

1 **SENATE FLOOR VERSION**

2 February 21, 2013

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 831

By: Shortey of the Senate

and

Echols of the House

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

12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

17 Section 1277.

18 UNLAWFUL CARRY IN CERTAIN PLACES

19 A. It shall be unlawful for any person in possession of a valid
20 handgun license issued pursuant to the provisions of the Oklahoma
21 Self-Defense Act to carry any concealed or unconcealed handgun into
22 any of the following places:
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1 1. Any structure, building, or office space which is owned or
2 leased by a city, town, county, state, or federal governmental
3 authority for the purpose of conducting business with the public;

4 2. Any meeting of any city, town, county, state or federal
5 officials, school board members, legislative members, or any other
6 elected or appointed officials;

7 3. Any prison, jail, detention facility or any facility used to
8 process, hold, or house arrested persons, prisoners or persons
9 alleged delinquent or adjudicated delinquent, except as provided in
10 Section 21 of Title 57 of the Oklahoma Statutes;

11 4. Any elementary or secondary school;

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

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

15 7. Any other place specifically prohibited by law.

16 B. For purposes of paragraphs 1, 2, 3, 5 and 6 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.

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

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

1 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and
2 determination by the Oklahoma State Bureau of Investigation that the
3 person is in violation of the provisions of subsection A of this
4 section.

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

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

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

21 3. Any property authorized by the written consent of the
22 college or university president or technology center school
23 administrator, provided the written consent is carried with the
24

1 handgun and the valid handgun license while on college, university,
2 or technology center school property.

3 The college, university, or technology center school may notify
4 the Oklahoma State Bureau of Investigation within ten (10) days of a
5 violation of any provision of this subsection by a licensee. Upon
6 receipt of a written notification of violation, the Bureau shall
7 give a reasonable notice to the licensee and hold a hearing. At the
8 hearing upon a determination that the licensee has violated any
9 provision of this subsection, the licensee may be subject to an
10 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
11 have the handgun license suspended for three (3) months.

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

22 E. The provisions of this section shall not apply to any peace
23 officer or to any person authorized by law to carry a pistol in the
24 course of employment. District judges, associate district judges

1 and special district judges, who are in possession of a valid
2 handgun license issued pursuant to the provisions of the Oklahoma
3 Self-Defense Act and whose names appear on a list maintained by the
4 Administrative Director of the Courts, shall be exempt from this
5 section when acting in the course and scope of employment within the
6 courthouses of this state. Private investigators with a firearms
7 authorization shall be exempt from this section when acting in the
8 course and scope of employment.

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

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

1 (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both
2 such fine and imprisonment. Provided, the provisions of this
3 subsection shall not prohibit any Department of Corrections employee
4 who has a valid handgun license pursuant to the Oklahoma Self-
5 Defense Act to carry a firearm onto any property set aside for the
6 use of parking of any vehicle, whether attended or unattended, at
7 any state-owned prison facility, provided the firearm is carried or
8 stored as required by law.

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

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

1 D. Any person who, without authority, brings into or has in his
2 or her possession in any jail or state penal institution or other
3 place where prisoners are located, cigarettes, cigars, snuff,
4 chewing tobacco, or any other form of tobacco product shall, upon
5 conviction, be guilty of a misdemeanor punishable by imprisonment in
6 the county jail not to exceed one (1) year, or by a fine not
7 exceeding Five Hundred Dollars (\$500.00), or by both such fine and
8 imprisonment.

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

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

23 G. "Electronic communication" means any transfer of signs,
24 signals, writings, images, sounds, data, or intelligence of any

1 nature transmitted in whole or part by a wire, radio,
2 electromagnetic, photo-electronic, or photo-optical system, and
3 includes, but is not limited to, the transfer of that communication
4 through the Internet.

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

6 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
7 February 21, 2013 - DO PASS AS AMENDED
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