

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB525 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Justin Wood

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

PROPOSED
COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 525

By: Shortey of the Senate

and

Wood of the House

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to firearms; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 325, O.S.L. 2014 (21 O.S. Supp. 2014, Section 1277), which relates to unlawful carry in certain places; making certain exception to unlawful carry; amending 21 O.S. 2011, Sections 1289.7, as amended by Section 12, Chapter 259, O.S.L. 2012 and 1289.13A, as amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014, Sections 1289.7 and 1289.13A), which relate to firearms in vehicles; permitting transportation of certain firearms; modifying citation provisions; amending 57 O.S. 2011, Section 21, as amended by Section 1, Chapter 93, O.S.L. 2012 (57 O.S. Supp. 2014, Section 21), which relates to contraband in jails or penal institutions; authorizing employees of the Department of Corrections to carry a firearm onto prison property under certain circumstances; and providing an effective date.

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

1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
2 last amended by Section 1, Chapter 325, O.S.L. 2014 (21 O.S. Supp.
3 2014, Section 1277), is amended to read as follows:

4 Section 1277.

5 UNLAWFUL CARRY IN CERTAIN PLACES

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

10 1. Any structure, building, or office space which is owned or
11 leased by a city, town, county, state, or federal governmental
12 authority for the purpose of conducting business with the public;

13 2. Any prison, jail, detention facility or any facility used to
14 process, hold, or house arrested persons, prisoners or persons
15 alleged delinquent or adjudicated delinquent, except as provided in
16 Section 21 of Title 57 of the Oklahoma Statutes;

17 3. Any public or private elementary or public or private
18 secondary school, except as provided in subsection C of this
19 section;

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

21 5. Any place where pari-mutuel wagering is authorized by law;
22 and

23 6. Any other place specifically prohibited by law.
24

1 B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A
2 of this section, the prohibited place does not include and
3 specifically excludes the following property:

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

7 2. Any property set aside for the use or parking of any
8 vehicle, whether attended or unattended, by any entity offering any
9 professional sporting event which is open to the public for
10 admission, or by any entity engaged in pari-mutuel wagering
11 authorized by law;

12 3. Any property adjacent to a structure, building, or office
13 space in which concealed or unconcealed weapons are prohibited by
14 the provisions of this section;

15 4. Any property designated by a city, town, county, or state
16 governmental authority as a park, recreational area, or fairgrounds;
17 provided, nothing in this paragraph shall be construed to authorize
18 any entry by a person in possession of a concealed or unconcealed
19 handgun into any structure, building, or office space which is
20 specifically prohibited by the provisions of subsection A of this
21 section; and

22 5. Any property set aside by a public or private elementary or
23 secondary school for the use or parking of any vehicle, whether
24 attended or unattended; provided, however, said handgun shall be

1 stored and hidden from view in a locked motor vehicle when the motor
2 vehicle is left unattended on school property.

3 Nothing contained in any provision of this subsection or
4 subsection C of this section shall be construed to authorize or
5 allow any person in control of any place described in paragraph 1,
6 2, 3, 4 or 5 of subsection A of this section to establish any policy
7 or rule that has the effect of prohibiting any person in lawful
8 possession of a handgun license from possession of a handgun
9 allowable under such license in places described in paragraph 1, 2,
10 3, 4 or 5 of this subsection.

11 C. A concealed or unconcealed weapon may be carried onto
12 private school property or in any school bus or vehicle used by any
13 private school for transportation of students or teachers by a
14 person who is licensed pursuant to the Oklahoma Self-Defense Act,
15 provided a policy has been adopted by the governing entity of the
16 private school that authorizes the carrying and possession of a
17 weapon on private school property or in any school bus or vehicle
18 used by a private school. Except for acts of gross negligence or
19 willful or wanton misconduct, a governing entity of a private school
20 that adopts a policy which authorizes the possession of a weapon on
21 private school property, a school bus or vehicle used by the private
22 school shall be immune from liability for any injuries arising from
23 the adoption of the policy. The provisions of this subsection shall
24 not apply to claims pursuant to the Workers' Compensation Code.

1 D. Any person violating the provisions of subsection A of this
2 section shall, upon conviction, be guilty of a misdemeanor
3 punishable by a fine not to exceed Two Hundred Fifty Dollars
4 (\$250.00).

5 E. 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~~7~~
2 or technology center school property.

3 The college, university~~7~~ 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~~7~~ 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, university
20 or technology center school in this state from taking administrative
21 action against any student for any violation of any provision of
22 this subsection.

23 F. The provisions of this section shall not apply to any peace
24 officer or to any person authorized by law to carry a pistol in the

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

10 G. For the purposes of this section, "motor vehicle" means any
11 automobile, truck, minivan or sports utility vehicle.

12 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.7, as
13 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014,
14 Section 1289.7), is amended to read as follows:

15 Section 1289.7

16 FIREARMS IN VEHICLES

17 Any ~~person~~ citizen, except a convicted felon, may transport in a
18 motor vehicle a rifle, or shotgun ~~or pistol~~, ~~open~~ concealed or
19 unconcealed and unloaded, at any time. ~~For purposes of this section~~
20 ~~"open" means the firearm is transported in plain view, in a case~~
21 ~~designed for carrying firearms, which case is wholly or partially~~
22 ~~visible, in a gun rack mounted in the vehicle, in an exterior locked~~
23 ~~compartment or a trunk of a vehicle~~ Any citizen twenty-one (21)
24 years of age or older, except a convicted felon, may transport a

1 pistol concealed or unconcealed, loaded or unloaded without a valid
2 handgun license issued pursuant to the Oklahoma Self-Defense Act
3 provided the citizen is not involved in a crime.

4 Any person, except a convicted felon, may transport in a motor
5 vehicle a rifle or shotgun concealed behind a seat of the vehicle or
6 within the interior of the vehicle provided the rifle or shotgun is
7 not clip_, magazine_ or chamber_loaded. The authority to transport
8 a clip_ or magazine_loaded rifle or shotgun shall be pursuant to
9 Section 1289.13 of this title.

10 Any person who is the operator of a vehicle or is a passenger in
11 any vehicle wherein another person who is licensed pursuant to the
12 Oklahoma Self-Defense Act to carry a handgun, concealed or
13 unconcealed, and is carrying a handgun or has the handgun in such
14 vehicle, shall not be deemed in violation of the provisions of this
15 section provided the licensee is in or near the vehicle.

16 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
17 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014,
18 Section 1289.13A), is amended to read as follows:

19 Section 1289.13A

20 IMPROPER TRANSPORTATION OF FIREARMS

21 A. Notwithstanding the provisions of Section 1272 or 1289.13 of
22 this title, any person stopped pursuant to a moving traffic
23 violation who is transporting a loaded pistol in the motor vehicle
24 without a valid handgun license authorized by the Oklahoma Self-

1 Defense Act or valid license from another state, whether the loaded
2 firearm is concealed or unconcealed in the vehicle, ~~shall~~ may be
3 issued a traffic citation in the amount of Seventy Dollars (\$70.00),
4 plus court costs for transporting a firearm improperly. In addition
5 to the traffic citation provided in this section, the person may
6 also be arrested for any other violation of law.

7 B. When the arresting officer determines that the driver of the
8 vehicle is twenty-one (21) years of age or older or a valid handgun
9 license exists, pursuant to the Oklahoma Self-Defense Act or any
10 provision of law from another state, for any person in the stopped
11 vehicle, any firearms permitted to be carried pursuant to that
12 license shall not be confiscated, unless:

13 1. The person is arrested for violating another provision of
14 law other than a violation of subsection A of this section;
15 provided, however, if the person is never charged with an offense
16 pursuant to this paragraph or if the charges are dismissed or the
17 person is acquitted, the weapon shall be returned to the person; or

18 2. The officer has probable cause to believe the weapon is:

19 a. contraband, or

20 b. a firearm used in the commission of a crime other than
21 a violation of subsection A of this section.

22 C. ~~Nothing~~ Absent a criminal act, nothing in this section shall
23 be construed to require confiscation of any firearm.
24

1 SECTION 4. AMENDATORY 57 O.S. 2011, Section 21, as
2 amended by Section 1, Chapter 93, O.S.L. 2012 (57 O.S. Supp. 2014,
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 from keeping a firearm in a vehicle on any property set
22 aside for the parking of any vehicle, whether occupied or
23 unoccupied, at any state-owned prison facility, provided the
24 employee has provided annual notification to the Department of

1 Corrections of the brand name, model, serial number and owner
2 identification information of the firearm, and the firearm is
3 secured and stored in a locked metal storage container located in a
4 locked vehicle. The storage container shall be secured in the
5 vehicle by a lockable chain or cable or by utilizing hardware
6 provided by the manufacturer.

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

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

23 D. Any person who, without authority, brings into or has in his
24 or her possession in any jail or state penal institution or other

1 place where prisoners are located, cigarettes, cigars, snuff,
2 chewing tobacco, or any other form of tobacco product shall, upon
3 conviction, be guilty of a misdemeanor punishable by imprisonment in
4 the county jail not to exceed one (1) year, or by a fine not
5 exceeding Five Hundred Dollars (\$500.00), or by both such fine and
6 imprisonment.

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

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

21 G. "Electronic communication" means any transfer of signs,
22 signals, writings, images, sounds, data, or intelligence of any
23 nature transmitted in whole or part by a wire, radio,
24 electromagnetic, photo-electronic, or photo-optical system, and

1 includes, but is not limited to, the transfer of that communication
2 through the Internet.

3 SECTION 5. This act shall become effective November 1, 2015.

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5 55-1-7368 GRS 04/08/15
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