

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

HOUSE BILL 2329

By: Kern

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Sections 1277 and 1280.1, as last amended by Sections 1 and 2, Chapter 344, O.S.L. 2013 (21 O.S. Supp. 2013, Sections 1277 and 1280.1), which relate to the carrying of firearms; deleting certain penalties; adding exception to certain prohibited act; 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 344, O.S.L. 2013 (21 O.S. Supp. 2013, 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 subsection C 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; ~~and~~

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 for the use or parking of any
12 vehicle, whether attended or unattended, by a public or private
13 elementary or secondary school; provided, however, said handgun
14 shall be stored in a locked motor vehicle when the motor vehicle is
15 left unattended on school property.

16 Nothing contained in any provision of this subsection shall be
17 construed to authorize or allow any person in control of any place
18 described in paragraph 1, 2, 3, 4 or 5 of subsection A of this
19 section to establish any policy or rule that has the effect of
20 prohibiting any person in lawful possession of a handgun license
21 from possession of a handgun allowable under such license in places
22 described in paragraph 1, 2, 3 ~~or~~, 4 or 5 of 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 Workers' Compensation Code.

13 D. Any person violating the provisions of subsection A of this
14 section shall, upon conviction, be guilty of a misdemeanor
15 punishable by a fine not to exceed Two Hundred Fifty Dollars
16 (\$250.00). ~~Any person convicted of violating the provisions of~~
17 ~~subsection A of this section may be liable for an administrative~~
18 ~~fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and~~
19 ~~determination by the Oklahoma State Bureau of Investigation that the~~
20 ~~person is in violation of the provisions of subsection A of this~~
21 ~~section.~~

22 E. 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,

1 university, or technology center school property, except as provided
2 in this subsection. For purposes of this subsection, the following
3 property shall not be construed as prohibited for persons having a
4 valid 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 ~~or~~
12 university or technology center school in this state from taking
13 administrative action against any student for any violation of any
14 provision of this subsection.

15 F. The provisions of this section shall not apply to any peace
16 officer or to any person authorized by law to carry a pistol in the
17 course of employment. District judges, associate district judges
18 and special district judges, who are in possession of a valid
19 handgun license issued pursuant to the provisions of the Oklahoma
20 Self-Defense Act and whose names appear on a list maintained by the
21 Administrative Director of the Courts, shall be exempt from this
22 section when acting in the course and scope of employment within the
23 courthouses of this state. Private investigators with a firearms
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1 authorization shall be exempt from this section when acting in the
2 course and scope of employment.

3 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, as
4 last amended by Section 2, Chapter 344, O.S.L. 2013 (21 O.S. Supp.
5 2013, Section 1280.1), is amended to read as follows:

6 Section 1280.1

7 POSSESSION OF FIREARM ON SCHOOL PROPERTY

8 A. It shall be unlawful for any person to have in his or her
9 possession on any public or private school property or while in any
10 school bus or vehicle used by any school for transportation of
11 students or teachers any firearm or weapon designated in Section
12 1272 of this title, except as provided in subsection C of this
13 section or as otherwise authorized by law.

14 B. For purposes of this section:

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

20 2. "Private school" means a school that offers a course of
21 instruction for students in one or more grades from prekindergarten
22 through grade twelve and is not operated by a governmental entity.

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

1 1. A gun or knife designed for hunting or fishing purposes kept
2 in a privately owned vehicle and properly displayed or stored as
3 required by law, ~~or a handgun carried in a vehicle pursuant to a~~
4 ~~valid handgun license authorized by the Oklahoma Self-Defense Act,~~
5 provided such vehicle containing said gun or knife is driven onto
6 school property only to transport a student to and from school and
7 such vehicle does not remain unattended on school property;

8 2. A gun or knife used for the purposes of participating in the
9 Oklahoma Department of Wildlife Conservation certified hunter
10 training education course or any other hunting, fishing, safety or
11 firearms training courses, or a recognized firearms sports event,
12 team shooting program or competition, or living history reenactment,
13 provided the course or event is approved by the principal or chief
14 administrator of the school where the course or event is offered,
15 and provided the weapon is properly displayed or stored as required
16 by law pending participation in the course, event, program or
17 competition;

18 3. Weapons in the possession of any peace officer or other
19 person authorized by law to possess a weapon in the performance of
20 his or her duties and responsibilities; ~~and~~

21 4. A concealed or unconcealed weapon carried onto private
22 school property or in any school bus or vehicle used by any private
23 school for transportation of students or teachers by a person who is
24 licensed pursuant to the Oklahoma Self-Defense Act, provided a

1 policy has been adopted by the governing entity of the private
2 school that authorizes the possession of a weapon on private school
3 property or in any school bus or vehicle used by a private school.
4 Except for acts of gross negligence or willful or wanton misconduct,
5 a governing entity of a private school that adopts a policy which
6 authorizes the possession of a weapon on private school property, a
7 school bus or vehicle used by the private school shall be immune
8 from liability for any injuries arising from the adoption of the
9 policy. The provisions of this paragraph shall not apply to claims
10 pursuant to the Workers' Compensation Code; and

11 5. A handgun carried in a motor vehicle pursuant to a valid
12 handgun license authorized by the Oklahoma Self-Defense Act onto
13 property set aside for the use or parking of any vehicle by a public
14 or private elementary or secondary school; provided, however, said
15 handgun shall be stored in a locked motor vehicle when the motor
16 vehicle is left unattended on school property.

17 D. Any person violating the provisions of this section shall,
18 upon conviction, be guilty of a ~~felony~~ misdemeanor punishable by a
19 fine of not to exceed ~~Five Thousand Dollars (\$5,000.00), and~~
20 ~~imprisonment in the custody of the Department of Corrections for not~~
21 ~~more than two (2) years. Any person convicted of violating the~~
22 ~~provisions of this section after having been issued a handgun~~
23 ~~license pursuant to the provisions of the Oklahoma Self-Defense Act~~
24 ~~shall have the license permanently revoked and shall be liable for~~

1 ~~an administrative fine of One Hundred Dollars (\$100.00) upon a~~
2 ~~hearing and determination by the Oklahoma State Bureau of~~
3 ~~Investigation that the person is in violation of the provisions of~~
4 ~~this section~~ Two Hundred Fifty Dollars (\$250.00).

5 SECTION 3. This act shall become effective November 1, 2014.

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7 54-2-8298 GRS 12/19/13
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