

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2869

By: Christian

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 carry of firearms; modifying restricted places for the unlawful carry of firearms; amending 21 O.S. 2011, Section 1290.22, as amended by Section 7, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015, Section 1290.22), which relates to the Oklahoma Self-Defense Act; prohibiting persons and property owners from establishing certain policies or rules concerning concealed or unconcealed firearms; providing an exception; providing statutory references; modifying penalty; providing immunity from liability under certain circumstances; 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

1 Self-Defense Act to carry any concealed or unconcealed handgun into
2 any of the following places:

3 1. Any structure, building~~7~~ or office space which is owned or
4 leased by a city, town, county, state~~7~~ or federal governmental
5 authority ~~for the purpose of conducting business with the public;~~

6 2. Any prison, jail, detention facility or any facility used to
7 process, hold~~7~~ or house arrested persons, prisoners or persons
8 alleged delinquent or adjudicated delinquent;

9 3. Any public or private elementary or public or private
10 secondary school, except as provided in subsections C and D of this
11 section;

12 4. Any ~~sports~~ arena or venue during a ~~professional~~ sporting
13 event;

14 5. Any place where pari-mutuel wagering is authorized by law;
15 and

16 6. Any other place specifically prohibited by law.

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

20 1. Any property set aside for the use or parking of any
21 vehicle, whether attended or unattended, by a city, town, county,
22 state~~7~~ or federal governmental authority;

23 2. Any property set aside for the use or parking of any
24 vehicle, whether attended or unattended, by any entity offering any

1 ~~professional~~ sporting event which is open to the public for
2 admission, or by any entity engaged in pari-mutuel wagering
3 authorized by law;

4 3. Any property adjacent to a structure, building~~7~~ or office
5 space in which concealed or unconcealed weapons are prohibited by
6 the provisions of this section;

7 4. Any property designated by a city, town, county~~7~~ or state
8 governmental authority as a park, recreational area~~7~~ or fairgrounds;
9 provided, nothing in this paragraph shall be construed to authorize
10 any entry by a person in possession of a concealed or unconcealed
11 handgun into any structure, building~~7~~ or office space which is
12 specifically prohibited by the provisions of subsection A of this
13 section; and

14 5. Any property set aside by a public or private elementary or
15 secondary school for the use or parking of any vehicle, whether
16 attended or unattended; provided, however, said handgun shall be
17 stored and hidden from view in a locked motor vehicle when the motor
18 vehicle is left unattended on school property.

19 Nothing contained in any provision of this subsection or
20 subsection C of this section shall be construed to authorize or
21 allow any person in control of any place described in paragraph 1,
22 2, 3, 4 or 5 of subsection A of this section to establish any policy
23 or rule that has the effect of prohibiting any person in lawful
24 possession of a handgun license from possession of a handgun

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. Notwithstanding paragraph 3 of subsection A of this section, a board of education of a school district may adopt a policy pursuant to Section ~~3~~ 5-149.2 of ~~this act~~ Title 70 of the Oklahoma Statutes to authorize the carrying of a handgun onto school property by school personnel specifically designated by the board of education, provided such personnel either:

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

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 in possession of a valid handgun license issued
10 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
11 authorized to carry the handgun into or upon any college,
12 university, or technology center school property, except as provided
13 in this subsection. For purposes of this subsection, the following
14 property shall not be construed as prohibited for persons having a
15 valid handgun license:

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

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

1 3. Any property authorized by the written consent of the
2 college or university president or technology center school
3 administrator, provided the written consent is carried with the
4 handgun and the valid handgun license while on college, university, or
5 or technology center school property.

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

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

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

14 H. For the purposes of this section, "motor vehicle" means any
15 automobile, truck, minivan or sports utility vehicle.

16 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.22, as
17 amended by Section 7, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015,
18 Section 1290.22), is amended to read as follows:

19 Section 1290.22

20 BUSINESS OWNER'S RIGHTS

21 A. Except as provided in ~~subsection~~ subsections B and D of this
22 section, nothing contained in any provision of the Oklahoma Self-
23 Defense Act shall be construed to limit, restrict or prohibit in any
24 manner the existing rights of any person, property owner, tenant,

1 employer, place of worship or business entity to control the
2 possession of weapons on any property owned or controlled by the
3 person or business entity.

4 B. No person, property owner, tenant, employer, place of
5 worship or business entity shall be permitted to establish any
6 policy or rule that has the effect of prohibiting any person, except
7 a convicted felon, from transporting and storing firearms in a
8 locked vehicle on any property set aside for any vehicle.

9 C. A property owner, tenant, employer, place of worship or
10 business entity may prohibit any person from carrying a concealed or
11 unconcealed firearm on the property. If the building or property is
12 open to the public, the property owner, tenant, employer, place of
13 worship or business entity shall post signs on or about the property
14 stating such prohibition.

15 D. No person, property owner, tenant, employer, place of
16 worship or business entity shall be permitted to establish any
17 policy or rule that has the effect of prohibiting any person from
18 carrying a concealed or unconcealed firearm on property within the
19 specific exclusion provided for in paragraph 4 of subsection B of
20 Section 1277 of this title; provided, that carrying a concealed or
21 unconcealed firearm may be prohibited on such property during any
22 events, with no specific event exceeding twenty-one (21) consecutive
23 days, authorized or allowed by the city, town, county, state or
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1 federal governmental authority, or person owning or controlling such
2 property.

3 E. The carrying of a concealed or unconcealed firearm by a
4 person who has been issued a handgun license on property that has
5 signs prohibiting the carrying of firearms or on property as
6 prohibited by subsection D of this section shall not be deemed a
7 criminal act but may subject the person to being denied entrance
8 onto the property or removed from the property. If the person
9 refuses to leave the property and a peace officer is summoned, the
10 person ~~may be issued a citation for an amount~~ shall, upon
11 conviction, be guilty of a misdemeanor punishable by a fine not to
12 exceed Two Hundred Fifty Dollars (\$250.00).

13 ~~E.~~ F. 1. A person, corporation, place of worship or any other
14 business entity that does or does not prohibit any individual except
15 a convicted felon from carrying a loaded or unloaded, concealed or
16 unconcealed weapon on property that the person, corporation, place
17 of worship or other business entity owns, or has legal control of,
18 is immune from any liability arising from that decision.

19 2. A person, property owner, tenant, employer, place of worship
20 or business entity that shall not prohibit persons from carrying a
21 concealed or unconcealed firearm pursuant to the provisions of
22 subsections B or D of this section shall be immune from any
23 liability arising from the carrying, or absence of carrying, of a
24 concealed or unconcealed firearm on the property.

1 3. Except for acts of gross negligence or willful or wanton
2 misconduct, an employer who does or does not prohibit their
3 employees from carrying a concealed or unconcealed weapon is immune
4 from any liability arising from that decision. The provisions of
5 this subsection shall not apply to claims pursuant to the Workers'
6 Compensation Code.

7 SECTION 3. This act shall become effective November 1, 2016.

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