

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL 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  
24

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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