

1 STATE OF OKLAHOMA

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

3 SENATE BILL 855

By: Simpson

4  
5  
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,  
8 Sections 1277 and 1290.9, as amended by Sections 6  
9 and 30, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,  
10 Sections 1277 and 1290.9), which relate to unlawful  
11 carry and certain eligibility; modifying making it  
12 lawful to carry in certain places; modifying certain  
13 eligibility requirements; requiring certain  
14 information to be private and protected; prohibiting  
15 the release of certain information under certain  
16 circumstances; making certain information not subject  
17 to the Oklahoma Open Records Act; providing  
18 penalties; providing for codification; and providing  
19 an effective date.

20  
21  
22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as  
24 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

1 Self-Defense Act to carry any concealed or unconcealed handgun into  
2 any of the following places:

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

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

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

12 ~~4.~~ 3. Any elementary or secondary school;

13 ~~5.~~ 4. Any sports arena during a professional sporting event;

14 ~~6.~~ 5. Any place where pari-mutuel wagering is authorized by  
15 law; and

16 ~~7.~~ 6. Any other place specifically prohibited by law.

17 B. For purposes of paragraphs 1, 2, ~~3, 5 and 6~~ 4 and 5 of  
18 subsection A of this section, the prohibited place does not include  
19 and specifically excludes the following property:

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

23 2. Any property set aside for the use or parking of any  
24 vehicle, whether attended or unattended, by any entity offering any

1 professional sporting event which is open to the public for  
2 admission, or by any entity engaged in pari-mutuel wagering  
3 authorized by law;

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

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

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

21 C. Any person violating the provisions of subsection A of this  
22 section shall, upon conviction, be guilty of a misdemeanor  
23 punishable by a fine not to exceed Two Hundred Fifty Dollars  
24 (\$250.00). Any person convicted of violating the provisions of

1 subsection A of this section may be liable for an administrative  
2 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and  
3 determination by the Oklahoma State Bureau of Investigation that the  
4 person is in violation of the provisions of subsection A of this  
5 section.

6 D. No person in possession of a valid handgun license issued  
7 pursuant to the provisions of the Oklahoma Self-Defense Act shall be  
8 authorized to carry the handgun into or upon any college,  
9 university, or technology center school property, except as provided  
10 in this subsection. For purposes of this subsection, the following  
11 property shall not be construed as prohibited for persons having a  
12 valid handgun license:

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

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

22 3. Any property authorized by the written consent of the  
23 college or university president or technology center school  
24 administrator, provided the written consent is carried with the

1 handgun and the valid handgun license while on college, university,  
2 or technology center school property.

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

12       Nothing contained in any provision of this subsection shall be  
13 construed to authorize or allow any college, university, or  
14 technology center school to establish any policy or rule that has  
15 the effect of prohibiting any person in lawful possession of a  
16 handgun license from possession of a handgun allowable under such  
17 license in places described in paragraphs 1, 2 and 3 of this  
18 subsection. Nothing contained in any provision of this subsection  
19 shall be construed to limit the authority of any college or  
20 university in this state from taking administrative action against  
21 any student for any violation of any provision of this subsection.

22       E. The provisions of this section shall not apply to any peace  
23 officer or to any person authorized by law to carry a pistol in the  
24 course of employment. District judges, associate district judges

1 and special district judges, who are in possession of a valid  
2 handgun license issued pursuant to the provisions of the Oklahoma  
3 Self-Defense Act and whose names appear on a list maintained by the  
4 Administrative Director of the Courts, shall be exempt from this  
5 section when acting in the course and scope of employment within the  
6 courthouses of this state. Private investigators with a firearms  
7 authorization shall be exempt from this section when acting in the  
8 course and scope of employment.

9 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.9, as  
10 amended by Section 30, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,  
11 Section 1290.9), is amended to read as follows:

12 Section 1290.9.

13 ELIGIBILITY

14 The following requirements shall apply to any person making  
15 application to the Oklahoma State Bureau of Investigation for a  
16 handgun license pursuant to the provisions of the Oklahoma Self-  
17 Defense Act. The person must:

- 18 1. Be a citizen or permanent resident of the United States;
- 19 2. Establish a residency in the State of Oklahoma. For  
20 purposes of the Oklahoma Self-Defense Act, the term "residency"  
21 shall apply to any person who either possesses a valid Oklahoma  
22 driver license or state photo identification card, and physically  
23 maintains a residence in this state or has permanent military orders

24

1 within this state and possesses a valid driver license from another  
2 state where such person claims residency;

3 3. Be at least twenty-one (21) years of age;

4 4. Complete a firearms safety and training course and  
5 demonstrate competence and qualifications with the type of pistol to  
6 be carried by the person as provided in Section 1290.14 of this  
7 title, and submit proof of training and qualification or an  
8 exemption for training and qualification as authorized by Section  
9 1290.14 of this title;

10 5. Submit the required fee and complete the application process  
11 as provided in Section 1290.12 of this title; and

12 6. Comply in good faith with the provisions of the Oklahoma  
13 Self-Defense Act.

14 SECTION 3. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 1290.25a of Title 21, unless  
16 there is created a duplication in numbering, reads as follows:

17 A. The records of individuals who have chosen to exercise their  
18 constitutional rights by obtaining concealed handgun licenses shall  
19 have their personal information protected from public disclosure.

20 The privacy of the individual shall be protected and personal  
21 information of those holding concealed handgun licenses shall not be  
22 released to the public without the written permission of the license  
23 holder. Personal information of concealed handgun license holders  
24 is not subject to the Oklahoma Open Records Act.

1 B. Any person who violates the provision of this section shall  
2 be guilty of a misdemeanor and shall be punished by imprisonment in  
3 the county jail not exceeding one (1) year, or by a fine not  
4 exceeding One Thousand Dollars (\$1,000.00), or by both such fine and  
5 imprisonment.

6 SECTION 4. This act shall become effective November 1, 2013.

7

8 54-1-985 LKS 1/17/2013 2:52:07 PM

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24