

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2673 _____
Of the printed Bill

Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: David Derby

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 2673

By: Derby

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to firearms; amending 21 O.S. 2011, Sections 1277 and 1280.1, as last amended by Sections 1 and 2, Chapter 344, O.S.L. 2013 (21 O.S. Supp. 2013, Sections 1277 and 1280.1), which relate to the unlawful carrying of firearms; authorizing the carrying and possession of handguns on certain public school property; providing immunity from liability under certain circumstances; and providing an effective date.

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 344, O.S.L. 2013 (21 O.S. Supp. 2013, 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 Self-Defense Act to carry any concealed or unconcealed handgun into 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 prison, jail, detention facility or any facility used to
5 process, hold, or house arrested persons, prisoners or persons
6 alleged delinquent or adjudicated delinquent;

7 3. Any public or private elementary or public or private
8 secondary school, except as provided in subsection C of this
9 section;

10 4. Any sports arena during a professional sporting event;

11 5. Any place where pari-mutuel wagering is authorized by law;
12 and

13 6. Any other place specifically prohibited by law.

14 B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A
15 of this section, the prohibited place does not include and
16 specifically excludes the following property:

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

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

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

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

11 5. Any property set aside for the use or parking of any
12 vehicle, whether attended or unattended, by a public elementary or
13 public secondary school, provided:

14 a. the handgun is carried or stored as required by law,

15 b. the handgun is not removed from the vehicle, and

16 c. a policy has been adopted by the board of education of
17 a public school district that authorizes the carrying
18 and possession of a handgun in a vehicle on public
19 school property.

20 Except for acts of gross negligence or willful or wanton
21 misconduct, the board of education of a public school district that
22 adopts a policy which authorizes the carrying and possession of a
23 handgun in a vehicle on public school property shall be immune from
24 liability for any injuries arising from the adoption of said policy.

1 The provisions of this paragraph shall not apply to claims pursuant
2 to the Workers' Compensation Act.

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, 4 or 5 of subsection A of this section
6 to establish any policy or rule that has the effect of prohibiting
7 any person in lawful possession of a handgun license from possession
8 of a handgun allowable under such license in places described in
9 paragraph 1, 2, 3 or 4 of this subsection.

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

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

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

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

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

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

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

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

1 university in this state from taking administrative action against
2 any student for any violation of any provision of this subsection.

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

14 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, as
15 last amended by Section 2, Chapter 344, O.S.L. 2013 (21 O.S. Supp.
16 2013, Section 1280.1), is amended to read as follows:

17 Section 1280.1

18 POSSESSION OF FIREARM ON SCHOOL PROPERTY

19 A. It shall be unlawful for any person to have in his or her
20 possession on any public or private school property or while in any
21 school bus or vehicle used by any school for transportation of
22 students or teachers any firearm or weapon designated in Section
23 1272 of this title, except as provided in subsection C of this
24 section or as otherwise authorized by law.

1 B. For purposes of this section:

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

7 2. "Private school" means a school that offers a course of
8 instruction for students in one or more grades from prekindergarten
9 through grade twelve and is not operated by a governmental entity.

10 C. Firearms and weapons are allowed on school property and
11 deemed not in violation of subsection A of this section as 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 school property only to transport a student to and from school and
18 such vehicle does not remain unattended on school property;

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

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

5 3. Weapons in the possession of any peace officer or other
6 person authorized by law to possess a weapon in the performance of
7 his or her duties and responsibilities; ~~and~~

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

22 5. A handgun carried in a vehicle by a person who is licensed
23 pursuant to the Oklahoma Self-Defense Act onto any property set
24 aside for the use or parking of any vehicle, whether attended or

1 unattended, by a public elementary or public secondary school,
2 provided:

- 3 a. the handgun is carried or stored as required by law,
- 4 b. the handgun is not removed from the vehicle, and
- 5 c. a policy has been adopted by the board of education of
6 a public school district that authorizes the carrying
7 and possession of a handgun in a vehicle on public
8 school property.

9 Except for acts of gross negligence or willful or wanton
10 misconduct, the board of education of a public school district that
11 adopts a policy which authorizes the carrying and possession of a
12 handgun in a vehicle on public school property shall be immune from
13 liability for any injuries arising from the adoption of said policy.
14 The provisions of this paragraph shall not apply to claims pursuant
15 to the Workers' Compensation Act.

16 D. Any person violating the provisions of this section shall,
17 upon conviction, be guilty of a felony punishable by a fine of not
18 to exceed Five Thousand Dollars (\$5,000.00), and imprisonment in the
19 custody of the Department of Corrections for not more than two (2)
20 years. Any person convicted of violating the provisions of this
21 section after having been issued a handgun license pursuant to the
22 provisions of the Oklahoma Self-Defense Act shall have the license
23 permanently revoked and shall be liable for an administrative fine
24 of One Hundred Dollars (\$100.00) upon a hearing and determination by

1 the Oklahoma State Bureau of Investigation that the person is in
2 violation of the provisions of this section.

3 SECTION 3. This act shall become effective November 1, 2014.

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