

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 100

By: Sharp

AS INTRODUCED

An Act relating to crimes and punishments; 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 the unlawful carrying of firearms; clarifying certain prohibited acts; deleting certain construing provision and administrative penalty; and providing an effective date.

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

SECTION 1. AMENDATORY 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), is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

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

1. Any structure, building, or office space which is owned or leased by a city, town, county, state, or federal governmental

1 authority for the purpose of conducting business with the public,
2 except as provided for in subsection B of this section;

3 2. Any courthouse, prison, jail, detention facility or any
4 facility used to process, hold, or house arrested persons, prisoners
5 or persons alleged delinquent or adjudicated delinquent;

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

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

10 5. Any place where pari-mutuel wagering is authorized by law;
11 and

12 6. Any other place specifically prohibited by law.

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

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

19 2. Any property set aside for the use or parking of any
20 vehicle, whether attended or unattended, by any entity offering any
21 professional sporting event which is open to the public for
22 admission, or by any entity engaged in pari-mutuel wagering
23 authorized by law;
24

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

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

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

17 6. Any building owned or leased by a city or town that is used
18 for official public meetings of the governing body of that city or
19 town, unless a security checkpoint is maintained at all entrances.

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

1 possession of a handgun license from possession of a handgun
2 allowable under such license in places described in paragraph 1, 2,
3 3, 4, 5 or ~~5~~ 6 of this subsection.

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

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

22 E. No person in possession of a valid handgun license issued
23 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
24 authorized to carry the handgun into or upon any college,

1 university, or technology center school property, except as provided
2 in this subsection. For purposes of this subsection, the following
3 property shall not be construed as prohibited for persons having a
4 valid handgun license:

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

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

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

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

~~provision of this subsection, the licensee may be subject to an~~
~~administrative fine of Two Hundred Fifty Dollars (\$250.00) and may~~
~~have the handgun license suspended for three (3) months~~ In lieu of
written consent to each individual licensee, the college or
university president or technology center school administrator may
establish a campus-wide policy for the general public.

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

F. The provisions of this section shall not apply to any peace officer or to any person authorized by law to carry a pistol in the course of employment. District judges, associate district judges, and special district judges, who are in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, and whose names appear on a list maintained by the Administrative Director of the Courts, shall be exempt from this

1 section when acting in the course and scope of employment within the
2 courthouses of this state. Private investigators with a firearms
3 authorization shall be exempt from this section when acting in the
4 course and scope of employment.

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

7 SECTION 2. This act shall become effective November 1, 2015.

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