

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2348

By: Roberts (Dustin)

COMMITTEE SUBSTITUTE

An Act relating to military; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 226, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1277), which relates to unlawful carry in certain places; providing exemption; amending 44 O.S. 2011, Section 26, which relates to duties of the Adjutant General; authorizing the Adjutant General to delegate certain duties and promulgate rules; amending 44 O.S. 2011, Section 232, which relates to youth programs; authorizing the use of state-owned vehicles for certain purposes; authorizing the Adjutant General to execute certain agreements in support of youth programs; amending 44 O.S. 2011, Section 233.2, which relates to agreements with the United States; authorizing the Adjutant General to execute certain agreements in support of certain programs; amending 47 O.S. 2011, Section 151, as amended by Section 1, Chapter 316, O.S.L. 2012 (47 O.S. Supp. 2015, Section 151), which relates to markings and colors for automobiles owned or leased by state; providing certain exemption; amending 74 O.S. 2011, Section 78a, as amended by Section 729, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2015, Section 78a), which relates to requisition of motor vehicles; providing certain exemption to the Oklahoma Military Department; 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 226, O.S.L. 2015 (21 O.S. Supp.  
3 2015, 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, university  
8 or technology center school property, except as provided in this  
9 subsection. For purposes of this subsection, the following property  
10 shall not be construed as prohibited for persons having a valid  
11 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, 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. The provisions of paragraph 1 of subsection A of this  
11 section shall not apply to Oklahoma Army and Air National Guard  
12 personnel who are in possession of a valid handgun license issued  
13 pursuant to the provisions of the Oklahoma Self-Defense Act while in  
14 Oklahoma Military Department facilities and acting in accordance  
15 with rules promulgated by the Adjutant General.

16 H. For the purposes of this section, "motor vehicle" means any  
17 automobile, truck, minivan or sports utility vehicle.

18 SECTION 2. AMENDATORY 44 O.S. 2011, Section 26, is  
19 amended to read as follows:

20 Section 26. A. The Adjutant General shall be in control of the  
21 Military Department of the state, subordinate only to the Governor.  
22 Within the limitations and under the provisions of law, he or she  
23 shall supervise and direct the National Guard within the service of  
24 the state and when under state control in all of its organization,

1 training and other activities; shall receive and give effect to the  
2 orders of the Governor; and shall perform such other military and  
3 defense duties, not otherwise assigned by law, as the Governor may  
4 prescribe.

5 B. The Adjutant General, when absent from the state, may  
6 delegate any authority vested under this title and any such duties  
7 as an agency appointing authority to an Assistant Adjutant General,  
8 other state officer or employee within the Oklahoma Military  
9 Department. The Adjutant General is authorized to promulgate rules  
10 to provide for the delegation of any such authority.

11 SECTION 3. AMENDATORY 44 O.S. 2011, Section 232, is  
12 amended to read as follows:

13 Section 232. A. Pursuant to rules promulgated by the Adjutant  
14 General of the State of Oklahoma, the Oklahoma Military Department  
15 is authorized to establish and operate youth programs utilizing  
16 National Guard or state-owned facilities, state-owned vehicles and  
17 civilian or National Guard personnel to provide military-styled  
18 training and other benefits to civilian youth pursuant to agreement  
19 with federal, state and local governmental agencies.

20 B. The Adjutant General is authorized further to enter into  
21 agreements and to do all things deemed necessary or incidental to  
22 the performance of any duty authorized by subsection A of this  
23 section, including, but not limited to:

1        1. The execution of memoranda of agreement for assistance to  
2 federal, state and local governmental agencies;

3        2. The execution of grant agreements;

4        3. The execution of grant agreements with the federal  
5 government;

6        4. The execution of agreements with the federal government for  
7 reimbursement to the Oklahoma Military Department for the use and  
8 operation of Oklahoma Military Department state-owned vehicles and  
9 equipment in support of youth programs;

10       5. The execution of other contracts and agreements; and

11       ~~5.~~ 6. The expenditure of Oklahoma Military Department funds for  
12 the purpose of advertising.

13       C. The Adjutant General is hereby authorized to accept gifts or  
14 donations for and on behalf of the state to be used for the use and  
15 benefit of the youth programs authorized by this section and their  
16 participants. The Oklahoma Military Department is directed to  
17 maintain and preserve appropriate records for all gifts made to the  
18 state pursuant to this section.

19       SECTION 4.        AMENDATORY        44 O.S. 2011, Section 233.2, is  
20 amended to read as follows:

21       Section 233.2 A. The Adjutant General is hereby authorized and  
22 directed to enter into, in the name of the state, and to take all  
23 actions necessary to execute the terms of a National Guard armory  
24

1 building construction or expansion, rehabilitation or conversion of  
2 existing building agreements with the United States of America.

3 B. The Adjutant General is hereby authorized to execute  
4 agreements with the federal government for reimbursement to the  
5 Oklahoma Military Department for the use and operation of Oklahoma  
6 Military Department state-owned vehicles and equipment in support of  
7 the federally reimbursable programs through cooperative agreements  
8 with the National Guard Bureau.

9 SECTION 5. AMENDATORY 47 O.S. 2011, Section 151, as  
10 amended by Section 1, Chapter 316, O.S.L. 2012 (47 O.S. Supp. 2015,  
11 Section 151), is amended to read as follows:

12 Section 151. A. A state agency that owns or leases vehicles  
13 shall affix the words "State of Oklahoma" and the name of the  
14 department or institution that owns or leases the vehicle in  
15 conspicuous letters.

16 B. 1. In lieu of the provisions of subsection A of this  
17 section, Department of Public Safety vehicles used regularly as  
18 patrol units shall be distinctively painted black and white and  
19 shall bear the wording "Oklahoma Highway Patrol" on each side of the  
20 vehicle in letters of such size as to be easily distinguishable, it  
21 being the purpose and intention of the Legislature that said patrol  
22 units shall be marked in the future in the same manner as those now  
23 in use.  
24

1        2. The Commissioner of Public Safety may designate colors and  
2 markings, in lieu of those authorized by the provisions of this  
3 section, for patrol units used for patrol purposes and for selective  
4 traffic law enforcement.

5        C. Oklahoma State Bureau of Narcotics and Dangerous Drugs  
6 Control vehicles for use in undercover investigations and Oklahoma  
7 State Bureau of Investigation vehicles shall not be subject to the  
8 provisions of this section.

9        D. Department of Corrections vehicles designated for use by  
10 probation and parole operations and other administrative operations,  
11 as approved by the Director of the Department of Corrections, shall  
12 not be subject to the provisions of this section.

13        E. Vehicles utilized by CLEET-certified officers or state  
14 employees primarily employed in investigative activities may be  
15 exempt from the provisions of this section subject to the approval  
16 of the State Fleet Manager.

17        F. Oklahoma Military Department vehicles designated for use by  
18 the Adjutant General or Assistant Adjutant General in performance of  
19 his or her duties and Oklahoma Military Department vehicles  
20 designated for use in the State Transition and Reintegration System  
21 (STARS) program for tracking youth, as approved by the Adjutant  
22 General, shall not be subject to the provisions of this section.  
23  
24

1       SECTION 6.       AMENDATORY       74 O.S. 2011, Section 78a, as  
2 amended by Section 729, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
3 2015, Section 78a), is amended to read as follows:

4       Section 78a. A. State agencies with authority to own motor  
5 vehicles shall submit a requisition to the Director of the Office of  
6 Management and Enterprise Services prior to acquisition of a motor  
7 vehicle. The requisition shall state the type of vehicle, the  
8 intended purpose of the vehicle, a statement that the agency has  
9 actual need for the vehicle, the supplier of the vehicle, that the  
10 state agency has sufficient funds to acquire and maintain the  
11 vehicle and cite the statutory authority of the state agency to  
12 acquire a vehicle.

13       B. The Director of the Office of Management and Enterprise  
14 Services shall review the requisition and approve or deny the  
15 request of the state agency within fifteen (15) days of receipt.

16       C. The provisions of subsections A and B of this section shall  
17 not apply to the Department of Public Safety ~~or~~, the Oklahoma State  
18 Bureau of Narcotics and Dangerous Drugs Control or the Oklahoma  
19 Military Department.

20       D. The provisions of subsections A and B of this section shall  
21 not apply to CompSource Oklahoma if CompSource Oklahoma is operating  
22 pursuant to a pilot program authorized by Sections 3316 and 3317 of  
23 this title.  
24

SECTION 7. This act shall become effective November 1, 2016.

55-2-8948            GRS            02/04/16