

1 ENGROSSED HOUSE
2 BILL NO. 1104

By: Cleveland, Ritze, McDugle,
Moore, Coody, Bennett
(John), Calvey, O'Donnell,
Faught, Murdock, Gann,
Roberts (Dustin), Jordan,
Tadlock, Teague, McEachin,
Babinec, Newton, Dunlap,
West (Kevin), West (Rick),
Roberts (Sean), Wallace,
Osborn (Leslie), Humphrey,
Rogers, Enns, Ford, Murphey
and Hilbert of the House

8 and

9 Dahm and Brecheen of the
10 Senate

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13 An Act relating to firearms; amending 21 O.S. 2011,
14 Section 1277, as last amended by Section 3, Chapter
15 210, O.S.L. 2016 (21 O.S. Supp. 2016, Section 1277),
16 which relates to the unlawful carry of firearms in
17 certain places; providing an exception for elected
18 county officials; and providing an effective date.

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

20 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
21 last amended by Section 3, Chapter 210, O.S.L. 2016 (21 O.S. Supp.
22 2016, Section 1277), is amended to read as follows:

23 Section 1277.

24 UNLAWFUL CARRY IN CERTAIN PLACES

1 A. It shall be unlawful for any person in possession of a valid
2 handgun license issued pursuant to the provisions of the Oklahoma
3 Self-Defense Act to carry any concealed or unconcealed handgun into
4 any of the following places:

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

8 2. Any prison, jail, detention facility or any facility used to
9 process, hold or house arrested persons, prisoners or persons
10 alleged delinquent or adjudicated delinquent, except as provided in
11 Section 21 of Title 57 of the Oklahoma Statutes;

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

15 4. Any sports arena during a professional sporting event;

16 5. Any place where pari-mutuel wagering is authorized by law;
17 and

18 6. Any other place specifically prohibited by law.

19 B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A
20 of this section, the prohibited place does not include and
21 specifically excludes the following property:

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

1 2. Any property set aside for the use or parking of any
2 vehicle, whether attended or unattended, by any entity offering any
3 professional sporting event which is open to the public for
4 admission, or by any entity engaged in pari-mutuel wagering
5 authorized by law;

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

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

16 5. Any property set aside by a public or private elementary or
17 secondary school for the use or parking of any vehicle, whether
18 attended or unattended; provided, however, said handgun shall be
19 stored and hidden from view in a locked motor vehicle when the motor
20 vehicle is left unattended on school property.

21 Nothing contained in any provision of this subsection or
22 subsection C of this section shall be construed to authorize or
23 allow any person in control of any place described in paragraph 1,
24 2, 3, 4 or 5 of subsection A of this section to establish any policy

1 or rule that has the effect of prohibiting any person in lawful
2 possession of a handgun license from possession of a handgun
3 allowable under such license in places described in paragraph 1, 2,
4 3, 4 or 5 of this subsection.

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

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

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 subsection A of this
8 section shall, upon conviction, be guilty of a misdemeanor
9 punishable by a fine not to exceed Two Hundred Fifty Dollars
10 (\$250.00).

11 F. No person in possession of a valid handgun license issued
12 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
13 authorized to carry the handgun into or upon any college, university
14 or technology center school property, except as provided in this
15 subsection. For purposes of this subsection, the following property
16 shall not be construed as prohibited for persons having a valid
17 handgun license:

18 1. Any property set aside for the use or parking of any
19 vehicle, whether attended or unattended, provided the handgun is
20 carried or stored as required by law and the handgun is not removed
21 from the vehicle without the prior consent of the college or
22 university president or technology center school administrator while
23 the vehicle is on any college, university or technology center
24 school property;

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

3 3. Any property authorized by the written consent of the
4 college or university president or technology center school
5 administrator, provided the written consent is carried with the
6 handgun and the valid handgun license while on college, university
7 or technology center school property.

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

17 Nothing contained in any provision of this subsection shall be
18 construed to authorize or allow any college, university or
19 technology center school to establish any policy or rule that has
20 the effect of prohibiting any person in lawful possession of a
21 handgun license from possession of a handgun allowable under such
22 license in places described in paragraphs 1, 2 and 3 of this
23 subsection. Nothing contained in any provision of this subsection
24 shall be construed to limit the authority of any college, university

1 or technology center school in this state from taking administrative
2 action against any student for any violation of any provision of
3 this subsection.

4 G. The provisions of this section shall not apply to ~~any~~ the
5 following:

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

8 2. District judges, associate district judges and special
9 district judges, who are in possession of a valid handgun license
10 issued pursuant to the provisions of the Oklahoma Self-Defense Act
11 and whose names appear on a list maintained by the Administrative
12 Director of the Courts, ~~shall be exempt from this section~~ when
13 acting in the course and scope of employment within the courthouses
14 of this state;;

15 3. Private investigators with a firearms authorization ~~shall be~~
16 ~~exempt from this section~~ when acting in the course and scope of
17 employment; and

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

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

3 SECTION 2. This act shall become effective November 1, 2017.

4 Passed the House of Representatives the 13th day of March, 2017.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2017.

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Presiding Officer of the Senate

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