

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 1159

By: Scott

AS INTRODUCED

An Act relating to campus carry of firearms; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp. 2017, Section 1277), which relates to unlawful carry in certain places; authorizing handgun licensees to carry on certain school property; providing an exception; prohibiting certain persons from denying consent to carry; providing an exception; modifying construing provision; deleting certain notification procedure and administrative fine; deleting certain rule making authority; defining terms; 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 165, O.S.L. 2017 (21 O.S. Supp. 2017, 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 courthouse, courtroom, prison, jail, detention facility
5 or any facility used to process, hold or house arrested persons,
6 prisoners or persons alleged delinquent or adjudicated delinquent,
7 except as provided in Section 21 of Title 57 of the Oklahoma
8 Statutes;

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 publicly owned or operated sports arena or venue during
13 a professional sporting event, unless allowed by the event holder;

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

16 6. Any other place specifically prohibited by law.

17 B. For purposes of subsection A of this section, the prohibited
18 place does not include and specifically excludes the following
19 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 or federal governmental authority;

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

4 3. Any property adjacent to a structure, building 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 or state
8 governmental authority as a park, recreational area, 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 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 subsection A
22 of this section to establish any policy or rule that has the effect
23 of prohibiting any person in lawful possession of a handgun license
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1 from possession of a handgun allowable under such license in places
2 described in this subsection.

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

18 D. Notwithstanding paragraph 3 of subsection A of this section,
19 a board of education of a school district may adopt a policy
20 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
21 authorize the carrying of a handgun onto school property by school
22 personnel specifically designated by the board of education,
23 provided such personnel either:
24

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

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

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

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

16 F. ~~No person~~ A citizen in possession of a valid handgun license
17 issued pursuant to the provisions of the Oklahoma Self-Defense Act
18 shall be authorized to carry ~~the~~ a concealed handgun into or upon
19 any public college, public university or public technology center
20 school property, ~~except as provided in this subsection.~~ Under no
21 circumstances shall consent to carry a concealed handgun by a
22 citizen with a valid handgun license on any public college, public
23 university or public technology center school property be denied by
24 the public college or public university president or public

1 technology center school administrator unless evidence is shown that
2 the licensee has previously been involved in a violent incident or
3 an act that showed deliberate or reckless disregard for the health
4 or safety of the faculty, students or any other person.

5 For purposes of this subsection, ~~the following property~~ any
6 property set aside for the use or parking of any vehicle, whether
7 attended or unattended, shall not be ~~construed as~~ prohibited for
8 persons having a valid handgun license÷

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

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

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

23 ~~The college, university or technology center school may notify~~
24 ~~the Oklahoma State Bureau of Investigation within ten (10) days of a~~

~~violation of any provision of this subsection by a licensee. Upon receipt of a written notification of violation, the Bureau shall give a reasonable notice to the licensee and hold a hearing. At the hearing, upon a determination that the licensee has violated any provision of this subsection, the licensee may be subject to an administrative fine of Two Hundred Fifty Dollars (\$250.00) and may have the handgun license suspended for three (3) months.~~

The public college, public university or public technology center school shall be authorized to prohibit any person in possession of a valid handgun license from carrying a concealed handgun into any ticketed event venue on the property of the public college, public university or public technology center school.

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

1 G. The provisions of this section shall not apply to the
2 following:

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

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

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

13 4. Elected officials of a county, who are in possession of a
14 valid handgun license issued pursuant to the provisions of the
15 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
16 in the performance of their duties within the courthouses of the
17 county in which he or she was elected. The provisions of this
18 paragraph shall not allow the elected county official to carry the
19 handgun into a courtroom.

20 H. For the purposes of this section, ~~"motor:~~

21 1. "Motor vehicle" means any automobile, truck, minivan or
22 sports utility vehicle; and

23 2. "Public college, public university or public technology
24 center school" means any higher educational institution that is a

1 member of The Oklahoma State System of Higher Education and any
2 technology center school that is under the supervision of the State
3 Board of Career and Technology Education.

4 SECTION 2. This act shall become effective November 1, 2018.

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