

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2427

			Of the printed Bill
Page	<u>1</u>	Section	<u>1</u>
		Lines	<u>17 1/2</u>
			Of the Engrossed Bill

By inserting Sections 1 and 2:

(see attached)

and by renumbering the subsequent sections of the bill.

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Mark McCullough

Adopted: _____

Reading Clerk

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 that has a security
11 checkpoint attended by a commissioned peace officer at each public
12 entrance for the detection of weapons which is owned or leased by a
13 city, town, county, state or federal governmental authority for the
14 purpose of conducting business with the public;

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

20 3. Any public or private elementary or public or private
21 secondary school, except as provided in subsection C of this
22 section;

23 4. Any sports arena during a professional sporting event;
24

1 5. Any place where pari-mutuel wagering is authorized by law;
2 and

3 6. Any other place specifically prohibited by law.

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

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

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

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

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

1 5. Any property set aside by a public or private elementary or
2 secondary school for the use or parking of any vehicle, whether
3 attended or unattended; provided, however, said handgun shall be
4 stored and hidden from view in a locked motor vehicle when the motor
5 vehicle is left unattended on school property.

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

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

1 school shall be immune from liability for any injuries arising from
2 the adoption of the policy. The provisions of this subsection shall
3 not apply to claims pursuant to the Workers' Compensation Code.

4 D. Any person violating the provisions of subsection A of this
5 section shall, upon conviction, be guilty of a misdemeanor
6 punishable by a fine not to exceed Two Hundred Fifty Dollars
7 (\$250.00).

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

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

22 2. Any property authorized for possession or use of handguns by
23 college, university or technology center school policy; and
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1 3. Any property authorized by the written consent of the
2 college or university president or technology center school
3 administrator, provided the written consent is carried with the
4 handgun and the valid handgun license while on college, university
5 or technology center school property.

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

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

3 F. The provisions of this section shall not apply to any peace
4 officer or to any person authorized by law to carry a pistol in the
5 course of employment. District judges, associate district judges,
6 and special district judges, who are in possession of a valid
7 handgun license issued pursuant to the provisions of the Oklahoma
8 Self-Defense Act and whose names appear on a list maintained by the
9 Administrative Director of the Courts, shall be exempt from this
10 section when acting in the course and scope of employment within the
11 courthouses of this state. Private investigators with a firearms
12 authorization shall be exempt from this section when acting in the
13 course and scope of employment.

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

16 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.24, as
17 amended by Section 42, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
18 Section 1290.24), is amended to read as follows:

19 Section 1290.24

20 IMMUNITY

21 A. The state or any political subdivision of the state, and its
22 officers, agents and employees shall be immune from liability
23 resulting or arising from:

1 1. Failure to prevent the licensing of an individual for whom
2 the receipt of the license is unlawful pursuant to the provisions of
3 the Oklahoma Self-Defense Act or any other provision of law of this
4 state;

5 2. Any action or misconduct with a pistol committed by a person
6 to whom a license to carry a concealed or unconcealed handgun has
7 been issued pursuant to the Oklahoma Self-Defense Act or by any
8 person who obtains a pistol from a licensee;

9 3. Any injury to any person during a handgun training course
10 conducted by a firearms instructor certified by the Council on Law
11 Enforcement Education and Training to conduct training under the
12 Oklahoma Self-Defense Act, or injury from any misfire or malfunction
13 of any handgun on a training course firing range supervised by a
14 certified firearms instructor under the provisions of the Oklahoma
15 Self-Defense Act, or any injury resulting from carrying a concealed
16 or unconcealed handgun pursuant to a handgun license; and

17 4. Any action or finding pursuant to a hearing conducted in
18 accordance with the Administrative Procedures Act as required in the
19 Oklahoma Self-Defense Act.

20 The provisions of this section shall not apply to claims
21 pursuant to the Administrative Workers' Compensation Act.

22 B. Firearms instructors certified by the Council on Law
23 Enforcement Education and Training to conduct training for the
24 Oklahoma Self-Defense Act shall be immune from liability to third

1 persons resulting or arising from any claim based on an act or
2 omission of a trainee."

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