

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 831

By: Shortey

COMMITTEE SUBSTITUTE

An Act relating to firearms; 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 unlawful carry in certain places; making certain exception to unlawful carry; amending 57 O.S. 2011, Section 21, as amended by Section 1, Chapter 93, O.S.L. 2012 (57 O.S. Supp. 2012, Section 93), which relates to certain contraband in jails or penal institutions; providing for certain employees to carry a firearm onto certain property under certain circumstances, 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:

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, except as provided in
12 Section 21 of Title 57 of the Oklahoma Statutes;

13 4. Any elementary or secondary school;

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

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

17 7. Any other place specifically prohibited by law.

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

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

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

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

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

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

23 C. Any person violating the provisions of subsection A of this
24 section shall, upon conviction, be guilty of a misdemeanor

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

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

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

22 2. Any property authorized for possession or use of handguns by
23 college, university, or technology center school policy; and
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1 3. Any property authorized by the written consent of the
2 college or university president or technology center school
3 administrator, provided the written consent is carried with the
4 handgun and the valid handgun license while on college, university,
5 or technology center school property.

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

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

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

12 SECTION 2. AMENDATORY 57 O.S. 2011, Section 21, as
13 amended by Section 1, Chapter 93, O.S.L. 2012 (57 O.S. Supp. 2012,
14 Section 21), is amended to read as follows:

15 Section 21. A. Any person who, without authority, brings into
16 or has in his or her possession in any jail or state penal
17 institution or other place where prisoners are located, any gun,
18 knife, bomb or other dangerous instrument, any controlled dangerous
19 substance as defined by Section 2-101 et seq. of Title 63 of the
20 Oklahoma Statutes, any intoxicating beverage or low-point beer as
21 defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma
22 Statutes, money, or financial documents for a person other than the
23 inmate or a spouse of the inmate, including but not limited to tax
24 returns, shall be guilty of a felony and, upon conviction, shall be

1 punished by imprisonment in the custody of the Department of
2 Corrections for a term of not less than one (1) year nor more than
3 five (5) years, or by a fine of not less than One Hundred Dollars
4 (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both
5 such fine and imprisonment. Provided, the provisions of this
6 subsection shall not prohibit any Department of Corrections employee
7 who has a valid handgun license pursuant to the Oklahoma Self-
8 Defense Act to carry a firearm onto any property set aside for the
9 use of parking of any vehicle, whether attended or unattended, at
10 any state-owned prison facility, provided the firearm is carried or
11 stored as required by law.

12 B. If an inmate is found to be in possession of any item
13 prohibited by this section, upon conviction, such inmate shall be
14 guilty of a felony and shall be punished by imprisonment for a term
15 of not less than five (5) years nor more than twenty (20) years in
16 the custody of the Department of Corrections.

17 C. If the person found to be in possession of any item
18 prohibited by this section has committed, prior to the commission of
19 an offense in violation of this section, two or more felony
20 offenses, and the possession of contraband in violation of this
21 section is within ten (10) years of the completion of the execution
22 of the sentence for any prior offense, such person, upon conviction,
23 shall be guilty of a felony and shall be punished by imprisonment in
24 the custody of the Department of Corrections for a term of not less

1 than twenty (20) years. Felony offenses relied upon shall not have
2 arisen out of the same transaction or occurrence or series of events
3 closely related in time and location.

4 D. Any person who, without authority, brings into or has in his
5 or her possession in any jail or state penal institution or other
6 place where prisoners are located, cigarettes, cigars, snuff,
7 chewing tobacco, or any other form of tobacco product shall, upon
8 conviction, be guilty of a misdemeanor punishable by imprisonment in
9 the county jail not to exceed one (1) year, or by a fine not
10 exceeding Five Hundred Dollars (\$500.00), or by both such fine and
11 imprisonment.

12 E. Any person who knowingly, willfully and without authority
13 brings into or has in his or her possession in any secure area of a
14 jail or state penal institution or other secure place where
15 prisoners are located any cellular phone or electronic device
16 capable of sending or receiving any electronic communication shall,
17 upon conviction, be guilty of a felony punishable by imprisonment in
18 the custody of the Department of Corrections for a term not
19 exceeding two (2) years, or by a fine not exceeding Two Thousand
20 Five Hundred Dollars (\$2,500.00), or by both such fine and
21 imprisonment.

22 F. Any electronic communication device which has no
23 identifiable owner and which is seized as a result of a violation of
24

1 this section may be disposed of or sold by the agency that seized
2 the device.

3 G. "Electronic communication" means any transfer of signs,
4 signals, writings, images, sounds, data, or intelligence of any
5 nature transmitted in whole or part by a wire, radio,
6 electromagnetic, photo-electronic, or photo-optical system, and
7 includes, but is not limited to, the transfer of that communication
8 through the Internet.

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

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