STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

SENATE BILL 840 By: Shortey

AS INTRODUCED

An Act relating to unlawful carry; amending 21 O.S. 2011, Section 1277, as amended by Section 6, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012, Section 1277), which relates to the unlawful carrying of concealed or unconcealed handguns; modifying and deleting provisions that prohibit persons from carrying concealed and unconcealed handguns in certain places; authorizing certain persons to bypass certain security check points; providing for codification; 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:

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.~~ 3. Any elementary or secondary school;

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

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

~~7.~~ 4. Any other place specifically prohibited by law.

B. For purposes of paragraphs 1~~,~~ and 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.~~ 3. 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~~ paragraphs 1, 2~~,~~ and 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~~,~~ or 3 ~~or 4~~ of this subsection.

C. 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. 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. 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. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1290.27 of Title 21, unless there is created a duplication in numbering, reads as follows:

Any person with a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, when entering any state, city or county facility that requires persons to pass through a security checkpoint, shall be authorized to bypass the security checkpoint upon presenting a valid handgun license and valid Oklahoma driver license or identification card. Nothing in this section shall be construed to authorize a law enforcement officer to search any person or inspect any weapon properly concealed or unconcealed without probable cause that a crime has been committed.

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

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