

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend amendment number 1 to HB3353

			Of the printed Bill
Page	<u>2</u>	Section	<u>1</u>
		Lines	<u>13 1/2</u>
			Of the Engrossed Bill

By inserting a new Section 2 to read as follows:

(see attached)

and by renumbering the subsequent section of the bill.

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Sean Roberts

Adopted: _____

Reading Clerk

1 "SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
2 last amended by Section 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp.
3 2017, 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 courthouse, courtroom, prison, jail, detention facility
14 or any facility used to process, hold or house arrested persons,
15 prisoners or persons alleged delinquent or adjudicated delinquent,
16 except as provided in Section 21 of Title 57 of the Oklahoma
17 Statutes;

18 3. Any public or private elementary or public or private
19 secondary school, except as provided in subsections C and D of this
20 section;

21 4. Any publicly owned or operated sports arena or venue during
22 a professional sporting event, unless allowed by the event holder;

23 5. Any place where gambling is authorized by law, unless
24 allowed by the property owner; and

1 6. Any other place specifically prohibited by law.

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

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

8 2. Any property set aside for the use or parking of any
9 vehicle, whether attended or unattended, which is open to the
10 public, or by any entity engaged in gambling authorized by law;

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

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

21 5. Any property set aside by a public or private elementary or
22 secondary school for the use or parking of any vehicle, whether
23 attended or unattended; provided, however, ~~said~~ the handgun shall be
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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 subsection A
6 of this section to establish any policy or rule that has the effect
7 of prohibiting any person in lawful possession of a handgun license
8 from possession of a handgun allowable under such license in places
9 described in this subsection.

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

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

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

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

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

13 E. Any person violating the provisions of paragraph 2 or 3 of
14 subsection A of this section shall, upon conviction, be guilty of a
15 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
16 Dollars (\$250.00). A person violating any other provision of
17 subsection A of this section may be denied entrance onto the
18 property or removed from the property. If the person refuses to
19 leave the property and a peace officer is summoned, the person may
20 be issued a citation for an amount not to exceed Two Hundred Fifty
21 Dollars (\$250.00).

22 F. No person in possession of a valid handgun license issued
23 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
24 authorized to carry the handgun into or upon any college, university

1 or technology center school property, except as provided in this
2 subsection. For purposes of this subsection, the following property
3 shall not be construed as prohibited for persons having a valid
4 handgun license:

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

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

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

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

1 provision of this subsection, the licensee may be subject to an
2 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
3 have the handgun license suspended for three (3) months.

4 Nothing contained in any provision of this subsection shall be
5 construed to authorize or allow any college, university or
6 technology center school to establish any policy or rule that has
7 the effect of prohibiting any person in lawful possession of a
8 handgun license from possession of a handgun allowable under such
9 license in places described in paragraphs 1, 2 and 3 of this
10 subsection. Nothing contained in any provision of this subsection
11 shall be construed to limit the authority of any college, university
12 or 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. The provisions of this section shall not apply to the
16 following:

17 1. Any peace officer or any person authorized by law to carry a
18 pistol in the course of employment;

19 2. District judges, associate district judges and special
20 district judges, who are in possession of a valid handgun license
21 issued pursuant to the provisions of the Oklahoma Self-Defense Act
22 and whose names appear on a list maintained by the Administrative
23 Director of the Courts, when acting in the course and scope of
24 employment within the courthouses of this state;

1 3. Private investigators with a firearms authorization when
2 acting in the course and scope of employment; and

3 4. Elected officials of a county, who are in possession of a
4 valid handgun license issued pursuant to the provisions of the
5 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
6 in the performance of their duties within the courthouses of the
7 county in which he or she was elected. The provisions of this
8 paragraph shall not allow the elected county official to carry the
9 handgun into a courtroom.

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

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