

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1265

By: Walker

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 carry of firearms in certain places; deleting certain notification procedure and administrative fine; authorizing the carry of firearms on private university, private college or private vocational-technical school property by certain persons; providing immunity from liability; defining term; 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 handgun shall be  
14 stored and hidden from view in a locked motor vehicle when the motor  
15 vehicle is left unattended on school property.

16        Nothing contained in any provision of this subsection or  
17 subsection C of this section shall be construed to authorize or  
18 allow any person in control of any place described in paragraph 1,  
19 2, 3, 4 or 5 of subsection A of this section to establish any policy  
20 or rule that has the effect of prohibiting any person in lawful  
21 possession of a handgun license from possession of a handgun  
22 allowable under such license in places described in paragraph 1, 2,  
23 3, 4 or 5 of this subsection.  
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1 C. A concealed or unconcealed weapon may be carried onto  
2 private school property or in any school bus or vehicle used by any  
3 private school for transportation of students or teachers by a  
4 person who is licensed pursuant to the Oklahoma Self-Defense Act,  
5 provided a policy has been adopted by the governing entity of the  
6 private school that authorizes the carrying and possession of a  
7 weapon on private school property or in any school bus or vehicle  
8 used by a private school. Except for acts of gross negligence or  
9 willful or wanton misconduct, a governing entity of a private school  
10 that adopts a policy which authorizes the possession of a weapon on  
11 private school property, a school bus or vehicle used by the private  
12 school shall be immune from liability for any injuries arising from  
13 the adoption of the policy. The provisions of this subsection shall  
14 not apply to claims pursuant to the Administrative Workers'  
15 Compensation Code Act.

16 D. Any person violating the provisions of subsection A of this  
17 section shall, upon conviction, be guilty of a misdemeanor  
18 punishable by a fine not to exceed Two Hundred Fifty Dollars  
19 (\$250.00).

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

1 property shall not be construed as prohibited for persons having a  
2 valid handgun license:

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

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

12 3. Any property authorized by the written consent of the  
13 college or university president or technology center school  
14 administrator, provided the written consent is carried with the  
15 handgun and the valid handgun license while on college, university,  
16 or technology center school property.

17 ~~The college, university, or technology center school may notify~~  
18 ~~the Oklahoma State Bureau of Investigation within ten (10) days of a~~  
19 ~~violation of any provision of this subsection by a licensee. Upon~~  
20 ~~receipt of a written notification of violation, the Bureau shall~~  
21 ~~give a reasonable notice to the licensee and hold a hearing. At the~~  
22 ~~hearing, upon a determination that the licensee has violated any~~  
23 ~~provision of this subsection, the licensee may be subject to an~~  
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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. A concealed or unconcealed handgun may be carried onto the  
2 property of a private university, private college or private  
3 vocational-technical school or may be carried in a motor vehicle  
4 used by the private university, private college or private  
5 vocational-technical school for transportation of persons or  
6 personnel by a person who is licensed pursuant to the Oklahoma Self-  
7 Defense Act, provided a policy has been adopted by the governing  
8 entity of the private university, private college or private  
9 vocational-technical school that authorizes the carrying and  
10 possession of a weapon on private university, private college or  
11 private vocational-technical school property. Except for acts of  
12 gross negligence or willful or wanton misconduct, a governing entity  
13 of a private university, private college or private vocational-  
14 technical school that adopts a policy which authorizes the  
15 possession of a weapon on private university, private college or  
16 private vocational-technical school property, or vehicle used by the  
17 school shall be immune from liability for any injuries arising from  
18 the adoption of the policy. The provisions of this subsection shall  
19 not apply to claims pursuant to the Administrative Workers'  
20 Compensation Act.

21       H. For the purposes of this section, ~~"motor vehicle"~~:

22       1. "Motor vehicle" means any automobile, truck, minivan or  
23 sports utility vehicle; and  
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1        2. "Private university, private college or private vocational-  
2 technical school" means any private higher educational institution  
3 that is not a member of The Oklahoma State System of Higher  
4 Education or any privately owned, nonpublic entity that receives  
5 remuneration that is approved for a state authorization license and  
6 provides postsecondary education, or provides vocational-technical  
7 education prior to the person obtaining a high school diploma or its  
8 equivalency.

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

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11        55-1-5326            GRS            01/06/15  
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