

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. 2887

By: Enns, Turner and Bennett of
the House

and

Griffin of the Senate

11 COMMITTEE SUBSTITUTE

12 An Act relating to crimes and punishments; amending
13 21 O.S. 2011, Section 1277, as last amended by
14 Section 1, Chapter 344, O.S.L. 2013 (21 O.S. Supp.
15 2013, Section 1277), which relates to the unlawful
16 carrying of firearms; authorizing a college,
17 university or technology center school to establish
18 certain policy; deleting administrative hearing
19 requirement and fine; providing immunity from certain
20 liability; and providing an effective date.

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

22 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
23 last amended by Section 1, Chapter 344, O.S.L. 2013 (21 O.S. Supp.
24 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, 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 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, 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. Any college or university or
19 technology center school may establish a policy for the general
20 public in lieu of written permission to each individual licensee.

21 ~~The college, university, or technology center school may notify~~
22 ~~the Oklahoma State Bureau of Investigation within ten (10) days of a~~
23 ~~violation of any provision of this subsection by a licensee. Upon~~
24 ~~receipt of a written notification of violation, the Bureau shall~~

1 ~~give a reasonable notice to the licensee and hold a hearing. At the~~
2 ~~hearing upon a determination that the licensee has violated any~~
3 ~~provision of this subsection, the licensee may be subject to an~~
4 ~~administrative fine of Two Hundred Fifty Dollars (\$250.00) and may~~
5 ~~have the handgun license suspended for three (3) months.~~

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

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

1 authorization shall be exempt from this section when acting in the
2 course and scope of employment.

3 G. A college, university or technology center school that
4 provides written consent for an individual licensee or provides a
5 policy pursuant to the Oklahoma Self-Defense Act pursuant to
6 subsection E of this section and allows a licensee to carry a
7 concealed or unconcealed weapon on property that the college,
8 university or technology center school owns or has legal control of
9 is immune from any liability arising from that decision. The
10 provisions of this subsection shall not apply to claims pursuant to
11 the Workers' Compensation Act.

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

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