

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2419

By: Ritze

6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2011, Sections 1272, as last amended by  
9 Section 1, Chapter 102, O.S.L. 2013 and 1277, as last  
10 amended by Section 1, Chapter 344, O.S.L. 2013 (21  
11 O.S. Supp. 2013, Sections 1272 and 1277), which  
12 relate to the carrying of firearms; providing  
13 exception to certain prohibited acts for members of  
14 the Legislature; and providing an effective date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as  
17 last amended by Section 1, Chapter 102, O.S.L. 2013 (21 O.S. Supp.  
18 2013, Section 1272), is amended to read as follows:

19 Section 1272.

20 UNLAWFUL CARRY

21 A. It shall be unlawful for any person to carry upon or about  
22 his or her person, or in a purse or other container belonging to the  
23 person, any pistol, revolver, shotgun or rifle whether loaded or  
24 unloaded or any dagger, bowie knife, dirk knife, switchblade knife,  
sword cane, knife having a blade which opens automatically by hand  
pressure applied to a button, spring, or other device in the handle

1 of the knife, blackjack, loaded cane, billy, hand chain, metal  
2 knuckles, or any other offensive weapon, whether such weapon be  
3 concealed or unconcealed, except this section shall not prohibit:

4 1. The proper use of guns and knives for hunting, fishing,  
5 educational or recreational purposes;

6 2. The carrying or use of weapons in a manner otherwise  
7 permitted by statute or authorized by the Oklahoma Self-Defense Act;

8 3. The carrying, possession and use of any weapon by a peace  
9 officer or other person authorized by law to carry a weapon in the  
10 performance of official duties and in compliance with the rules of  
11 the employing agency;

12 4. The carrying or use of weapons in a courthouse by a district  
13 judge, associate district judge or special district judge within  
14 this state, who is in possession of a valid handgun license issued  
15 pursuant to the provisions of the Oklahoma Self-Defense Act and  
16 whose name appears on a list maintained by the Administrative  
17 Director of the Courts; ~~or~~

18 5. The carrying or use of firearms in any state building,  
19 facility or structure within this state, including the State Capitol  
20 Building and other structures in the Oklahoma State Capitol Complex,  
21 by a member of the Oklahoma Legislature who possesses a valid  
22 handgun license issued pursuant to the provisions of the Oklahoma  
23 Self-Defense Act or has obtained CLEET certification from the  
24 Council on Law Enforcement Education and Training; or

1       6. The carrying and use of firearms and other weapons provided  
2 in this subsection when used for the purpose of living history  
3 reenactment. For purposes of this paragraph, "living history  
4 reenactment" means depiction of historical characters, scenes,  
5 historical life or events for entertainment, education, or  
6 historical documentation through the wearing or use of period,  
7 historical, antique or vintage clothing, accessories, firearms,  
8 weapons, and other implements of the historical period.

9       B. Any person convicted of violating the foregoing provision  
10 shall be guilty of a misdemeanor punishable as provided in Section  
11 1276 of this title.

12       SECTION 2.       AMENDATORY       21 O.S. 2011, Section 1277, as  
13 last amended by Section 1, Chapter 344, O.S.L. 2013 (21 O.S. Supp.  
14 2013, Section 1277), is amended to read as follows:

15       Section 1277.

16                       UNLAWFUL CARRY IN CERTAIN PLACES

17       A. It shall be unlawful for any person in possession of a valid  
18 handgun license issued pursuant to the provisions of the Oklahoma  
19 Self-Defense Act to carry any concealed or unconcealed handgun into  
20 any of the following places:

21       1. Any structure, building, or office space which is owned or  
22 leased by a city, town, county, state, or federal governmental  
23 authority for the purpose of conducting business with the public;  
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1        2. Any prison, jail, detention facility or any facility used to  
2 process, hold, or house arrested persons, prisoners or persons  
3 alleged delinquent or adjudicated delinquent;

4        3. Any public or private elementary or public or private  
5 secondary school, except as provided in subsection C of this  
6 section;

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

8        5. Any place where pari-mutuel wagering is authorized by law;  
9 and

10       6. Any other place specifically prohibited by law.

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

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

17       2. Any property set aside for the use or parking of any  
18 vehicle, whether attended or unattended, by any entity offering any  
19 professional sporting event which is open to the public for  
20 admission, or by any entity engaged in pari-mutuel wagering  
21 authorized by law;

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

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

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

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

1 private school property, a school bus or vehicle used by the private  
2 school shall be immune from liability for any injuries arising from  
3 the adoption of the policy. The provisions of this subsection shall  
4 not apply to claims pursuant to the Workers' Compensation Code.

5 D. Any person violating the provisions of subsection A of this  
6 section shall, upon conviction, be guilty of a misdemeanor  
7 punishable by a fine not to exceed Two Hundred Fifty Dollars  
8 (\$250.00). Any person convicted of violating the provisions of  
9 subsection A of this section may be liable for an administrative  
10 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and  
11 determination by the Oklahoma State Bureau of Investigation that the  
12 person is in violation of the provisions of subsection A of this  
13 section.

14 E. No person in possession of a valid handgun license issued  
15 pursuant to the provisions of the Oklahoma Self-Defense Act shall be  
16 authorized to carry the handgun into or upon any college,  
17 university, or technology center school property, except as provided  
18 in this subsection. For purposes of this subsection, the following  
19 property shall not be construed as prohibited for persons having a  
20 valid handgun license:

21 1. Any property set aside for the use or parking of any  
22 vehicle, whether attended or unattended, provided the handgun is  
23 carried or stored as required by law and the handgun is not removed  
24 from the vehicle without the prior consent of the college or

1 university president or technology center school administrator while  
2 the vehicle is on any college, university, or technology center  
3 school property;

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

6 3. Any property authorized by the written consent of the  
7 college or university president or technology center school  
8 administrator, provided the written consent is carried with the  
9 handgun and the valid handgun license while on college, university,  
10 or technology center school property.

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

20 Nothing contained in any provision of this subsection shall be  
21 construed to authorize or allow any college, university, or  
22 technology center school to establish any policy or rule that has  
23 the effect of prohibiting any person in lawful possession of a  
24 handgun license from possession of a handgun allowable under such

1 license in places described in paragraphs 1, 2 and 3 of this  
2 subsection. Nothing contained in any provision of this subsection  
3 shall be construed to limit the authority of any college or  
4 university in this state from taking administrative action against  
5 any student for any violation of any provision of this subsection.

6 F. The provisions of this section shall not apply to ~~any~~ the  
7 following:

8 1. Any peace officer or ~~to any~~ person authorized by law to  
9 carry a pistol in the course of employment;;

10 2. District judges, associate district judges and special  
11 district judges, who are in possession of a valid handgun license  
12 issued pursuant to the provisions of the Oklahoma Self-Defense Act  
13 and whose names appear on a list maintained by the Administrative  
14 Director of the Courts, ~~shall be exempt from this section~~ when  
15 acting in the course and scope of employment within the courthouses  
16 of this state;;

17 3. Private investigators with a firearms authorization shall be  
18 exempt from this section when acting in the course and scope of  
19 employment; and

20 4. Members of the Oklahoma Legislature who possess a valid  
21 handgun license issued pursuant to the provisions of the Oklahoma  
22 Self-Defense Act or have obtained CLEET certification from the  
23 Council on Law Enforcement Education and Training when entering any  
24 state building, facility or structure within the state, including



1 the State Capitol Building and other structures in the Oklahoma  
2 State Capitol Complex.

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

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