

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE BILL 1347

By: Barrington

AS INTRODUCED

An Act relating to firearms; 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; expanding scope of unlawful carry; modifying inclusions; amending 21 O.S. 2011, Section 1290.22, as amended by Section 7, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015, Section 1290.22), which relates to business owner's rights; prohibiting certain restrictions; modifying punishment of violation; 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 226, O.S.L. 2015 (21 O.S. Supp. 2015, 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 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 or venue during a ~~professional~~ sporting
12 event;

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

15 6. Any other place specifically prohibited by law.

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

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

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

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
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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.

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

1 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
2 have the handgun license suspended for three (3) months.

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

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

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

3 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.22, as
4 amended by Section 7, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015,
5 Section 1290.22), is amended to read as follows:

6 Section 1290.22.

7 BUSINESS OWNER'S RIGHTS

8 A. Except as provided in ~~subsection~~ subsections B and D of this
9 section, nothing contained in any provision of the Oklahoma Self-
10 Defense Act shall be construed to limit, restrict or prohibit in any
11 manner the existing rights of any person, property owner, tenant,
12 employer, place of worship or business entity to control the
13 possession of weapons on any property owned or controlled by the
14 person or business entity.

15 B. No person, property owner, tenant, employer, place of
16 worship or business entity shall be permitted to establish any
17 policy or rule that has the effect of prohibiting any person, except
18 a convicted felon, from transporting and storing firearms in a
19 locked vehicle on any property set aside for any vehicle.

20 C. A property owner, tenant, employer, place of worship or
21 business entity may prohibit any person from carrying a concealed or
22 unconcealed firearm on the property. If the building or property is
23 open to the public, the property owner, tenant, employer, place of
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1 worship or business entity shall post signs on or about the property
2 stating such prohibition.

3 D. No person, property owner, tenant, employer, place of
4 worship or business entity shall be permitted to establish any
5 policy or rule that has the effect of prohibiting any person from
6 carrying a concealed or unconcealed firearm on property within the
7 specific exclusion provided for in paragraph 4 of subsection B of
8 Section 1277 of this title provided that carrying a concealed or
9 unconcealed firearm may be prohibited on such property during any
10 events, with no specific event exceeding twenty-one (21) consecutive
11 days, authorized or allowed by the city, town, county, state or
12 federal governmental authority or person owning or controlling such
13 property.

14 E. The carrying of a concealed or unconcealed firearm by a
15 person who has been issued a handgun license on property that has
16 signs prohibiting the carrying of firearms or on property as
17 prohibited by subsection D of this section shall not be deemed a
18 criminal act but may subject the person to being denied entrance
19 onto the property or removed from the property. If the person
20 refuses to leave the property and a peace officer is summoned, the
21 person ~~may be issued a citation for an amount~~ shall, upon
22 conviction, be guilty of a misdemeanor punishable by a fine not to
23 exceed Two Hundred Fifty Dollars (\$250.00).
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1 ~~E.~~ F. A person, corporation, place of worship or any other
2 business entity that does or does not prohibit any individual except
3 a convicted felon from carrying a loaded or unloaded, concealed or
4 unconcealed weapon on property that the person, corporation, place
5 of worship or other business entity owns, or has legal control of,
6 is immune from any liability arising from that decision. A person,
7 property owner, tenant, employer, place of worship or business
8 entity that may not prohibit persons from carrying a concealed or
9 unconcealed firearm pursuant to subsection B or D of this section
10 shall be immune from any liability arising from the carrying of, or
11 absence of carrying, a concealed or unconcealed firearm on the
12 property. Except for acts of gross negligence or willful or wanton
13 misconduct, an employer who does or does not prohibit their
14 employees from carrying a concealed or unconcealed weapon is immune
15 from any liability arising from that decision. The provisions of
16 this subsection shall not apply to claims pursuant to the Workers'
17 Compensation Code.

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