

05/12/2014 03:54:28 PM

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2614

By: Martin (Steve) of the House and Treat of the Senate

Title: Firearms; clarifying firearm training requirement; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its Senate Amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HB2614 CCR (A)
HOUSE CONFEREES

Cannaday, Ed

Christian, Mike

Grau, Randy



Hardin, Tommy



Hoskin, Chuck

Jordan, Fred



Kouplen, Steve

Martin, Steve



Osborn, Leslie



Ownbey, Pat



Peterson, Pam



Pruett, R. C.

Renegar, Brian

Ritze, Mike

Vaughan, Steve



Walker, Ken



HB2614 CCR A

SENATE CONFEREES

Treat

Barrington

Dahm

Boggs

Ellis

Ivester

[Handwritten signatures over lines]
Treat
Barrington
Dahm
Boggs
Ellis
Ivester

House Action _____ Date _____ Senate Action _____ Date _____

House Action _____ Date _____ Senate Action _____ Date _____

AUTHOR(s)/COAUTHOR(s)CURRENTLY IN THE QUEUE for HB2614

As of 5/12/2014 3:51:27 PM

Add as coauthor Representative Kern

Add as coauthor Senator Boggs

Add as coauthor Representative Enns

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2614

By: Martin (Steve) of the House

and

Treat and Allen of the
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending
21 O.S. 2011, Sections 1277, as last amended by
Section 1, Chapter 344, O.S.L. 2013 (21 O.S. Supp.
2013, Section 1277) and 1280.1, as last amended by
Section 1 of Enrolled House Bill No. 2496 of the 2nd
Session of the 54th Oklahoma Legislature, which
relate to the carrying of firearms; deleting certain
penalties; adding exception to certain prohibited
act; defining term; 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
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

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

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

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

11 3. Any public or private elementary or public or private
12 secondary school, except as provided in subsection C of this
13 section;

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

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

17 6. Any other place specifically prohibited by law.

18 B. For purposes of paragraphs 1, 2, 3, 4 and 5 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; and

16 5. Any property set aside by a public or private elementary or
17 secondary school for the use or parking of any vehicle, whether
18 attended or unattended; provided, however, said handgun shall be
19 stored and hidden from view in a locked motor vehicle when the motor
20 vehicle is left unattended on school property.

21 Nothing contained in any provision of this subsection or
22 subsection C of this section shall be construed to authorize or
23 allow any person in control of any place described in paragraph 1,
24 2, 3, 4 or 5 of subsection A of this section to establish any policy

1 or rule that has the effect of prohibiting any person in lawful
2 possession of a handgun license from possession of a handgun
3 allowable under such license in places described in paragraph 1, 2,
4 ~~3 or~~, 4 or 5 of this subsection.

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

19 D. Any person violating the provisions of subsection A of this
20 section shall, upon conviction, be guilty of a misdemeanor
21 punishable by a fine not to exceed Two Hundred Fifty Dollars
22 (\$250.00). ~~Any person convicted of violating the provisions of~~
23 ~~subsection A of this section may be liable for an administrative~~
24 ~~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.~~

E. 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.

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

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

21 F. The provisions of this section shall not apply to any peace
22 officer or to any person authorized by law to carry a pistol in the
23 course of employment. District judges, associate district judges
24 and special district judges, who are in possession of a valid

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

8 G. For the purposes of this section, "motor vehicle" means any
9 automobile, truck, minivan or sports utility vehicle.

10 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, as
11 last amended by Section 1 of Enrolled House Bill No. 2496 of the 2nd
12 Session of the 54th Oklahoma Legislature, is amended to read as
13 follows:

14 Section 1280.1

15 POSSESSION OF FIREARM ON SCHOOL PROPERTY

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

22 B. For purposes of this section:

23 1. "School property" means any publicly owned property held for
24 purposes of elementary, secondary or vocational-technical education,

1 and shall not include property owned by public school districts or
2 where such property is leased or rented to an individual or
3 corporation and used for purposes other than educational; ~~and~~

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

8 3. "Motor vehicle" means any automobile, truck, minivan or
9 sports utility vehicle.

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;

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 gun, knife, bayonet or other weapon in the possession of a
23 member of a veterans group, the national guard, active military, the
24 Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to

1 participate in a ceremony, assembly or educational program approved
2 by the principal or chief administrator of a school or school
3 district where the ceremony, assembly or educational program is
4 being held; provided, however, the gun or other weapon that uses
5 projectiles is not loaded and is inoperable at all times while on
6 school property; and

7 6. A handgun carried in a motor vehicle pursuant to a valid
8 handgun license authorized by the Oklahoma Self-Defense Act onto
9 property set aside by a public or private elementary or secondary
10 school for the use or parking of any vehicle; provided, however,
11 said handgun shall be stored and hidden from view in a locked motor
12 vehicle when the motor vehicle is left unattended on school
13 property.

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

1 ~~Investigation that the person is in violation of the provisions of~~
2 ~~this section~~ Two Hundred Fifty Dollars (\$250.00).

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

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5 54-2-10982 GRS 05/06/14

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