

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 461

By: Dahm

AS INTRODUCED

An Act relating to firearms; 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 unlawful carry in certain places; modifying locations for unlawful carry; providing certain immunity; authorizing certain carry; amending 21 O.S. 2011, Section 1289.7, as amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014, Section 1289.7), which relates to firearms in vehicles; modifying certain carry; restricting certain action; amending 21 O.S. 2011, Section 1289.13A, as amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014, Section 1289.13A), which relates to improper transportation of firearms; modifying restrictions; amending 21 O.S. 2011, Section 1290.22, as amended by Section 7, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2014, Section 1290.22), which relates to business owner's rights; stating presumptions; affirming certain rights; amending 21 O.S. 2011, Section 1290.24, as amended by Section 42, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014, Section 1290.24), which relates to immunity; modifying certain immunity; restricting certain actions; authorizing certain carry in the State Capitol; providing for codification; and providing an effective date.

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

1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
2 last amended by Section 1, Chapter 325, O.S.L. 2014 (21 O.S. Supp.
3 2014, 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 ~~which~~ that has a
11 security checkpoint attended by a commissioned peace officer at each
12 public entrance for the detection of weapons, except as provided in
13 section 6 of this act, and is owned or leased by a city, town,
14 county, state, or federal governmental authority for the purpose of
15 conducting business with the public;

16 2. Any courthouse, courtroom, prison, jail, detention facility
17 or any facility used to process, hold, or house arrested persons,
18 prisoners or persons alleged delinquent or adjudicated delinquent;

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

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

23 5. Any place where pari-mutuel wagering is authorized by law;
24 and

1 6. Any other place specifically prohibited by law.

2 B. A city, town, county, state or federal governmental
3 authority shall be immune from liability resulting or arising from
4 any action or misconduct with a weapon committed by a person to whom
5 a license issued pursuant to the provisions of the Oklahoma Self
6 Defense Act to carry a concealed or unconcealed handgun has been
7 issued or by any person who obtains a weapon from a licensee. The
8 provisions of this paragraph shall not apply to claims pursuant to
9 the Workers' Compensation Code.

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

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

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

21 3. Any property adjacent to a structure, building, or office
22 space in which concealed or unconcealed weapons are prohibited by
23 the provisions of this section;
24

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

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

13 Nothing contained in any provision of this subsection or
14 subsection C of this section shall be construed to authorize or
15 allow any person in control of any place described in paragraph 1,
16 2, 3, 4 or 5 of subsection A of this section to establish any policy
17 or rule that has the effect of prohibiting any person in lawful
18 possession of a handgun license from possession of a handgun
19 allowable under such license in places described in paragraph 1, 2,
20 3, 4 or 5 of this subsection.

21 ~~C.~~ D. A concealed or unconcealed weapon may be carried onto
22 private school property or in any school bus or vehicle used by any
23 private school for transportation of students or teachers by a
24 person who is licensed pursuant to the Oklahoma Self-Defense Act,

1 provided a policy has been adopted by the governing entity of the
2 private school that authorizes the carrying and possession of a
3 weapon on private school property or in any school bus or vehicle
4 used by a private school. Except for acts of gross negligence or
5 willful or wanton misconduct, a governing entity of a private school
6 that adopts a policy which authorizes the possession of a weapon on
7 private school property, a school bus or vehicle used by the private
8 school shall be immune from liability for any injuries arising from
9 the adoption of the policy. The provisions of this subsection shall
10 not apply to claims pursuant to the Workers' Compensation Code.

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

15 ~~E. No person~~ F. A citizen in possession of a valid handgun
16 license issued pursuant to the provisions of the Oklahoma Self-
17 Defense Act shall be authorized to carry ~~the~~ a concealed handgun
18 into or upon any public college, public university, or public
19 technology center school property as defined in Section 3102 of
20 Title 70 of the Oklahoma Statutes, except as provided in this
21 subsection. Under no circumstances shall consent to carry a
22 concealed handgun by a citizen with a valid handgun license on any
23 public college, public university or public technology center school
24 property be denied by the public college or public university

1 president or public technology center school administrator unless
2 evidence is shown that the licensee has previously been involved in
3 a violent incident that showed deliberate or reckless disregard for
4 the health or safety of faculty, other students or any other person.

5 For purposes of this subsection, the following property shall
6 not be construed as prohibited for persons having a valid handgun
7 license:

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

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

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

22 ~~The college, university, or technology center school may notify~~
23 ~~the Oklahoma State Bureau of Investigation within ten (10) days of a~~
24 ~~violation of any provision of this subsection by a licensee. Upon~~

1 ~~receipt of a written notification of violation, the Bureau shall~~
2 ~~give a reasonable notice to the licensee and hold a hearing. At the~~
3 ~~hearing, upon a determination that the licensee has violated any~~
4 ~~provision of this subsection, the licensee may be subject to an~~
5 ~~administrative fine of Two Hundred Fifty Dollars (\$250.00) and may~~
6 ~~have the handgun license suspended for three (3) months.~~

7 2. A concealed or unconcealed weapon may be carried onto a
8 private university, private college or private technical school
9 property, or vehicle used by any private university, private
10 college, or private technical school, as defined in Section 21-101
11 of Title 70 of the Oklahoma Statutes for transportation of students
12 or personnel by a person who has a valid license pursuant to the
13 Oklahoma Self-Defense Act, provided a policy has been adopted by the
14 governing entity of the private university, private college or
15 private technical school that authorizes the carrying and possession
16 of weapons on a private university, private college or private
17 technical school property. Except for acts of gross negligence or
18 willful or wanton misconduct, a governing entity of a private
19 university, private college or private technical school that adopts
20 a policy with authorizes the possession of weapons on a private
21 university, private college or private technical school property, or
22 vehicle used by the private school shall be immune from liability
23 for any injuries arising from the adoption of the policy. The
24

1 provisions of this subsection shall not apply to claims pursuant to
2 the Workers' Compensation Code.

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

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

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

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

5 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.7, as
6 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014,
7 Section 1289.7), is amended to read as follows:

8 Section 1289.7.

9 FIREARMS IN VEHICLES

10 Any ~~person~~ citizen, except a convicted felon, may transport in a
11 motor vehicle a rifle, or shotgun ~~or pistol~~, open and unloaded, at
12 any time. Any citizen twenty-one (21) years of age or older, except
13 a convicted felon, may transport a handgun concealed or unconcealed,
14 loaded or unloaded for the purpose of self-defense without a valid
15 handgun license issued pursuant to the Oklahoma Self-Defense Act
16 provided, the citizen is not involved in a crime.

17 For purposes of this section "~~open~~" "unconcealed" means the
18 firearm is transported in plain view, or in a case designed for
19 carrying firearms, which case is wholly or partially visible, in a
20 gun rack mounted in the vehicle, in an exterior locked compartment
21 or a trunk of a vehicle.

22 Any person, except a convicted felon, may transport in a motor
23 vehicle a rifle or shotgun concealed behind a seat of the vehicle or
24 within the interior of the vehicle provided the rifle or shotgun is

1 not clip, magazine or chamber loaded. The authority to transport a
2 clip or magazine loaded rifle or shotgun shall be pursuant to
3 Section 1289.13 of this title.

4 Any person who is the operator of a vehicle or is a passenger in
5 any vehicle wherein another person who is licensed pursuant to the
6 Oklahoma Self-Defense Act to carry a handgun, concealed or
7 unconcealed, and is carrying a handgun or has the handgun in such
8 vehicle, shall not be deemed in violation of the provisions of this
9 section provided the licensee is in or near the vehicle.

10 In the absence of reasonable and articulable suspicion of other
11 criminal activity, an individual, twenty-one (21) years of age or
12 older, possessing a concealed or unconcealed weapon in a vehicle
13 shall not be disarmed or physically restrained by any law
14 enforcement officer.

15 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1289.13A, as
16 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014,
17 Section 1289.13A), is amended to read as follows:

18 Section 1289.13A.

19 IMPROPER TRANSPORTATION OF FIREARMS

20 A. Notwithstanding the provisions of Section 1272 or 1289.13 of
21 this title, any person stopped pursuant to a moving traffic
22 violation who is transporting a loaded pistol in the motor vehicle
23 without a valid handgun license authorized by the Oklahoma Self-
24 Defense Act or valid license from another state, whether the loaded

1 firearm is concealed or unconcealed in the vehicle, ~~shall~~ may be
2 issued a traffic citation in the amount of Seventy Dollars (\$70.00),
3 plus court costs for transporting a firearm improperly. In addition
4 to the traffic citation provided in this section, the person may
5 also be arrested for any other violation of law.

6 B. When the arresting officer determines that the driver of the
7 vehicle is twenty-one (21) years of age or older or a valid handgun
8 license exists, pursuant to the Oklahoma Self-Defense Act or any
9 provision of law from another state, for any person in the stopped
10 vehicle, any firearms permitted to be carried pursuant to that
11 license shall not be confiscated, unless:

12 1. The person is arrested for violating another provision of
13 law other than a violation of subsection A of this section;
14 provided, however, if the person is never charged with an offense
15 pursuant to this paragraph or if the charges are dismissed or the
16 person is acquitted, the weapon shall be returned to the person; or

17 2. The officer has probable cause to believe the weapon is:

18 a. contraband, or

19 b. a firearm used in the commission of a crime other than
20 a violation of subsection A of this section.

21 C. ~~Nothing~~ Absent a criminal act, nothing in this section shall
22 be construed to require confiscation of any firearm.
23
24

1 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1290.22, as
2 amended by Section 7, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2014,
3 Section 1290.22), is amended to read as follows:

4 Section 1290.22.

5 BUSINESS OWNER'S RIGHTS

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

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

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

23 D. The carrying of a concealed or unconcealed firearm by a
24 person who has been issued a handgun license on property that has

1 signs prohibiting the carrying of firearms shall not be deemed a
2 criminal act but may subject the person to being denied entrance
3 onto the property or removed from the property. If the person
4 refuses to leave the property and a peace officer is summoned, the
5 person may be issued a citation for an amount not to exceed Two
6 Hundred Fifty Dollars (\$250.00).

7 E. A person, corporation, place of worship or any other
8 business entity that ~~does or~~ does not prohibit any individual except
9 a convicted felon from carrying a loaded or unloaded, concealed or
10 unconcealed weapon on property that the person, corporation, place
11 of worship or other business entity owns, or has legal control of,
12 is immune from any liability arising from that decision. Except for
13 acts of gross negligence or willful or wanton misconduct, an
14 employer who ~~does or~~ does not prohibit ~~their~~ its employees from
15 carrying a concealed or unconcealed weapon is immune from any
16 liability arising from that decision. The provisions of this
17 subsection shall not apply to claims pursuant to the Workers'
18 Compensation Code.

19 F. It shall be presumed that the private employer is not
20 including the discharge of a weapon as part of its employee's job
21 description.

22 G. An employer, employee or person has the right of redress
23 against an employee or person for damages resulting from the
24 discharge of a weapon.

1 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1290.24, as
2 amended by Section 42, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014,
3 Section 1290.24), is amended to read as follows:

4 Section 1290.24.

5 IMMUNITY

6 A. The state, ~~its~~ or political subdivisions thereof, and their
7 officers, agents and employees shall be immune from liability
8 resulting or arising from:

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

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

17 3. Any injury to any person during a handgun training course
18 conducted by a firearms instructor certified by the Council on Law
19 Enforcement Education and Training to conduct training under the
20 Oklahoma Self-Defense Act, or injury from any misfire or malfunction
21 of any handgun on a training course firing range supervised by a
22 certified firearms instructor under the provisions of the Oklahoma
23 Self-Defense Act, or any injury resulting from carrying a concealed
24 or unconcealed handgun pursuant to a handgun license; ~~and~~

1 4. Any action or finding pursuant to a hearing conducted in
2 accordance with the Administrative Procedures Act as required in the
3 Oklahoma Self-Defense Act; and

4 5. The provisions of this subsection shall not apply to claims
5 pursuant to the Workers' Compensation Code.

6 B. Firearms instructors certified by the Council on Law
7 Enforcement Education and Training to conduct training for the
8 Oklahoma Self-Defense Act shall be immune from liability to third
9 persons resulting or arising from any claim based on an act or
10 omission of a trainee.

11 SECTION 6. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1290.28 of Title 21, unless
13 there is created a duplication in numbering, reads as follows:

14 Notwithstanding the provisions of Section 1277 of Title 21 of
15 the Oklahoma Statutes, any citizen in possession of a valid handgun
16 license issued pursuant to the provisions of the Oklahoma Self-
17 Defense Act when entering the State Capitol Building through a
18 security checkpoint attended by a commissioned peace officer, shall
19 be authorized to carry a concealed handgun and bypass the security
20 checkpoint upon presentation of the valid handgun license. Nothing
21 in this section shall be construed to authorize a law enforcement
22 officer to remove or inspect any weapon or restrain any person
23 carrying a properly concealed loaded or unloaded handgun without
24 probable cause that a crime has been committed.

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

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