

1 ENGROSSED SENATE
2 BILL NO. 831

By: Shortey of the Senate

3 and

4 Echols and Cleveland of the
5 House

6
7 [firearms - unlawful carry in certain places -
8 contraband in jails or penal institutions - effective
9 date]
10

11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
13 amended by Section 6, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
14 Section 1277), is amended to read as follows:

15 Section 1277.

16 UNLAWFUL CARRY IN CERTAIN PLACES

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

21 1. Any structure, building, or office space which is owned or
22 leased by a city, town, county, state, or federal governmental
23 authority for the purpose of conducting business with the public;
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1 2. Any meeting of any city, town, county, state or federal
2 officials, school board members, legislative members, or any other
3 elected or appointed officials;

4 3. 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, except as provided in
7 Section 21 of Title 57 of the Oklahoma Statutes;

8 4. Any elementary or secondary school;

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

10 6. Any place where pari-mutuel wagering is authorized by law;
11 and

12 7. Any other place specifically prohibited by law.

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

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

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

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

18 C. Any person violating the provisions of subsection A of this
19 section shall, upon conviction, be guilty of a misdemeanor
20 punishable by a fine not to exceed Two Hundred Fifty Dollars
21 (\$250.00). Any person convicted of violating the provisions of
22 subsection A of this section may be liable for an administrative
23 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and
24 determination by the Oklahoma State Bureau of Investigation that the

1 person is in violation of the provisions of subsection A of this
2 section.

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

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

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

19 3. Any property authorized by the written consent of the
20 college or university president or technology center school
21 administrator, provided the written consent is carried with the
22 handgun and the valid handgun license while on college, university,
23 or technology center school property.

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

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

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

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

10 Section 21. A. Any person who, without authority, brings into
11 or has in his or her possession in any jail or state penal
12 institution or other place where prisoners are located, any gun,
13 knife, bomb or other dangerous instrument, any controlled dangerous
14 substance as defined by Section 2-101 et seq. of Title 63 of the
15 Oklahoma Statutes, any intoxicating beverage or low-point beer as
16 defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma
17 Statutes, money, or financial documents for a person other than the
18 inmate or a spouse of the inmate, including but not limited to tax
19 returns, shall be guilty of a felony and, upon conviction, shall be
20 punished by imprisonment in the custody of the Department of
21 Corrections for a term of not less than one (1) year nor more than
22 five (5) years, or by a fine of not less than One Hundred Dollars
23 (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both
24 such fine and imprisonment. Provided, the provisions of this

1 subsection shall not prohibit any Department of Corrections employee
2 who has a valid handgun license pursuant to the Oklahoma Self-
3 Defense Act to carry a firearm onto any property set aside for the
4 use of parking of any vehicle, whether attended or unattended, at
5 any state-owned prison facility, provided the firearm is carried or
6 stored as required by law.

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

12 C. If the person found to be in possession of any item
13 prohibited by this section has committed, prior to the commission of
14 an offense in violation of this section, two or more felony
15 offenses, and the possession of contraband in violation of this
16 section is within ten (10) years of the completion of the execution
17 of the sentence for any prior offense, such person, upon conviction,
18 shall be guilty of a felony and shall be punished by imprisonment in
19 the custody of the Department of Corrections for a term of not less
20 than twenty (20) years. Felony offenses relied upon shall not have
21 arisen out of the same transaction or occurrence or series of events
22 closely related in time and location.

23 D. Any person who, without authority, brings into or has in his
24 or her possession in any jail or state penal institution or other

1 place where prisoners are located, cigarettes, cigars, snuff,
2 chewing tobacco, or any other form of tobacco product shall, upon
3 conviction, be guilty of a misdemeanor punishable by imprisonment in
4 the county jail not to exceed one (1) year, or by a fine not
5 exceeding Five Hundred Dollars (\$500.00), or by both such fine and
6 imprisonment.

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

17 F. Any electronic communication device which has no
18 identifiable owner and which is seized as a result of a violation of
19 this section may be disposed of or sold by the agency that seized
20 the device.

21 G. "Electronic communication" means any transfer of signs,
22 signals, writings, images, sounds, data, or intelligence of any
23 nature transmitted in whole or part by a wire, radio,
24 electromagnetic, photo-electronic, or photo-optical system, and

1 includes, but is not limited to, the transfer of that communication
2 through the Internet.

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

4 Passed the Senate the 12th day of March, 2013.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,

9 2013.

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Presiding Officer of the House
of Representatives

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