

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1768

By: Enns

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

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

4 3. Any public or private elementary or public or private
5 secondary school, except as provided in subsection C of this
6 section;

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

8 5. Any place where pari-mutuel wagering is authorized by law;
9 and

10 6. Any other place specifically prohibited by law.

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

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

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

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

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

12 D. Any person violating the provisions of subsection A of this
13 section shall, upon conviction, be guilty of a misdemeanor
14 punishable by a fine not to exceed Two Hundred Fifty Dollars
15 (\$250.00).

16 E. No person in possession of a valid handgun license issued
17 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
18 authorized to carry the handgun into or upon any college,
19 university, or technology center school property, except as provided
20 in this subsection. For purposes of this subsection, the following
21 property shall not be construed as prohibited for persons having a
22 valid handgun license:

23 1. Any property set aside for the use or parking of any
24 vehicle, whether attended or unattended, provided the handgun is

1 carried or stored as required by law and the handgun is not removed
2 from the vehicle without the prior consent of the college or
3 university president or technology center school administrator while
4 the vehicle is on any college, university, or technology center
5 school property;

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

8 3. Any property authorized by the written consent of the
9 college or university president or technology center school
10 administrator, provided the written consent is carried with the
11 handgun and the valid handgun license while on college, university,
12 or technology center school property.

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

22 Nothing contained in any provision of this subsection shall be
23 construed to authorize or allow any college, university, or
24 technology center school to establish any policy or rule that has

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

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

20 G. For the purposes of this section, "motor vehicle" means any
21 automobile, truck, minivan or sports utility vehicle.

22 SECTION 2. This act shall become effective November 1, 2015.
23

24 55-1-5518 GRS 01/18/16