

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2933

By: McCullough

AS INTRODUCED

An Act relating to firearms; 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 the unlawful carrying of firearms; 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. 2015, Section 1290.24), which relates to the Oklahoma Self-Defense Act; clarifying immunity provision; providing statutory reference; 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 226, 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 that has a security
2 checkpoint attended by a commissioned peace officer at each public
3 entrance for the detection of weapons which is owned or leased by a
4 city, town, county, state or federal governmental authority for the
5 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 except as provided in Section 21 of Title 57 of the Oklahoma
10 Statutes;

11 3. Any public or private elementary or public or private
12 secondary school, except as provided in subsection C of this
13 section;

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

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

17 6. Any other place specifically prohibited by law.

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

21 1. Any property set aside for the use or parking of any
22 vehicle, whether attended or unattended, by a city, town, county,
23 state or federal governmental authority;
24

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

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

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

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

21 Nothing contained in any provision of this subsection or
22 subsection C of this section shall be construed to authorize or
23 allow any person in control of any place described in paragraph 1,
24 2, 3, 4 or 5 of subsection A of this section to establish any policy

1 or rule that has the effect of prohibiting any person in lawful
2 possession of a handgun license from possession of a handgun
3 allowable under such license in places described in paragraph 1, 2,
4 3, 4 or 5 of this subsection.

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

19 D. Any person violating the provisions of subsection A of this
20 section shall, upon conviction, be guilty of a misdemeanor
21 punishable by a fine not to exceed Two Hundred Fifty Dollars
22 (\$250.00).

23 E. No person in possession of a valid handgun license issued
24 pursuant to the provisions of the Oklahoma Self-Defense Act shall be

1 authorized to carry the handgun into or upon any college, university
2 or technology center school property, except as provided in this
3 subsection. For purposes of this subsection, the following property
4 shall not be construed as prohibited for persons having a valid
5 handgun license:

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

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

15 3. Any property authorized by the written consent of the
16 college or university president or technology center school
17 administrator, provided the written consent is carried with the
18 handgun and the valid handgun license while on college, university
19 or technology center school property.

20 The college, university or technology center school may notify
21 the Oklahoma State Bureau of Investigation within ten (10) days of a
22 violation of any provision of this subsection by a licensee. Upon
23 receipt of a written notification of violation, the Bureau shall
24 give a reasonable notice to the licensee and hold a hearing. At the

1 hearing, upon a determination that the licensee has violated any
2 provision of this subsection, the licensee may be subject to an
3 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
4 have the handgun license suspended for three (3) months.

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

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

1 authorization shall be exempt from this section when acting in the
2 course and scope of employment.

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

5 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.24, as
6 amended by Section 42, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015,
7 Section 1290.24), is amended to read as follows:

8 Section 1290.24

9 IMMUNITY

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

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

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

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

1 of any handgun on a training course firing range supervised by a
2 certified firearms instructor under the provisions of the Oklahoma
3 Self-Defense Act, or any injury resulting from carrying a concealed
4 or unconcealed handgun pursuant to a handgun license; and

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

8 The provisions of this section shall not apply to claims
9 pursuant to the Administrative Workers' Compensation Act.

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

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

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