

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2348

By: Roberts (Dustin)

AS INTRODUCED

An Act relating to military; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 226, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1277), which relates to unlawful carry in certain places; providing exemption; amending 44 O.S. 2011, Section 26, which relates to duties of the Adjutant General; authorizing the Adjutant General to delegate certain duties and promulgate rules; amending 44 O.S. 2011, Section 232, which relates to youth programs; authorizing the use of state-owned vehicles for certain purposes; authorizing the Adjutant General to execute certain agreements in support of youth programs; amending 44 O.S. 2011, Section 233.2, which relates to agreements with the United States; authorizing the Adjutant General to execute certain agreements in support of certain programs; amending 47 O.S. 2011, Section 151, as amended by Section 1, Chapter 316, O.S.L. 2012 (47 O.S. Supp. 2015, Section 151), which relates to markings and colors for automobiles owned or leased by state; providing certain exemption; amending 74 O.S. 2011, Section 78a, which relates to requisition of motor vehicles; providing certain exemption to the Oklahoma Military Department; amending 74 O.S. 2011, Section 62.3, as amended by Section 707, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2015, Section 62.3), which relates to the Oklahoma Surplus Property Act; exempting the Oklahoma Military Department from the Oklahoma Surplus Property Act; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
2 last amended by Section 1, Chapter 226, O.S.L. 2015 (21 O.S. Supp.
3 2015, Section 1277), is amended to read as follows:

4 Section 1277.

5 UNLAWFUL CARRY IN CERTAIN PLACES

6 A. It shall be unlawful for any person in possession of a valid
7 handgun license issued pursuant to the provisions of the Oklahoma
8 Self-Defense Act to carry any concealed or unconcealed handgun into
9 any of the following places:

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

13 2. Any prison, jail, detention facility or any facility used to
14 process, hold or house arrested persons, prisoners or persons
15 alleged delinquent or adjudicated delinquent, except as provided in
16 Section 21 of Title 57 of the Oklahoma Statutes;

17 3. Any public or private elementary or public or private
18 secondary school, except as provided in subsection C of this
19 section;

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

21 5. Any place where pari-mutuel wagering is authorized by law;
22 and

23 6. Any other place specifically prohibited by law.
24

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

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

7 2. Any property set aside for the use or parking of any
8 vehicle, whether attended or unattended, by any entity offering any
9 professional sporting event which is open to the public for
10 admission, or by any entity engaged in pari-mutuel wagering
11 authorized by law;

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

15 4. Any property designated by a city, town, county or state
16 governmental authority as a park, recreational area, or fairgrounds;
17 provided, nothing in this paragraph shall be construed to authorize
18 any entry by a person in possession of a concealed or unconcealed
19 handgun into any structure, building or office space which is
20 specifically prohibited by the provisions of subsection A of this
21 section; and

22 5. Any property set aside by a public or private elementary or
23 secondary school for the use or parking of any vehicle, whether
24 attended or unattended; provided, however, said handgun shall be

1 stored and hidden from view in a locked motor vehicle when the motor
2 vehicle is left unattended on school property.

3 Nothing contained in any provision of this subsection or
4 subsection C of this section shall be construed to authorize or
5 allow any person in control of any place described in paragraph 1,
6 2, 3, 4 or 5 of subsection A of this section to establish any policy
7 or rule that has the effect of prohibiting any person in lawful
8 possession of a handgun license from possession of a handgun
9 allowable under such license in places described in paragraph 1, 2,
10 3, 4 or 5 of this subsection.

11 C. A concealed or unconcealed weapon may be carried onto
12 private school property or in any school bus or vehicle used by any
13 private school for transportation of students or teachers by a
14 person who is licensed pursuant to the Oklahoma Self-Defense Act,
15 provided a policy has been adopted by the governing entity of the
16 private school that authorizes the carrying and possession of a
17 weapon on private school property or in any school bus or vehicle
18 used by a private school. Except for acts of gross negligence or
19 willful or wanton misconduct, a governing entity of a private school
20 that adopts a policy which authorizes the possession of a weapon on
21 private school property, a school bus or vehicle used by the private
22 school shall be immune from liability for any injuries arising from
23 the adoption of the policy. The provisions of this subsection shall
24 not apply to claims pursuant to the Workers' Compensation Code.

1 D. Any person violating the provisions of subsection A of this
2 section shall, upon conviction, be guilty of a misdemeanor
3 punishable by a fine not to exceed Two Hundred Fifty Dollars
4 (\$250.00).

5 E. No person in possession of a valid handgun license issued
6 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
7 authorized to carry the handgun into or upon any college, university
8 or technology center school property, except as provided in this
9 subsection. For purposes of this subsection, the following property
10 shall not be construed as prohibited for persons having a valid
11 handgun license:

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

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

21 3. Any property authorized by the written consent of the
22 college or university president or technology center school
23 administrator, provided the written consent is carried with the
24

1 handgun and the valid handgun license while on college, university
2 or technology center school property.

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

12 Nothing contained in any provision of this subsection shall be
13 construed to authorize or allow any college, university or
14 technology center school to establish any policy or rule that has
15 the effect of prohibiting any person in lawful possession of a
16 handgun license from possession of a handgun allowable under such
17 license in places described in paragraphs 1, 2, and 3 of this
18 subsection. Nothing contained in any provision of this subsection
19 shall be construed to limit the authority of any college, university
20 or technology center school in this state from taking administrative
21 action against any student for any violation of any provision of
22 this subsection.

23 F. The provisions of this section shall not apply to any peace
24 officer or to any person authorized by law to carry a pistol in the

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

10 G. The provisions of paragraph 1 of subsection A of this
11 section shall not apply to Oklahoma Army and Air National Guard
12 personnel who are in possession of a valid handgun license issued
13 pursuant to the provisions of the Oklahoma Self-Defense Act while in
14 Oklahoma Military Department facilities and acting in accordance
15 with rules promulgated by the Adjutant General.

16 ~~G.~~ H. For the purposes of this section, "motor vehicle" means
17 any automobile, truck, minivan or sports utility vehicle.

18 SECTION 2. AMENDATORY 44 O.S. 2011, Section 26, is
19 amended to read as follows:

20 Section 26. A. The Adjutant General shall be in control of the
21 Military Department of the state, subordinate only to the Governor.
22 Within the limitations and under the provisions of law, he or she
23 shall supervise and direct the National Guard within the service of
24 the state and when under state control in all of its organization,

1 training and other activities; shall receive and give effect to the
2 orders of the Governor; and shall perform such other military and
3 defense duties, not otherwise assigned by law, as the Governor may
4 prescribe.

5 B. The Adjutant General, when absent from the state, may
6 delegate any authority vested under this title and any such duties
7 as an agency appointing authority to an Assistant Adjutant General,
8 other state officer or employee within the Oklahoma Military
9 Department. The Adjutant General is authorized to promulgate rules
10 to provide for the delegation of any such authority.

11 SECTION 3. AMENDATORY 44 O.S. 2011, Section 232, is
12 amended to read as follows:

13 Section 232. A. Pursuant to rules promulgated by the Adjutant
14 General of the State of Oklahoma, the Oklahoma Military Department
15 is authorized to establish and operate youth programs utilizing
16 National Guard or state-owned facilities, state-owned vehicles and
17 civilian or National Guard personnel to provide military-styled
18 training and other benefits to civilian youth pursuant to agreement
19 with federal, state and local governmental agencies.

20 B. The Adjutant General is authorized further to enter into
21 agreements and to do all things deemed necessary or incidental to
22 the performance of any duty authorized by subsection A of this
23 section, including, but not limited to:

1 1. The execution of memoranda of agreement for assistance to
2 federal, state and local governmental agencies;

3 2. The execution of grant agreements;

4 3. The execution of grant agreements with the federal
5 government;

6 4. The execution of agreements with the federal government for
7 reimbursement to the Oklahoma Military Department for the use and
8 operation of Oklahoma Military Department state-owned vehicles and
9 equipment in support of youth programs;

10 5. The execution of other contracts and agreements; and

11 ~~5.~~ 6. The expenditure of Oklahoma Military Department funds for
12 the purpose of advertising.

13 C. The Adjutant General is hereby authorized to accept gifts or
14 donations for and on behalf of the state to be used for the use and
15 benefit of the youth programs authorized by this section and their
16 participants. The Oklahoma Military Department is directed to
17 maintain and preserve appropriate records for all gifts made to the
18 state pursuant to this section.

19 SECTION 4. AMENDATORY 44 O.S. 2011, Section 233.2, is
20 amended to read as follows:

21 Section 233.2 A. The Adjutant General is hereby authorized and
22 directed to enter into, in the name of the state, and to take all
23 actions necessary to execute the terms of a National Guard armory
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1 building construction or expansion, rehabilitation or conversion of
2 existing building agreements with the United States of America.

3 B. The Adjutant General is hereby authorized to execute
4 agreements with the federal government for reimbursement to the
5 Oklahoma Military Department for the use and operation of Oklahoma
6 Military Department state-owned vehicles and equipment in support of
7 the federally reimbursable programs through cooperative agreements
8 with the National Guard Bureau.

9 SECTION 5. AMENDATORY 47 O.S. 2011, Section 151, as
10 amended by Section 1, Chapter 316, O.S.L. 2012 (47 O.S. Supp. 2015,
11 Section 151), is amended to read as follows:

12 Section 151. A. A state agency that owns or leases vehicles
13 shall affix the words "State of Oklahoma" and the name of the
14 department or institution that owns or leases the vehicle in
15 conspicuous letters.

16 B. 1. In lieu of the provisions of subsection A of this
17 section, Department of Public Safety vehicles used regularly as
18 patrol units shall be distinctively painted black and white and
19 shall bear the wording "Oklahoma Highway Patrol" on each side of the
20 vehicle in letters of such size as to be easily distinguishable, it
21 being the purpose and intention of the Legislature that said patrol
22 units shall be marked in the future in the same manner as those now
23 in use.
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1 2. The Commissioner of Public Safety may designate colors and
2 markings, in lieu of those authorized by the provisions of this
3 section, for patrol units used for patrol purposes and for selective
4 traffic law enforcement.

5 C. Oklahoma State Bureau of Narcotics and Dangerous Drugs
6 Control vehicles for use in undercover investigations and Oklahoma
7 State Bureau of Investigation vehicles shall not be subject to the
8 provisions of this section.

9 D. Department of Corrections vehicles designated for use by
10 probation and parole operations and other administrative operations,
11 as approved by the Director of the Department of Corrections, shall
12 not be subject to the provisions of this section.

13 E. Vehicles utilized by CLEET-certified officers or state
14 employees primarily employed in investigative activities may be
15 exempt from the provisions of this section subject to the approval
16 of the State Fleet Manager.

17 F. Oklahoma Military Department vehicles designated for use by
18 the Adjutant General or Assistant Adjutant General in performance of
19 his or her duties and Oklahoma Military Department vehicles
20 designated for use in the State Transition and Reintegration System
21 (STARS) program for tracking youth, as approved by the Adjutant
22 General, shall not be subject to the provisions of this section.

23 SECTION 6. AMENDATORY 74 O.S. 2011, Section 78a, is
24 amended to read as follows:

1 Section 78a. A. State agencies with authority to own motor
2 vehicles shall submit a requisition to the Director of the Office of
3 Management and Enterprise Services prior to acquisition of a motor
4 vehicle. The requisition shall state the type of vehicle, the
5 intended purpose of the vehicle, a statement that the agency has
6 actual need for the vehicle, the supplier of the vehicle, that the
7 state agency has sufficient funds to acquire and maintain the
8 vehicle and cite the statutory authority of the state agency to
9 acquire a vehicle.

10 B. The Director of the Office of Management and Enterprise
11 Services shall review the requisition and approve or deny the
12 request of the state agency within fifteen (15) days of receipt.

13 C. The provisions of subsections A and B of this section shall
14 not apply to the Department of Public Safety ~~or~~, the Oklahoma State
15 Bureau of Narcotics and Dangerous Drugs Control or the Oklahoma
16 Military Department.

17 D. The provisions of subsections A and B of this section shall
18 not apply to CompSource Oklahoma if CompSource Oklahoma is operating
19 pursuant to a pilot program authorized by Sections 3316 and 3317 of
20 this title.

21 SECTION 7. AMENDATORY 74 O.S. 2011, Section 62.3, as
22 amended by Section 707, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
23 2015, Section 62.3), is amended to read as follows:
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1 Section 62.3 A. The Director of the Office of Management and
2 Enterprise Services shall promulgate rules for use by state agencies
3 and the Office of Management and Enterprise Services to dispose of
4 surplus property. The rules shall include standards for
5 recordkeeping, methods for removal or disposal of surplus property,
6 and acquisition by state agencies and authorized entities of surplus
7 property, and for Office management of surplus property programs.

8 B. A state agency selling, trading, redistributing or otherwise
9 disposing of surplus property shall comply with the rules
10 promulgated by the Director.

11 C. The Office shall make surplus property available to state
12 agencies and authorized entities, which shall include political
13 subdivisions, school districts, and nonprofit entities of this
14 state.

15 D. The provisions of the Oklahoma Surplus Property Act shall
16 not apply to institutions of higher education in this state, or the
17 Northeast Oklahoma Public Facilities Authority.

18 E. The Grand River Dam Authority shall be exempt from the
19 provisions of the Oklahoma Surplus Property Act for any surplus
20 property disposed of prior to November 1, 2006.

21 F. CompSource Oklahoma shall be exempt from the provisions of
22 the Oklahoma Surplus Property Act if CompSource Oklahoma is
23 operating pursuant to a pilot program authorized by Sections 3316
24 and 3317 of this title.

1 G. The Oklahoma Military Department shall be exempt from the
2 provisions of the Oklahoma Surplus Property Act.

3 ~~E.~~ H. Notwithstanding the provisions of the Oklahoma Surplus
4 Property Act, the Oklahoma State Bureau of Investigation may,
5 pursuant to rules promulgated by the Oklahoma State Bureau of
6 Investigation Commission for that purpose, donate any surplus
7 property, as defined in Section 62.2 of this title, to any law
8 enforcement agency of any political subdivision of the State of
9 Oklahoma. The use of such donated equipment shall be limited to
10 valid and authorized law enforcement efforts by the receiving
11 agency.

12 SECTION 8. This act shall become effective November 1, 2016.

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