

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1143

By: Dahm

4
5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,
8 Section 1277, as last amended by Section 1, Chapter
9 226, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1277),
10 which relates to unlawful carry in certain places;
11 modifying inclusions; amending 21 O.S. 2011, Section
12 1280.1, as last amended by Section 2, Chapter 310,
13 O.S.L. 2015 (21 O.S. Supp. 2015, Section 1280.1),
14 which relates to possession of a firearm on school
15 property; modifying inclusions; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
19 last amended by Section 1, Chapter 226, O.S.L. 2015 (21 O.S. Supp.
20 2015, Section 1277), is amended to read as follows:

21 Section 1277.

22 UNLAWFUL CARRY IN CERTAIN PLACES

23 A. It shall be unlawful for any person in possession of a valid
24 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 1. Any structure, building, or office space which is owned or
2 leased by a city, town, county, state or federal governmental
3 authority for the purpose of conducting business with the public;

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

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

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

12 5. Any place where pari-mutuel wagering is authorized by law;
13 and

14 6. Any other place specifically prohibited by law.

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

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

21 2. Any property set aside for the use or parking of any
22 vehicle, whether attended or unattended, by any entity offering any
23 professional sporting event which is open to the public for
24

1 admission, or by any entity engaged in pari-mutuel wagering
2 authorized by law;

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

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

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

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

allowable under such license in places described in paragraph 1, 2, 3, 4 or 5 of this subsection.

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

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

E. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act shall be authorized to carry the handgun into or upon any college, university or technology center school property, except as provided in this

1 subsection. For purposes of this subsection, the following property
2 shall not be construed as prohibited for persons having a valid
3 handgun license:

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

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

13 3. ~~Any property authorized by the written consent of the~~
14 ~~college or university president or technology center school~~
15 ~~administrator, provided the written consent is carried with the~~
16 ~~handgun and the valid handgun license while on college, university~~
17 ~~or technology center school property. Any person in possession of a~~
18 ~~valid license pursuant to the Oklahoma Self Defense Act may carry on~~
19 ~~any property of the college, university or technology center school,~~
20 ~~provided the handgun remains concealed at all times and is not~~
21 ~~carried openly and the valid handgun license remains at all times~~
22 ~~with the licensee while on college, university or technology center~~
23 ~~school property.~~

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

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

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.

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

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

14 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, as
15 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
16 2015, Section 1280.1), is amended to read as follows:

17 Section 1280.1.

18 POSSESSION OF FIREARM ON SCHOOL PROPERTY

19 A. It shall be unlawful for any person to have in his or her
20 possession on any public or private school property or while in any
21 school bus or vehicle used by any school for transportation of
22 students or teachers any firearm or weapon designated in Section
23 1272 of this title, except as provided in subsection C of this
24 section or as otherwise authorized by law.

1 B. For purposes of this section:

2 1. "School property" means any publicly owned property held for
3 purposes of elementary, or secondary ~~or vocational-technical~~
4 ~~education~~, and shall not include property owned by public school
5 districts or where such property is leased or rented to an
6 individual or corporation and used for purposes other than
7 educational;

8 2. "Private school" means a school that offers a course of
9 instruction for students in one or more grades from prekindergarten
10 through grade twelve and is not operated by a governmental entity;
11 and

12 3. "Motor vehicle" means any automobile, truck, minivan or
13 sports utility vehicle.

14 C. Firearms and weapons are allowed on school property and
15 deemed not in violation of subsection A of this section as follows:

16 1. A gun or knife designed for hunting or fishing purposes kept
17 in a privately owned vehicle and properly displayed or stored as
18 required by law, provided such vehicle containing said gun or knife
19 is driven onto school property only to transport a student to and
20 from school and such vehicle does not remain unattended on school
21 property;

22 2. A gun or knife used for the purposes of participating in the
23 Oklahoma Department of Wildlife Conservation certified hunter
24 training education course or any other hunting, fishing, safety or

1 firearms training courses, or a recognized firearms sports event,
2 team shooting program or competition, or living history reenactment,
3 provided the course or event is approved by the principal or chief
4 administrator of the school where the course or event is offered,
5 and provided the weapon is properly displayed or stored as required
6 by law pending participation in the course, event, program or
7 competition;

8 3. Weapons in the possession of any peace officer or other
9 person authorized by law to possess a weapon in the performance of
10 his or her duties and responsibilities;

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

1 5. A gun, knife, bayonet or other weapon in the possession of a
2 member of a veterans group, the national guard, active military, the
3 Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to
4 participate in a ceremony, assembly or educational program approved
5 by the principal or chief administrator of a school or school
6 district where the ceremony, assembly or educational program is
7 being held; provided, however, the gun or other weapon that uses
8 projectiles is not loaded and is inoperable at all times while on
9 school property;

10 6. A handgun carried in a motor vehicle pursuant to a valid
11 handgun license authorized by the Oklahoma Self-Defense Act onto
12 property set aside by a public or private elementary or secondary
13 school for the use or parking of any vehicle; provided, however,
14 said handgun shall be stored and hidden from view in a locked motor
15 vehicle when the motor vehicle is left unattended on school
16 property; ~~and~~

17 7. A handgun carried onto public school property by school
18 personnel who have been designated by the board of education,
19 provided such personnel either:

- 20 a. possess a valid armed security guard license as
21 provided for in Section 1750.1 et seq. of Title 59 of
22 the Oklahoma Statutes, or
23
24

1 b. hold a valid reserve peace officer certification as
2 provided for in Section 3311 of Title 70 of the
3 Oklahoma Statutes,

4 if a policy has been adopted by the board of education of the school
5 district that authorizes the carrying of a handgun onto public
6 school property by such personnel. Nothing in this subsection shall
7 be construed to restrict authority granted elsewhere in law to carry
8 firearms; and

9 8. A handgun carried onto a college, university or technology
10 center school as designated in paragraph 3 of subsection E of
11 Section 1277 of this title.

12 D. Any person violating the provisions of this section shall,
13 upon conviction, be guilty of a misdemeanor punishable by a fine of
14 not to exceed Two Hundred Fifty Dollars (\$250.00).

15 SECTION 3. This act shall become effective November 1, 2016.

16
17 55-2-2275 BH 2/18/2016 6:51:49 PM
18
19
20
21
22
23
24