

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. 2617

By: Martin (Steve)

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8                               COMMITTEE SUBSTITUTE

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10           An Act relating to crimes and punishments; amending  
11           21 O.S. 2011, Section 1277, as last amended by  
12           Section 1, Chapter 344, O.S.L. 2013 (21 O.S. Supp.  
13           2013, Section 1277), which relates to the unlawful  
14           carrying of firearms; clarifying certain prohibited  
15           acts; deleting certain construing provision and  
16           administrative penalty; and providing an effective  
17           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 that has a security  
4 checkpoint at each public entrance for the detection of weapons and  
5 which is owned or leased by a city, town, county, state, or federal  
6 governmental authority for the purpose of conducting business with  
7 the public;

8 2. Any courthouse, courtroom, prison, jail, detention facility  
9 or any facility used to process, hold, or house arrested persons,  
10 prisoners or persons 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, 4 and 5 of subsection A of  
19 this section, the prohibited place does not include and specifically  
20 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 or structure designated by a city, town,  
10 county, or state, governmental authority as a park, recreational  
11 area, or fairgrounds; ~~provided, nothing in this paragraph shall be~~  
12 ~~construed to authorize any entry by a person in possession of a~~  
13 ~~concealed or unconcealed handgun into any structure, building, or~~  
14 ~~office space which is specifically prohibited by the provisions of~~  
15 ~~subsection A of this 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, 4 or 5 of subsection A of this section  
19 to establish any policy or rule that has the effect of prohibiting  
20 any person in lawful possession of a handgun license from possession  
21 of a handgun allowable under such license in places described in  
22 paragraph 1, 2, 3 or 4 of this subsection.

23        C. A concealed or unconcealed weapon may be carried onto  
24 private school property or in any school bus or vehicle used by any

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

13 D. Any person violating the provisions of subsection A of this  
14 section shall, upon conviction, be guilty of a misdemeanor  
15 punishable by a fine not to exceed Two Hundred Fifty Dollars  
16 (\$250.00). ~~Any person convicted of violating the provisions of~~  
17 ~~subsection A of this section may be liable for an administrative~~  
18 ~~fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and~~  
19 ~~determination by the Oklahoma State Bureau of Investigation that the~~  
20 ~~person is in violation of the provisions of subsection A of this~~  
21 ~~section.~~

22 E. No person in possession of a valid handgun license issued  
23 pursuant to the provisions of the Oklahoma Self-Defense Act shall be  
24 authorized to carry the handgun into or upon any college,

1 university, or technology center school property, except as provided  
2 in this subsection. For purposes of this subsection, the following  
3 property shall not be construed as prohibited for persons having a  
4 valid handgun license:

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

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

14 3. Any property authorized by the written consent of the  
15 college or university president or technology center school  
16 administrator, provided the written consent is carried with the  
17 handgun and the valid handgun license while on college, university,  
18 or technology center school property.

19 The college, university, or technology center school may notify  
20 the Oklahoma State Bureau of Investigation within ten (10) days of a  
21 violation of any provision of this subsection by a licensee. Upon  
22 receipt of a written notification of violation, the Bureau shall  
23 give a reasonable notice to the licensee and hold a hearing. At the  
24 hearing upon a determination that the licensee has violated any

1 provision of this subsection, the licensee may be subject to an  
2 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may  
3 have the handgun license suspended for three (3) months.

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

14 F. The provisions of this section shall not apply to any peace  
15 officer or to any person authorized by law to carry a pistol in the  
16 course of employment. District judges, associate district judges  
17 and special district judges, who are in possession of a valid  
18 handgun license issued pursuant to the provisions of the Oklahoma  
19 Self-Defense Act and whose names appear on a list maintained by the  
20 Administrative Director of the Courts, shall be exempt from this  
21 section when acting in the course and scope of employment within the  
22 courthouses of this state. Private investigators with a firearms  
23 authorization shall be exempt from this section when acting in the  
24 course and scope of employment.

1       SECTION 2.   This act shall become effective November 1, 2014.

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3   COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/12/2014 -  
4   DO PASS, As Amended.  
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