offensive weapon, whether
4 such weapon be concealed or unconcealed, except this section shall
5 not prohibit:

6 1. The proper use of guns and knives for hunting, fishing,
7 educational or recreational purposes;

8 2. The carrying or use of weapons in a manner otherwise
9 permitted by statute or authorized by the Oklahoma Self-Defense Act;

10 3. The carrying, possession and use of any weapon by a peace
11 officer or other person authorized by law to carry a weapon in the
12 performance of official duties and in compliance with the rules of
13 the employing agency;

14 4. The carrying or use of weapons in a courthouse by a district
15 judge, associate district judge ~~or~~, special district judge or
16 municipal judge within this state, who is in possession of a valid
17 handgun license issued pursuant to the provisions of the Oklahoma
18 Self-Defense Act and whose name appears on a list maintained by the
19 Administrative Director of the Courts; or

20 5. The carrying and use of firearms and other weapons provided
21 in this subsection when used for the purpose of living history
22 reenactment. For purposes of this paragraph, "living history
23 reenactment" means depiction of historical characters, scenes,
24 historical life or events for entertainment, education, or

1 historical documentation through the wearing or use of period,
2 historical, antique or vintage clothing, accessories, firearms,
3 weapons, and other implements of the historical period.

4 B. Any person convicted of violating the foregoing provision
5 shall be guilty of a misdemeanor punishable as provided in Section
6 1276 of this title.

7 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
8 amended by Section 6, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
9 Section 1277), is amended to read as follows:

10 Section 1277.

11 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

19 2. Any meeting of any city, town, county, state or federal
20 officials, school board members, legislative members, or any other
21 elected or appointed officials;

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

- 1 4. Any elementary or secondary school;
- 2 5. Any sports arena during a professional sporting event;
- 3 6. Any place where pari-mutuel wagering is authorized by law;
- 4 and
- 5 7. Any other place specifically prohibited by law.

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

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

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

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

20 4. Any property designated by a city, town, county, or state,
21 governmental authority as a park, recreational area, or fairgrounds;
22 provided, nothing in this paragraph shall be construed to authorize
23 any entry by a person in possession of a concealed or unconcealed
24 handgun into any structure, building, or office space which is

1 specifically prohibited by the provisions of subsection A of this
2 section.

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

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

19 D. No person in possession of a valid handgun license issued
20 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
21 authorized to carry the handgun into or upon any college,
22 university, or technology center school property, except as provided
23 in this subsection. For purposes of this subsection, the following
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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. The provisions of this section shall not apply to any peace
14 officer or to any person authorized by law to carry a pistol in the
15 course of employment. District judges, associate district judges
16 ~~and~~, special district judges and municipal judges, who are in
17 possession of a valid handgun license issued pursuant to the
18 provisions of the Oklahoma Self-Defense Act and whose names appear
19 on a list maintained by the Administrative Director of the Courts,
20 shall be exempt from this section when acting in the course and
21 scope of employment within the courthouses of this state. Private
22 investigators with a firearms authorization shall be exempt from
23 this section when acting in the course and scope of employment.

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

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