

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3422

By: **Hardin (David)** of the House

and

Weaver of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to firearms; amending 21 O.S. 2011,
12 Sections 1272, as last amended by Section 1, Chapter
13 1, O.S.L. 2019 and 1277, as last amended by Section
14 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp. 2019,
15 Sections 1272 and 1277), which relate to the carrying
16 of firearms; providing exception to certain
17 prohibited acts for members of the Oklahoma
18 Legislature and retired peace officers; clarifying
19 provision that allows for the carry of firearms on
20 certain properties; authorizing persons with valid
21 handgun licenses to proceed through security
22 checkpoints when entering the State Capitol Building;
23 providing for codification; and providing an
24 effective date.

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

1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as
2 last amended by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
3 2019, Section 1272), is amended to read as follows:

4 Section 1272.

5 UNLAWFUL CARRY

6 A. Notwithstanding any other provision of law, it shall be
7 unlawful for any person to carry upon or about his or her person, or
8 in a purse or other container belonging to the person, any pistol,
9 revolver, shotgun or rifle whether loaded or unloaded or any
10 blackjack, loaded cane, hand chain, metal knuckles, or any other
11 offensive weapon, whether such weapon be concealed or unconcealed,
12 except this section shall not prohibit:

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

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

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

21 4. The carrying or use of weapons in a courthouse by a district
22 judge, associate district judge or special district judge within
23 this state, who is in possession of a valid handgun license issued
24 pursuant to the provisions of the Oklahoma Self-Defense Act and

1 whose name appears on a list maintained by the Administrative
2 Director of the Courts;

3 5. The carrying and use of firearms and other weapons provided
4 in this subsection when used for the purpose of living history
5 reenactment. For purposes of this paragraph, "living history
6 reenactment" means depiction of historical characters, scenes,
7 historical life or events for entertainment, education, or
8 historical documentation through the wearing or use of period,
9 historical, antique or vintage clothing, accessories, firearms,
10 weapons, and other implements of the historical period; ~~or~~

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

21 Except as provided in subsection B of Section 1283 of this
22 title, a person who has been convicted of any one of the following
23 offenses in this state or a violation of the equivalent law of
24 another state:

- a. assault and battery pursuant to the provisions of Section 644 of this title which caused serious physical injury to the victim,
- b. aggravated assault and battery pursuant to the provisions of Section 646 of this title,
- c. assault and battery that qualifies as domestic abuse as defined in Section 644 of this title,
- d. stalking pursuant to the provisions of Section 1173 of this title,
- e. a violation of an order issued under the Protection from Domestic Abuse Act or a domestic abuse protection order issued by another state, or
- f. a violation relating to illegal drug use or possession under the provisions of the Uniform Controlled Dangerous Substances Act,

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

7. The carrying or possession of a concealed handgun in the State Capitol Building or any structure, building or office space

1 that is owned or leased by the State of Oklahoma by a member of the
2 Oklahoma Legislature; or

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

9 B. Any person convicted of violating the foregoing provision
10 shall be guilty of a misdemeanor punishable as provided in Section
11 1276 of this title.

12 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
13 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.
14 2019, Section 1277), is amended to read as follows:

15 Section 1277.

16 UNLAWFUL CARRY IN CERTAIN PLACES

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

21 1. Any structure, building, or office space which is owned or
22 leased by a city, town, county, state or federal governmental
23 authority for the purpose of conducting business with the public;
24

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

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

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

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

13 6. Any other place specifically prohibited by law.

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

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

21 2. Any property set aside for the use or parking of any
22 vehicle, whether attended or unattended, which is open to the
23 public, or by any entity engaged in gambling 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, wildlife
6 refuge, wildlife management area or fairgrounds; provided, nothing
7 in this paragraph shall be construed to authorize any entry by a
8 person in possession of a concealed or unconcealed firearm into any
9 structure, building or office space which is specifically prohibited
10 by the provisions of subsection A of this 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, the firearm shall be
14 stored and hidden from view in a locked motor vehicle when the motor
15 vehicle is left unattended on school property.

16 Nothing contained in any provision of this subsection or
17 subsection C of this section shall be construed to authorize or
18 allow any person in control of any place described in subsection A
19 of this section to establish any policy or rule that has the effect
20 of prohibiting any person in lawful possession of a handgun license
21 or otherwise in lawful possession of a firearm from carrying or
22 possessing the firearm on the property described in this subsection.

23 C. A concealed or unconcealed weapon may be carried onto
24 private school property or in any school bus or vehicle used by any

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

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

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

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

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

5 1. A public trust created pursuant to the provisions of Section
6 176 of Title 60 of the Oklahoma Statutes; or

7 2. A nonprofit entity,
8 an individual shall be allowed to carry a concealed handgun but not
9 openly carry a handgun on the property.

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

19 G. No person in possession of a valid handgun license issued
20 pursuant to the provisions of the Oklahoma Self-Defense Act or who
21 is carrying or in possession of a firearm as otherwise permitted by
22 law or who is carrying or in possession of a machete, blackjack,
23 loaded cane, hand chain or metal knuckles shall be authorized to
24 carry the firearm, machete, blackjack, loaded cane, hand chain or

1 metal knuckles into or upon any college, university or technology
2 center school property, except as provided in this subsection. For
3 purposes of this subsection, the following property shall not be
4 construed to be college, university or technology center school
5 property:

6 1. Any property set aside for the use or parking of any motor
7 vehicle, whether attended or unattended, provided the firearm,
8 machete, blackjack, loaded cane, hand chain or metal knuckles are
9 carried or stored as required by law and the firearm, machete,
10 blackjack, loaded cane, hand chain or metal knuckles are not removed
11 from the motor vehicle without the prior consent of the college or
12 university president or technology center school administrator while
13 the vehicle is on any college, university or technology center
14 school property;

15 2. Any property authorized for possession or use of firearms,
16 machetes, blackjacks, loaded canes, hand chains or metal knuckles 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 firearm, machete, blackjack, loaded cane, hand chain or metal
22 knuckles and the valid handgun license while on college, university
23 or technology center school property.

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

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

23 H. The provisions of this section shall not apply to the
24 following:

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

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

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

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

18 5. The sheriff of any county may authorize certain employees of
19 the county, who possess a valid handgun license issued pursuant to
20 the provisions of the Oklahoma Self-Defense Act, to carry a
21 concealed handgun when acting in the course and scope of employment
22 within the courthouses in the county in which the person is
23 employed. Nothing in the Oklahoma Self-Defense Act shall prohibit
24 the sheriff from requiring additional instruction or training before

1 receiving authorization to carry a concealed handgun within the
2 courthouse. The provisions of this paragraph and of paragraph 6 of
3 this subsection shall not allow the county employee to carry the
4 handgun into a courtroom, sheriff's office, adult or juvenile jail
5 or any other prisoner detention area; ~~and~~

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

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

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

22 I. For the purposes of this section, "motor vehicle" means any
23 automobile, truck, minivan, sports utility vehicle, or motorcycle as
24 defined in Section 1-135 of Title 47 of the Oklahoma Statutes,

1 equipped with a locked accessory container within or affixed to the
2 motorcycle.

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

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

16 SECTION 4. This act shall become effective November 1, 2020.
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18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/27/2020 -
19 DO PASS, As Amended and Coauthored.
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