

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1753

By: Newell

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 in certain places; modifying scope of certain prohibited act; deleting certain construing provision; 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 the Oklahoma Self-Defense Act; clarifying immunity provision; 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 that has a security
2 checkpoint attended by a commissioned peace officer at each public
3 entrance for the detection of weapons and which is owned or leased
4 by a city, town, county, state, or federal governmental authority
5 for the purpose of conducting business with the public;

6 2. Any courthouse, courtroom, prison, jail, detention facility
7 or any facility used to process, hold, or house arrested persons,
8 prisoners or persons 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 or structure designated by a city, town,
7 county, or state governmental authority as a park, recreational
8 area, or fairgrounds; ~~provided, nothing in this paragraph shall be~~
9 ~~construed to authorize any entry by a person in possession of a~~
10 ~~concealed or unconcealed handgun into any structure, building, or~~
11 ~~office space which is specifically prohibited by the provisions of~~
12 ~~subsection A of this 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
24

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 1290.24, as
4 amended by Section 42, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2014,
5 Section 1290.24), is amended to read as follows:

6 Section 1290.24

7 IMMUNITY

8 A. The state or any political subdivision of the state, and its
9 officers, agents and employees shall be immune from liability
10 resulting or arising from:

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

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

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

1 Self-Defense Act, or any injury resulting from carrying a concealed
2 or unconcealed handgun pursuant to a handgun license; and

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

6 The provisions of this subsection shall not apply to claims
7 pursuant to the Administrative Workers' Compensation Act.

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

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

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