

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 3054

By: Kern

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2011, Sections 1277 and 1280.1, as last amended by Sections 1 and 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp. 2015, Sections 1277 and 1280.1), which relate to the carrying of firearms in certain places; modifying certain exclusions to include rifles and shotguns; deleting certain vehicle transport requirement; 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~~ the handgun, as well
14 as any shotgun or rifle allowed on school property pursuant to
15 Section 1280.1 of this title or as otherwise authorized by law,
16 shall be stored and hidden from view in a locked motor vehicle when
17 the motor vehicle is left unattended on school property.

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

16 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, as
17 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
18 2015, Section 1280.1), is amended to read as follows:

19 Section 1280.1

20 POSSESSION OF FIREARM ON SCHOOL PROPERTY

21 A. It shall be unlawful for any person to have in his or her
22 possession on any public or private school property or while in any
23 school bus or vehicle used by any school for transportation of
24 students or teachers any firearm or weapon designated in Section

1 1272 of this title, except as provided in subsection C of this
2 section or as otherwise authorized by law.

3 B. For purposes of this section:

4 1. "School property" means any publicly owned property held for
5 purposes of elementary, secondary or vocational-technical education,
6 and shall not include property owned by public school districts or
7 where such property is leased or rented to an individual or
8 corporation and used for purposes other than educational;

9 2. "Private school" means a school that offers a course of
10 instruction for students in one or more grades from prekindergarten
11 through grade twelve and is not operated by a governmental entity;
12 and

13 3. "Motor vehicle" means any automobile, truck, minivan or
14 ~~sports~~ sport utility vehicle.

15 C. Firearms and weapons are allowed on school property and
16 deemed not in violation of subsection A of this section as follows:

17 1. A gun or knife designed for hunting or fishing purposes kept
18 in a privately owned vehicle and properly ~~displayed or~~ stored as
19 required by law, ~~provided such vehicle containing said gun or knife~~
20 ~~is driven onto school property only to transport a student to and~~
21 ~~from school and such vehicle does not remain unattended on school~~
22 ~~property;~~

23 2. A gun or knife used for the purposes of participating in the
24 Oklahoma Department of Wildlife Conservation certified hunter

1 training education course or any other hunting, fishing, safety or
2 firearms training courses, or a recognized firearms sports event,
3 team shooting program or competition, or living history reenactment,
4 provided the course or event is approved by the principal or chief
5 administrator of the school where the course or event is offered,
6 and provided the weapon is properly displayed or stored as required
7 by law pending participation in the course, event, program or
8 competition;

9 3. Weapons in the possession of any peace officer or other
10 person authorized by law to possess a weapon in the performance of
11 his or her duties and responsibilities;

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

3 5. A gun, knife, bayonet or other weapon in the possession of a
4 member of a veterans group, the national guard, active military, the
5 Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to
6 participate in a ceremony, assembly or educational program approved
7 by the principal or chief administrator of a school or school
8 district where the ceremony, assembly or educational program is
9 being held; provided, however, the gun or other weapon that uses
10 projectiles is not loaded and is inoperable at all times while on
11 school property;

12 6. A handgun carried ~~in a motor vehicle~~ pursuant to a valid
13 handgun license authorized by the Oklahoma Self-Defense Act or an
14 unloaded rifle or shotgun, as defined in Sections 1289.4 and 1289.5
15 of this title, when such handgun, rifle or shotgun is carried in a
16 privately owned motor vehicle onto property set aside by a public or
17 private elementary or secondary school for the use or parking of any
18 privately owned vehicle; provided, however, ~~said~~ the handgun, rifle
19 or shotgun shall be stored and hidden from view in a locked motor
20 vehicle when the motor vehicle is left unattended on school
21 property; and

22 7. A handgun carried onto public school property by school
23 personnel who have been designated by the board of education,
24 provided such personnel either:

1 a. possess a valid armed security guard license as
2 provided for in Section 1750.1 et seq. of Title 59 of
3 the Oklahoma Statutes, or

4 b. hold a valid reserve peace officer certification as
5 provided for in Section 3311 of Title 70 of the
6 Oklahoma Statutes,

7 if a policy has been adopted by the board of education of the school
8 district that authorizes the carrying of a handgun onto public
9 school property by such personnel. Nothing in this subsection shall
10 be construed to restrict authority granted elsewhere in law to carry
11 firearms.

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

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

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