

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1143

By: Faught

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; authorizing handgun licensees to carry on certain school property; providing an exception; prohibiting certain persons from denying consent to carry; providing an exception; modifying construing provision; deleting certain notification procedure and administrative fine; defining terms; 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

1 Self-Defense Act to carry any concealed or unconcealed handgun into  
2 any of the following places:

3 1. Any structure, building, or office space which is owned or  
4 leased by a city, town, county, state, or federal governmental  
5 authority for the purpose of conducting business with the public;

6 2. Any prison, jail, detention facility or any facility used to  
7 process, hold, or house arrested persons, prisoners or persons  
8 alleged delinquent or adjudicated delinquent;

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

12 4. Any sports arena during a professional sporting 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 Administrative Workers' Compensation Code Act.

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~~ A citizen in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act shall be authorized to carry ~~the~~ a concealed handgun into or upon

1 any public college, public university, or public technology center  
2 school property, ~~except as provided in this subsection.~~ Under no  
3 circumstances shall consent to carry a concealed handgun by a  
4 citizen with a valid handgun license on any public college, public  
5 university or public technology center school property be denied by  
6 the public college or public university president or public  
7 technology center school administrator unless evidence is shown that  
8 the licensee has previously been involved in a violent incident or  
9 an act that showed deliberate or reckless disregard for the health  
10 or safety of the faculty, students or any other person.

11 For purposes of this subsection, ~~the following property~~ any  
12 property set aside for the use or parking of any vehicle, whether  
13 attended or unattended, shall not be ~~construed as~~ prohibited for  
14 persons having a valid handgun license÷

15 ~~1. Any property set aside for the use or parking of any~~  
16 ~~vehicle, whether attended or unattended, provided the handgun is~~  
17 ~~carried or stored as required by law and the handgun is not removed~~  
18 ~~from the vehicle without the prior consent of the college or~~  
19 ~~university president or technology center school administrator while~~  
20 ~~the vehicle is on any college, university, or technology center~~  
21 ~~school property;~~

22 ~~2. Any property authorized for possession or use of handguns by~~  
23 ~~college, university, or technology center school policy; and~~  
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1       ~~3. Any property authorized by the written consent of the~~  
2 ~~college or university president or technology center school~~  
3 ~~administrator, provided the written consent is carried with the~~  
4 ~~handgun and the valid handgun license while on college, university,~~  
5 ~~or technology center school property.~~

6       ~~The college, university, or technology center school may notify~~  
7 ~~the Oklahoma State Bureau of Investigation within ten (10) days of a~~  
8 ~~violation of any provision of this subsection by a licensee. Upon~~  
9 ~~receipt of a written notification of violation, the Bureau shall~~  
10 ~~give a reasonable notice to the licensee and hold a hearing. At the~~  
11 ~~hearing, upon a determination that the licensee has violated any~~  
12 ~~provision of this subsection, the licensee may be subject to an~~  
13 ~~administrative fine of Two Hundred Fifty Dollars (\$250.00) and may~~  
14 ~~have the handgun license suspended for three (3) months.~~

15       The public college, public university or public technology  
16 center school shall be authorized to prohibit any person in  
17 possession of a valid handgun license from carrying a concealed  
18 handgun into any ticketed event venue on the property of the public  
19 college, public university or public technology center school.

20       Nothing contained in any provision of this subsection shall be  
21 construed to authorize or allow any public college, public  
22 university, or public technology center school to establish any  
23 policy or rule that has the effect of prohibiting any person in  
24 lawful possession of a valid handgun license from possession of a

1 handgun allowable under such license ~~in places described in~~  
2 ~~paragraphs 1, 2 and 3 of this subsection.~~ Nothing contained in any  
3 provision of this subsection shall be construed to limit the  
4 authority of any public college, public university or public  
5 technology center school in this state from taking administrative  
6 action against any student for any violation of any provision of  
7 this subsection.

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

19 G. For the purposes of this section, ~~"motor:~~

20 1. "Motor vehicle" means any automobile, truck, minivan or  
21 sports utility vehicle; and

22 2. "Public college, public university or public technology  
23 center school" means any higher educational institution that is a  
24 member of The Oklahoma State System of Higher Education and any

1 technology center school that is under the supervision of the State  
2 Board of Career and Technology Education.

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

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