

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 55th Legislature (2015)

4   ENGROSSED SENATE

5   BILL NO. 525

By: Shortey of the Senate

and

6                               Wood and Cleveland of the  
7                               House

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9  
10       An Act relating to firearms; amending 21 O.S. 2011,  
11       Section 1277, as last amended by Section 1, Chapter  
12       325, O.S.L. 2014 (21 O.S. Supp. 2014, Section 1277),  
13       which relates to unlawful carry in certain places;  
14       making certain exception to unlawful carry; amending  
15       57 O.S. 2011, Section 21, as amended by Section 1,  
16       Chapter 93, O.S.L. 2012 (21 O.S. Supp. 2014, Section  
17       21), which relates to contraband in jails or penal  
18       institutions; providing for certain employees to  
19       carry a firearm onto certain property under certain  
20       circumstances; and providing an effective date.

21  
22  
23   BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24       SECTION 1.        AMENDATORY       21 O.S. 2011, Section 1277, as  
25       last amended by Section 1, Chapter 325, O.S.L. 2014 (21 O.S. Supp.  
26       2014, Section 1277), is amended to read as follows:

27       Section 1277.

28                               UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

12       3. Any public or private elementary or public or private  
13 secondary school, except as provided in subsection C of this  
14 section;

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

16       5. Any place where pari-mutuel wagering is authorized by law;  
17 and

18       6. Any other place specifically prohibited by law.

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

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

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

6        3. Any property adjacent to a structure, building~~7~~ or office  
7 space in which concealed or unconcealed weapons are prohibited by  
8 the provisions of this section;

9        4. Any property designated by a city, town, county~~7~~ or state  
10 governmental authority as a park, recreational area, or fairgrounds;  
11 provided, nothing in this paragraph shall be construed to authorize  
12 any entry by a person in possession of a concealed or unconcealed  
13 handgun into any structure, building~~7~~ or office space which is  
14 specifically prohibited by the provisions of subsection A of this  
15 section; and

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

21        Nothing contained in any provision of this subsection or  
22 subsection C of this section shall be construed to authorize or  
23 allow any person in control of any place described in paragraph 1,  
24 2, 3, 4 or 5 of subsection A of this section to establish any policy

1 or rule that has the effect of prohibiting any person in lawful  
2 possession of a handgun license from possession of a handgun  
3 allowable under such license in places described in paragraph 1, 2,  
4 3, 4 or 5 of this subsection.

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

19 D. Any person violating the provisions of subsection A of this  
20 section shall, upon conviction, be guilty of a misdemeanor  
21 punishable by a fine not to exceed Two Hundred Fifty Dollars  
22 (\$250.00).

23 E. No person in possession of a valid handgun license issued  
24 pursuant to the provisions of the Oklahoma Self-Defense Act shall be

1 authorized to carry the handgun into or upon any college,  
2 university~~T~~ or technology center school property, except as provided  
3 in this subsection. For purposes of this subsection, the following  
4 property shall not be construed as prohibited for persons having a  
5 valid handgun license:

6 1. Any property set aside for the use or parking of any  
7 vehicle, whether attended or unattended, provided the handgun is  
8 carried or stored as required by law and the handgun is not removed  
9 from the vehicle without the prior consent of the college or  
10 university president or technology center school administrator while  
11 the vehicle is on any college, university~~T~~ or technology center  
12 school property;

13 2. Any property authorized for possession or use of handguns by  
14 college, university~~T~~ or technology center school policy; and

15 3. Any property authorized by the written consent of the  
16 college or university president or technology center school  
17 administrator, provided the written consent is carried with the  
18 handgun and the valid handgun license while on college, university~~T~~  
19 or technology center school property.

20 The college, university~~T~~ or technology center school may notify  
21 the Oklahoma State Bureau of Investigation within ten (10) days of a  
22 violation of any provision of this subsection by a licensee. Upon  
23 receipt of a written notification of violation, the Bureau shall  
24 give a reasonable notice to the licensee and hold a hearing. At the

1 hearing, upon a determination that the licensee has violated any  
2 provision of this subsection, the licensee may be subject to an  
3 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may  
4 have the handgun license suspended for three (3) months.

5 Nothing contained in any provision of this subsection shall be  
6 construed to authorize or allow any college, university~~7~~ or  
7 technology center school to establish any policy or rule that has  
8 the effect of prohibiting any person in lawful possession of a  
9 handgun license from possession of a handgun allowable under such  
10 license in places described in paragraphs 1, 2, 3 and 3 of this  
11 subsection. Nothing contained in any provision of this subsection  
12 shall be construed to limit the authority of any college, university  
13 or technology center school in this state from taking administrative  
14 action against any student for any violation of any provision of  
15 this subsection.

16 F. The provisions of this section shall not apply to any peace  
17 officer or to any person authorized by law to carry a pistol in the  
18 course of employment. District judges, associate district judges, and  
19 and special district judges, who are in possession of a valid  
20 handgun license issued pursuant to the provisions of the Oklahoma  
21 Self-Defense Act and whose names appear on a list maintained by the  
22 Administrative Director of the Courts, shall be exempt from this  
23 section when acting in the course and scope of employment within the  
24 courthouses of this state. Private investigators with a firearms

1 authorization shall be exempt from this section when acting in the  
2 course and scope of employment.

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

5 SECTION 2. AMENDATORY 57 O.S. 2011, Section 21, as  
6 amended by Section 1, Chapter 93, O.S.L. 2012 (57 O.S. Supp. 2014,  
7 Section 21), is amended to read as follows:

8 Section 21. A. Any person who, without authority, brings into  
9 or has in his or her possession in any jail or state penal  
10 institution or other place where prisoners are located, any gun,  
11 knife, bomb or other dangerous instrument, any controlled dangerous  
12 substance as defined by Section 2-101 et seq. of Title 63 of the  
13 Oklahoma Statutes, any intoxicating beverage or low-point beer as  
14 defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma  
15 Statutes, money~~7~~ or financial documents for a person other than the  
16 inmate or a spouse of the inmate, including but not limited to tax  
17 returns, shall be guilty of a felony and, upon conviction, shall be  
18 punished by imprisonment in the custody of the Department of  
19 Corrections for a term of not less than one (1) year nor more than  
20 five (5) years, or by a fine of not less than One Hundred Dollars  
21 (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both  
22 such fine and imprisonment. Provided, the provisions of this  
23 subsection shall not prohibit any Department of Corrections employee  
24 who has a valid handgun license pursuant to the Oklahoma Self-

1 Defense Act to keep a firearm in a vehicle on any property set aside  
2 for the parking of any vehicle, whether occupied or unoccupied, at  
3 any state-owned prison facility, provided the employee has provided  
4 annual notification to the Department of Corrections of the brand  
5 name, model, serial number, and owner identification information of  
6 the firearm, and the firearm is secured and stored in a locked metal  
7 storage container located in a locked vehicle. The storage  
8 container will be secured in the vehicle by a lockable chain or  
9 cable or by utilizing hardware provided by the manufacturer.

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

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

1 arisen out of the same transaction or occurrence or series of events  
2 closely related in time and location.

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

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

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

1 G. "Electronic communication" means any transfer of signs,  
2 signals, writings, images, sounds, data, or intelligence of any  
3 nature transmitted in whole or part by a wire, radio,  
4 electromagnetic, photo-electronic, or photo-optical system, and  
5 includes, but is not limited to, the transfer of that communication  
6 through the Internet.

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

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9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/09/2015 -  
10 DO PASS, As Coauthored.