

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2266

By: Faught

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 310, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1277), which relates to the unlawful carrying of firearms; authorizing handgun licensees to carry on certain school property; prohibiting certain persons from denying licensees consent to carry; providing an exception; modifying and deleting where licensees may carry or store handguns; deleting certain notification procedure and administrative fine; providing immunity provision; adding definition; 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 310, O.S.L. 2015 (21 O.S. Supp. 2015, 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 subsections C and D 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. Notwithstanding paragraph 3 of subsection A of this section,
17 a board of education of a school district may adopt a policy
18 pursuant to Section ~~3~~ 5-149.2 of ~~this act~~ Title 70 of the Oklahoma
19 Statutes to authorize the carrying of a handgun onto school property
20 by school personnel specifically designated by the board of
21 education, provided such personnel either:

22 1. Possess a valid armed security guard license as provided for
23 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or
24

1 2. Hold a valid reserve peace officer certification as provided
2 for in Section 3311 of Title 70 of the Oklahoma Statutes.

3 Nothing in this subsection shall be construed to restrict authority
4 granted elsewhere in law to carry firearms.

5 E. Any person violating the provisions of subsection A of this
6 section shall, upon conviction, be guilty of a misdemeanor
7 punishable by a fine not to exceed Two Hundred Fifty Dollars
8 (\$250.00).

9 F. ~~No person~~ A citizen in possession of a valid handgun license
10 issued pursuant to the provisions of the Oklahoma Self-Defense Act
11 shall be authorized to carry ~~the~~ a concealed handgun into or upon
12 any public college, public university, or public technology center
13 school property, ~~except as provided in this subsection.~~ Under no
14 circumstances shall consent to carry a concealed handgun by a
15 citizen with a valid handgun license on any public college, public
16 university or public technology center school property be denied by
17 the president of a public college or public university or
18 administrator of a public technology center school unless evidence
19 is shown that the licensee has previously been involved in a violent
20 incident or act.

21 For purposes of this subsection, the following property shall
22 not be ~~construed as~~ prohibited for persons having a valid handgun
23 license:
24

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

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

10 3. ~~Any property authorized by the written consent of the~~
11 ~~college or university president or technology center school~~
12 ~~administrator, provided the written consent is carried with the~~
13 ~~handgun and the valid handgun license while on college, university,~~
14 ~~or technology center school structure, building or sports field,~~
15 ~~including any adjacent area set aside for seating or for viewing a~~
16 ~~sporting event, where a collegiate sporting event is being held on~~
17 ~~public 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 public college, public
5 university, or public technology center school to establish any
6 policy or rule that has the effect of prohibiting any ~~person~~ citizen
7 in lawful possession of a valid handgun license from possession of a
8 handgun allowable under such license ~~in places described in~~
9 ~~paragraphs 1, 2 and 3 of this subsection.~~ Nothing contained in any
10 provision of this subsection shall be construed to limit the
11 authority of any public college, public university or public
12 technology center school in this state from taking administrative
13 action against any student for any violation of any provision of
14 this subsection.

15 G. Except for acts of gross negligence or willful or wanton
16 misconduct, a public college, public university or public technology
17 center school shall be immune from liability for any injuries
18 arising from any accident involving a firearm or an act of self-
19 defense where a firearm was used. The provisions of this subsection
20 shall not apply to claims pursuant to the Administrative Workers'
21 Compensation Act.

22 H. The provisions of this section shall not apply to any peace
23 officer or to any person authorized by law to carry a pistol in the
24 course of employment. District judges, associate district judges

1 and special district judges, who are in possession of a valid
2 handgun license issued pursuant to the provisions of the Oklahoma
3 Self-Defense Act and whose names appear on a list maintained by the
4 Administrative Director of the Courts, shall be exempt from this
5 section when acting in the course and scope of employment within the
6 courthouses of this state. Private investigators with a firearms
7 authorization shall be exempt from this section when acting in the
8 course and scope of employment.

9 ~~H. I.~~ For the purposes of this section, ~~"motor:~~

10 1. "Motor vehicle" means any automobile, truck, minivan or
11 ~~sports~~ sport utility vehicle; and

12 2. "Public college, public university or public technology
13 center school" means any higher educational institution that is a
14 member of The Oklahoma State System of Higher Education and any
15 technology center school that is under the supervision of the State
16 Board of Career and Technology Education.

17 SECTION 2. This act shall become effective November 1, 2016.

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19 55-2-7788 GRS 12/29/15
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