

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 831

By: Shortey of the Senate

and

Echols and Cleveland of the
House

10 COMMITTEE SUBSTITUTE

11 An Act relating to firearms; amending 21 O.S. 2011,
12 Section 1277, as last amended by Section 1, Chapter
13 344, O.S.L. 2013 (21 O.S. Supp. 2013, Section 1277),
14 which relates to unlawful carry; providing exception
15 to unlawful carry; amending 57 O.S. 2011, Section 21,
16 as amended by Section 1, Chapter 93, O.S.L. 2012 (57
17 O.S. Supp. 2013, Section 21), which relates to
18 contraband in jails or penal institutions; permitting
19 employee to carry firearm onto parking lot in certain
20 circumstances; 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, except as provided in
11 Section 21 of Title 57 of the Oklahoma Statutes;

12 3. Any public or private elementary or public or private
13 secondary school, except as provided in subsection C of this
14 section;

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

16 5. Any place where pari-mutuel wagering is authorized by law;
17 and

18 6. Any other place specifically prohibited by law.

19 B. For purposes of paragraphs 1, 2, 4 and 5 of subsection A of
20 this section, the prohibited place does not include and specifically
21 excludes the following property:

22 1. Any property set aside for the use or parking of any
23 vehicle, whether attended or unattended, by a city, town, county,
24 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.

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. AMENDATORY 57 O.S. 2011, Section 21, as
2 amended by Section 1, Chapter 93, O.S.L. 2012 (57 O.S. Supp. 2013,
3 Section 21), is amended to read as follows:

4 Section 21. A. Any person who, without authority, brings into
5 or has in his or her possession in any jail or state penal
6 institution or other place where prisoners are located, any gun,
7 knife, bomb or other dangerous instrument, any controlled dangerous
8 substance as defined by Section 2-101 et seq. of Title 63 of the
9 Oklahoma Statutes, any intoxicating beverage or low-point beer as
10 defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma
11 Statutes, money, or financial documents for a person other than the
12 inmate or a spouse of the inmate, including but not limited to tax
13 returns, shall be guilty of a felony and, upon conviction, shall be
14 punished by imprisonment in the custody of the Department of
15 Corrections for a term of not less than one (1) year nor more than
16 five (5) years, or by a fine of not less than One Hundred Dollars
17 (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both
18 such fine and imprisonment. Provided, the provisions of this
19 subsection shall not prohibit any Department of Corrections employee
20 who has a valid handgun license pursuant to the Oklahoma Self-
21 Defense Act to carry a firearm onto any property set aside for the
22 use of parking of any vehicle, whether attended or unattended, at
23 any state-owned prison facility, provided the firearm is carried or
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1 stored as required by law and the warden or superintendent of the
2 facility has given his or her consent.

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

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

19 D. Any person who, without authority, brings into or has in his
20 or her possession in any jail or state penal institution or other
21 place where prisoners are located, cigarettes, cigars, snuff,
22 chewing tobacco, or any other form of tobacco product shall, upon
23 conviction, be guilty of a misdemeanor punishable by imprisonment in
24 the county jail not to exceed one (1) year, or by a fine not

1 exceeding Five Hundred Dollars (\$500.00), or by both such fine and
2 imprisonment.

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

13 F. Any electronic communication device which has no
14 identifiable owner and which is seized as a result of a violation of
15 this section may be disposed of or sold by the agency that seized
16 the device.

17 G. "Electronic communication" means any transfer of signs,
18 signals, writings, images, sounds, data, or intelligence of any
19 nature transmitted in whole or part by a wire, radio,
20 electromagnetic, photo-electronic, or photo-optical system, and
21 includes, but is not limited to, the transfer of that communication
22 through the Internet.

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

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3 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/19/2014 - DO
4 PASS, As Amended.
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