

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 3422

By: Sterling

COMMITTEE SUBSTITUTE

An Act relating to firearms; amending 21 O.S. 2011, Sections 1272, as last amended by Section 1, Chapter 1, O.S.L. 2019 and 1277, as last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp. 2019, Sections 1272 and 1277), which relate to the carrying of firearms; providing exception to certain prohibited acts for members of the Oklahoma Legislature and retired peace officers; clarifying provision that allows for the carry of firearms on certain properties; authorizing persons with valid handgun licenses to proceed through security checkpoints when entering the State Capitol Building; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as last amended by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1272), is amended to read as follows:

Section 1272.

UNLAWFUL CARRY

A. Notwithstanding any other provision of law, it shall be unlawful for any person to carry upon or about his or her person, or

1 in a purse or other container belonging to the person, any pistol,
2 revolver, shotgun or rifle whether loaded or unloaded or any
3 blackjack, loaded cane, hand chain, metal knuckles, or any other
4 offensive weapon, whether such weapon be concealed or unconcealed,
5 except this section shall not prohibit:

6 1. The proper use of guns and knives for self-defense, hunting,
7 fishing, educational or recreational purposes;

8 2. The carrying or use of weapons in a manner otherwise
9 permitted by statute or authorized by the Oklahoma Self-Defense Act;

10 3. The carrying, possession and use of any weapon by a peace
11 officer or other person authorized by law to carry a weapon in the
12 performance of official duties and in compliance with the rules of
13 the employing agency;

14 4. The carrying or use of weapons in a courthouse by a district
15 judge, associate district judge or special district judge within
16 this state, who is in possession of a valid handgun license issued
17 pursuant to the provisions of the Oklahoma Self-Defense Act and
18 whose name appears on a list maintained by the Administrative
19 Director of the Courts;

20 5. The carrying and use of firearms and other weapons provided
21 in this subsection when used for the purpose of living history
22 reenactment. For purposes of this paragraph, "living history
23 reenactment" means depiction of historical characters, scenes,
24 historical life or events for entertainment, education, or

1 historical documentation through the wearing or use of period,
2 historical, antique or vintage clothing, accessories, firearms,
3 weapons, and other implements of the historical period; ~~or~~

4 6. The carrying of a firearm, concealed or unconcealed, loaded
5 or unloaded, by a person who is twenty-one (21) years of age or
6 older or by a person who is eighteen (18) years of age but not yet
7 twenty-one (21) years of age and the person is a member or veteran
8 of the United States Armed Forces, Reserves or National Guard or was
9 discharged under honorable conditions from the United States Armed
10 Forces, Reserves or National Guard, and the person is otherwise not
11 disqualified from the possession or purchase of a firearm under
12 state or federal law and is not carrying the firearm in furtherance
13 of a crime.

14 Except as provided in subsection B of Section 1283 of this
15 title, a person who has been convicted of any one of the following
16 offenses in this state or a violation of the equivalent law of
17 another state:

- 18 a. assault and battery pursuant to the provisions of
19 Section 644 of this title which caused serious
20 physical injury to the victim,
- 21 b. aggravated assault and battery pursuant to the
22 provisions of Section 646 of this title,
- 23 c. assault and battery that qualifies as domestic abuse
24 as defined in Section 644 of this title,

1 d. stalking pursuant to the provisions of Section 1173 of
2 this title,

3 e. a violation of an order issued under the Protection
4 from Domestic Abuse Act or a domestic abuse protection
5 order issued by another state, or

6 f. a violation relating to illegal drug use or possession
7 under the provisions of the Uniform Controlled
8 Dangerous Substances Act,

9 shall be prohibited from carrying a firearm under the provisions of
10 this paragraph. Any person who carries a firearm in the manner
11 provided for in this paragraph shall be prohibited from carrying the
12 firearm into any of the places prohibited in subsection A of Section
13 1277 of this title or any other place currently prohibited by law.
14 Nothing in this section shall modify or otherwise change where a
15 person may legally carry a firearm;

16 7. The carrying or possession of a concealed handgun in the
17 State Capitol Building or any structure, building or office space
18 that is owned or leased by the State of Oklahoma by a member of the
19 Oklahoma Legislature; or

20 8. The carrying or possession of a concealed handgun in the
21 State Capitol Building or any structure, building or office space
22 that is owned or leased by the State of Oklahoma by a state, county
23 or municipal peace officer of this state who is retired and is
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1 authorized to carry a firearm pursuant to the provisions provided
2 for in Section 1289.8 of this title.

3 B. Any person convicted of violating the foregoing provision
4 shall be guilty of a misdemeanor punishable as provided in Section
5 1276 of this title.

6 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
7 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.
8 2019, Section 1277), is amended to read as follows:

9 Section 1277.

10 UNLAWFUL CARRY IN CERTAIN PLACES

11 A. It shall be unlawful for any person, including a person in
12 possession of a valid handgun license issued pursuant to the
13 provisions of the Oklahoma Self-Defense Act, to carry any concealed
14 or unconcealed handgun into any of the following places:

15 1. Any structure, building, or office space which is owned or
16 leased by a city, town, county, state or federal governmental
17 authority for the purpose of conducting business with the public;

18 2. Any courthouse, courtroom, prison, jail, detention facility
19 or any facility used to process, hold or house arrested persons,
20 prisoners or persons alleged delinquent or adjudicated delinquent,
21 except as provided in Section 21 of Title 57 of the Oklahoma
22 Statutes;

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

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

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

8 6. Any other place specifically prohibited by law.

9 B. ~~For purposes of subsection A of this section, the prohibited~~
10 ~~place does not include and specifically excludes~~ It shall be lawful
11 for a person to carry a concealed or unconcealed firearm on the
12 following ~~property~~ properties:

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

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

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

22 4. Any property designated by a city, town, county or state
23 governmental authority as a park, recreational area, wildlife
24 refuge, wildlife management area or fairgrounds; provided, nothing

1 in this paragraph shall be construed to authorize any entry by a
2 person in possession of a concealed or unconcealed firearm into any
3 structure, building or office space which is specifically prohibited
4 by the provisions of subsection A of this section; and

5 5. Any property set aside by a public or private elementary or
6 secondary school for the use or parking of any vehicle, whether
7 attended or unattended; provided, however, the firearm shall be
8 stored and hidden from view in a locked motor vehicle when the motor
9 vehicle is left unattended on school property.

10 Nothing contained in any provision of this subsection or
11 subsection C of this section shall be construed to authorize or
12 allow any person in control of any place described in subsection A
13 of this section to establish any policy or rule that has the effect
14 of prohibiting any person in lawful possession of a handgun license
15 or otherwise in lawful possession of a firearm from carrying or
16 possessing the firearm on the property described in this subsection.

17 C. A concealed or unconcealed weapon may be carried onto
18 private school property or in any school bus or vehicle used by any
19 private school for transportation of students or teachers by a
20 person who is licensed pursuant to the Oklahoma Self-Defense Act,
21 provided a policy has been adopted by the governing entity of the
22 private school that authorizes the carrying and possession of a
23 weapon on private school property or in any school bus or vehicle
24 used by a private school. Except for acts of gross negligence or

1 willful or wanton misconduct, a governing entity of a private school
2 that adopts a policy which authorizes the possession of a weapon on
3 private school property, a school bus or vehicle used by the private
4 school shall be immune from liability for any injuries arising from
5 the adoption of the policy. The provisions of this subsection shall
6 not apply to claims pursuant to the Administrative Workers'
7 Compensation Act.

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

- 14 1. Possess a valid armed security guard license as provided for
15 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or
- 16 2. Hold a valid reserve peace officer certification as provided
17 for in Section 3311 of Title 70 of the Oklahoma Statutes.

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

20 E. In any municipal zoo or park of any size that is owned,
21 leased, operated or managed by:

- 22 1. A public trust created pursuant to the provisions of Section
23 176 of Title 60 of the Oklahoma Statutes; or
- 24 2. A nonprofit entity,

1 an individual shall be allowed to carry a concealed handgun but not
2 openly carry a handgun on the property.

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

12 G. No person in possession of a valid handgun license issued
13 pursuant to the provisions of the Oklahoma Self-Defense Act or who
14 is carrying or in possession of a firearm as otherwise permitted by
15 law or who is carrying or in possession of a machete, blackjack,
16 loaded cane, hand chain or metal knuckles shall be authorized to
17 carry the firearm, machete, blackjack, loaded cane, hand chain or
18 metal knuckles into or upon any college, university or technology
19 center school property, except as provided in this subsection. For
20 purposes of this subsection, the following property shall not be
21 construed to be college, university or technology center school
22 property:

23 1. Any property set aside for the use or parking of any motor
24 vehicle, whether attended or unattended, provided the firearm,

1 machete, blackjack, loaded cane, hand chain or metal knuckles are
2 carried or stored as required by law and the firearm, machete,
3 blackjack, loaded cane, hand chain or metal knuckles are not removed
4 from the motor vehicle without the prior consent of the college or
5 university president or technology center school administrator while
6 the vehicle is on any college, university or technology center
7 school property;

8 2. Any property authorized for possession or use of firearms,
9 machetes, blackjacks, loaded canes, hand chains or metal knuckles by
10 college, university or technology center school policy; and

11 3. Any property authorized by the written consent of the
12 college or university president or technology center school
13 administrator, provided the written consent is carried with the
14 firearm, machete, blackjack, loaded cane, hand chain or metal
15 knuckles and the valid handgun license while on college, university
16 or technology center school property.

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

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

16 H. The provisions of this section shall not apply to the
17 following:

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

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

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

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

12 5. The sheriff of any county may authorize certain employees of
13 the county, who possess a valid handgun license issued pursuant to
14 the provisions of the Oklahoma Self-Defense Act, to carry a
15 concealed handgun when acting in the course and scope of employment
16 within the courthouses in the county in which the person is
17 employed. Nothing in the Oklahoma Self-Defense Act shall prohibit
18 the sheriff from requiring additional instruction or training before
19 receiving authorization to carry a concealed handgun within the
20 courthouse. The provisions of this paragraph and of paragraph 6 of
21 this subsection shall not allow the county employee to carry the
22 handgun into a courtroom, sheriff's office, adult or juvenile jail
23 or any other prisoner detention area; ~~and~~

1 6. The board of county commissioners of any county may
2 authorize certain employees of the county, who possess a valid
3 handgun license issued pursuant to the provisions of the Oklahoma
4 Self-Defense Act, to carry a concealed handgun when acting in the
5 course and scope of employment on county annex facilities or grounds
6 surrounding the county courthouse;

7 7. Members of the Oklahoma Legislature who have a concealed
8 handgun when entering the State Capitol Building or any structure,
9 building or office space that is owned or leased by the State of
10 Oklahoma; and

11 8. State, county or municipal peace officers of this state who
12 have a concealed handgun and are retired and authorized to carry a
13 firearm pursuant to the provisions provided for in Section 1289.8 of
14 this title when entering the State Capitol Building or any
15 structure, building or office space that is owned or leased by the
16 State of Oklahoma.

17 I. For the purposes of this section, "motor vehicle" means any
18 automobile, truck, minivan, sports utility vehicle, or motorcycle as
19 defined in Section 1-135 of Title 47 of the Oklahoma Statutes,
20 equipped with a locked accessory container within or affixed to the
21 motorcycle.

22 SECTION 3. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1290.28 of Title 21, unless
24 there is created a duplication in numbering, reads as follows:

1 Any person in possession of a valid handgun license issued
2 pursuant to the provisions of the Oklahoma Self-Defense Act, when
3 entering the State Capitol Building through a security checkpoint
4 attended by a commissioned peace officer, shall be authorized to
5 proceed through the security checkpoint upon presentation of the
6 valid handgun license. Nothing in this section shall be construed
7 to authorize a peace officer or security officer to remove or
8 inspect any weapon or restrain any person carrying a properly
9 concealed loaded or unloaded handgun without probable cause that a
10 crime has been committed.

11 SECTION 4. This act shall become effective November 1, 2020.

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