

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2329

By: Kern and Ritze of the House

and

Boggs of the Senate

7
8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to crimes and punishments; amending
12 21 O.S. 2011, Sections 1277 and 1280.1, as last
13 amended by Sections 1 and 2, Chapter 344, O.S.L. 2013
14 (21 O.S. Supp. 2013, Sections 1277 and 1280.1), which
15 relate to the carrying of firearms; deleting certain
16 penalties; adding exception to certain prohibited
17 act; defining term; and providing an effective date.

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

19 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
20 last amended by Section 1, Chapter 344, O.S.L. 2013 (21 O.S. Supp.
21 2013, Section 1277), is amended to read as follows:

22 Section 1277.

23 UNLAWFUL CARRY IN CERTAIN PLACES

24 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 prison, jail, detention facility or any facility used to
7 process, hold, or house arrested persons, prisoners or persons
8 alleged delinquent or adjudicated delinquent;

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

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

13 5. Any place where pari-mutuel wagering is authorized by law;
14 and

15 6. Any other place specifically prohibited by law.

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

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

22 2. Any property set aside for the use or parking of any
23 vehicle, whether attended or unattended, by any entity offering any
24 professional sporting event which is open to the public for

1 admission, or by any entity engaged in pari-mutuel wagering
2 authorized by law;

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

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

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

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

24

allowable under such license in places described in paragraph 1, 2,
3 ~~or~~, 4 or 5 of this subsection.

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

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

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, sports utility vehicle, motorcycle,
10 motor scooter and any other vehicle required to be registered under
11 the Oklahoma Vehicle License and Registration Act.

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

15 Section 1280.1

16 POSSESSION OF FIREARM ON SCHOOL PROPERTY

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

23 B. For purposes of this section:
24

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

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

10 3. "Motor vehicle" means any automobile, truck, minivan, sports
11 utility vehicle, motorcycle, motor scooter and any other vehicle
12 required to be registered under the Oklahoma Vehicle License and
13 Registration Act.

14 C. Firearms and weapons are allowed on school property and
15 deemed not in violation of subsection A of this section as follows:

16 1. A gun or knife designed for hunting or fishing purposes kept
17 in a privately owned vehicle and properly displayed or stored as
18 required by law, ~~or a handgun carried in a vehicle pursuant to a~~
19 ~~valid handgun license authorized by the Oklahoma Self-Defense Act,~~
20 provided such vehicle containing said gun or knife is driven onto
21 school property only to transport a student to and from school and
22 such vehicle does not remain unattended on school property;

23 2. A gun or knife used for the purposes of participating in the
24 Oklahoma Department of Wildlife Conservation certified hunter

1 training education course or any other hunting, fishing, safety or
2 firearms training courses, or a recognized firearms sports event,
3 team shooting program or competition, or living history reenactment,
4 provided the course or event is approved by the principal or chief
5 administrator of the school where the course or event is offered,
6 and provided the weapon is properly displayed or stored as required
7 by law pending participation in the course, event, program or
8 competition;

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

12 4. A concealed or unconcealed weapon carried onto private
13 school property or in any school bus or vehicle used by any private
14 school for transportation of students or teachers by a person who is
15 licensed pursuant to the Oklahoma Self-Defense Act, provided a
16 policy has been adopted by the governing entity of the private
17 school that authorizes the possession of a weapon on private school
18 property or in any school bus or vehicle used by a private school.
19 Except for acts of gross negligence or willful or wanton misconduct,
20 a governing entity of a private school that adopts a policy which
21 authorizes the possession of a weapon on private school property, a
22 school bus or vehicle used by the private school shall be immune
23 from liability for any injuries arising from the adoption of the
24

1 policy. The provisions of this paragraph shall not apply to claims
2 pursuant to the Workers' Compensation Code; and

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

9 D. Any person violating the provisions of this section shall,
10 upon conviction, be guilty of a ~~felony~~ misdemeanor punishable by a
11 fine of not to exceed ~~Five Thousand Dollars (\$5,000.00)~~, and
12 ~~imprisonment in the custody of the Department of Corrections for not~~
13 ~~more than two (2) years. Any person convicted of violating the~~
14 ~~provisions of this section after having been issued a handgun~~
15 ~~license pursuant to the provisions of the Oklahoma Self-Defense Act~~
16 ~~shall have the license permanently revoked and shall be liable for~~
17 ~~an administrative fine of One Hundred Dollars (\$100.00) upon a~~
18 ~~hearing and determination by the Oklahoma State Bureau of~~
19 ~~Investigation that the person is in violation of the provisions of~~
20 ~~this section~~ Two Hundred Fifty Dollars (\$250.00).

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

22
23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/19/2014 - DO
24 PASS, As Amended and Coauthored.