

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 89

By: Silk

AS INTRODUCED

An Act relating to carrying firearms into prohibited places; 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 inclusions; amending 21 O.S. 2011, Section 1280.1, as last amended by Section 2, Chapter 325, O.S.L. 2014 (21 O.S. Supp. 2014, Section 1277), which relates to possession of firearms on school property; modifying inclusions; 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 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;

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

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

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

13 6. Any other place specifically prohibited by law.

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

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

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

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

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

11 5. Any property set aside by a public or private elementary or
12 secondary school for the use or parking of any vehicle, whether
13 attended or unattended; provided, however, ~~said~~ the handgun, as well
14 as shotgun or rifle allowed on school property pursuant to Section
15 1280.1 of this title or as otherwise authorized by law 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

1 in this subsection. For purposes of this subsection, the following
2 property shall not be construed as prohibited for persons having a
3 valid 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 1280.1, as
4 last amended by Section 2, Chapter 325, O.S.L. 2014 (21 O.S. Supp.
5 2014, Section 1280.1), is amended to read as follows:

6 Section 1280.1.

7 POSSESSION OF FIREARM ON SCHOOL PROPERTY

8 A. It shall be unlawful for any person to have in his or her
9 possession on any public or private school property or while in any
10 school bus or vehicle used by any school for transportation of
11 students or teachers any firearm or weapon designated in Section
12 1272 of this title, except as provided in subsection C of this
13 section or as otherwise authorized by law.

14 B. For purposes of this section:

15 1. "School property" means any publicly owned property held for
16 purposes of elementary, secondary or vocational-technical education,
17 and shall not include property owned by public school districts or
18 where such property is leased or rented to an individual or
19 corporation and used for purposes other than educational;

20 2. "Private school" means a school that offers a course of
21 instruction for students in one or more grades from prekindergarten
22 through grade twelve and is not operated by a governmental entity;
23 and
24

1 3. "Motor vehicle" means any automobile, truck, minivan or
2 sports utility vehicle.

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

5 1. A gun or knife designed for hunting or fishing purposes kept
6 in a privately owned vehicle and properly ~~displayed or~~ stored as
7 required by law, ~~provided such vehicle containing said gun or knife~~
8 ~~is driven onto school property only to transport a student to and~~
9 ~~from school and such vehicle does not remain unattended on school~~
10 ~~property;~~

11 2. A gun or knife used for the purposes of participating in the
12 Oklahoma Department of Wildlife Conservation certified hunter
13 training education course or any other hunting, fishing, safety or
14 firearms training courses, or a recognized firearms sports event,
15 team shooting program or competition, or living history reenactment,
16 provided the course or event is approved by the principal or chief
17 administrator of the school where the course or event is offered,
18 and provided the weapon is properly displayed or stored as required
19 by law pending participation in the course, event, program or
20 competition;

21 3. Weapons in the possession of any peace officer or other
22 person authorized by law to possess a weapon in the performance of
23 his or her duties and responsibilities;
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1 4. A concealed or unconcealed weapon carried onto private
2 school property or in any school bus or vehicle used by any private
3 school for transportation of students or teachers by a person who is
4 licensed pursuant to the Oklahoma Self-Defense Act, provided a
5 policy has been adopted by the governing entity of the private
6 school that authorizes the possession of a weapon on private school
7 property or in any school bus or vehicle used by a private school.
8 Except for acts of gross negligence or willful or wanton misconduct,
9 a governing entity of a private school that adopts a policy which
10 authorizes the possession of a weapon on private school property, a
11 school bus or vehicle used by the private school shall be immune
12 from liability for any injuries arising from the adoption of the
13 policy. The provisions of this paragraph shall not apply to claims
14 pursuant to the Workers' Compensation Code;

15 5. A gun, knife, bayonet or other weapon in the possession of a
16 member of a veterans group, the national guard, active military, the
17 Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to
18 participate in a ceremony, assembly or educational program approved
19 by the principal or chief administrator of a school or school
20 district where the ceremony, assembly or educational program is
21 being held; provided, however, the gun or other weapon that uses
22 projectiles is not loaded and is inoperable at all times while on
23 school property; and
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1 6. A handgun carried ~~in a motor vehicle~~ pursuant to a valid
2 handgun license authorized by the Oklahoma Self-Defense Act or an
3 unloaded rifle or shotgun as defined in the Oklahoma Firearms Act of
4 1971, when such handgun, rifle or shotgun is carried in a motor
5 vehicle onto property set aside by a public or private elementary or
6 secondary school for the use or parking of any privately owned
7 vehicle; provided, however, ~~said~~ the handgun, rifle or shotgun shall
8 be stored and hidden from view in a locked motor vehicle when the
9 motor vehicle is left unattended on school property.

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

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

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