

1 **SENATE FLOOR VERSION**

2 April 5, 2018

3 ENGROSSED HOUSE
4 BILL NO. 3353

By: Roberts (Sean) and Hilbert
of the House

5 and

6 Dahm of the Senate

7
8
9 An Act relating to weapons; amending 21 O.S. 2011,
10 Sections 1272, as last amended by Section 1, Chapter
11 217, O.S.L. 2016 and 1277, as last amended by Section
12 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp. 2017,
13 Sections 1272 and 1277), which relate to the unlawful
14 carry of weapons; modifying weapons that are
15 unlawful; modifying places excluded from the
16 prohibition of taking handguns on specified property;
17 amending 21 O.S. 2011, Section 1290.8, as last
18 amended by Section 1, Chapter 298, O.S.L. 2017 (21
19 O.S. Supp. 2017, Section 1290.8), which relates to
20 Oklahoma Self-Defense Act; authorizing handgun
21 licensees and certain military personnel to carry
22 handgun while scouting for specific purposes; and
23 providing an effective date.

24 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 217, O.S.L. 2016 (21 O.S. Supp.
2017, Section 1272), is amended to read as follows:

Section 1272.

UNLAWFUL CARRY

1 A. It shall be unlawful for any person to carry upon or about
2 his or her person, or in a purse or other container belonging to the
3 person, any pistol, revolver, shotgun or rifle whether loaded or
4 unloaded or any blackjack, loaded cane, ~~billy~~, hand chain, metal
5 knuckles, or any other offensive weapon, whether such weapon be
6 concealed or unconcealed, except this section shall not prohibit:

7 1. The proper use of guns and knives for hunting, fishing,
8 educational or recreational purposes;

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

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

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

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

1 historical life or events for entertainment, education, or
2 historical documentation through the wearing or use of period,
3 historical, antique or vintage clothing, accessories, firearms,
4 weapons, and other implements of the historical period.

5 B. Any person convicted of violating the foregoing provision
6 shall be guilty of a misdemeanor punishable as provided in Section
7 1276 of this title.

8 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
9 last amended by Section 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp.
10 2017, Section 1277), is amended to read as follows:

11 Section 1277.

12 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

20 2. Any courthouse, courtroom, prison, jail, detention facility
21 or any facility used to process, hold or house arrested persons,
22 prisoners or persons alleged delinquent or adjudicated delinquent,
23 except as provided in Section 21 of Title 57 of the Oklahoma
24 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 the following
11 property:

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

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

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

21 4. Any property designated by a city, town, county or state
22 governmental authority as a park, recreational area, wildlife
23 refuge, wildlife management area or fairgrounds; provided, nothing
24 in this paragraph shall be construed to authorize any entry by a

1 person in possession of a concealed or unconcealed handgun into any
2 structure, building or office space which is specifically prohibited
3 by the provisions of subsection A of this section; and

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

9 Nothing contained in any provision of this subsection or
10 subsection C of this section shall be construed to authorize or
11 allow any person in control of any place described in subsection A
12 of this section to establish any policy or rule that has the effect
13 of prohibiting any person in lawful possession of a handgun license
14 from possession of a handgun allowable under such license in places
15 described in this subsection.

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

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

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

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

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

19 E. Any person violating the provisions of paragraph 2 or 3 of
20 subsection A of this section shall, upon conviction, be guilty of a
21 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
22 Dollars (\$250.00). A person violating any other provision of
23 subsection A of this section may be denied entrance onto the
24 property or removed from the property. If the person refuses to

1 leave the property and a peace officer is summoned, the person may
2 be issued a citation for an amount not to exceed Two Hundred Fifty
3 Dollars (\$250.00).

4 F. No person in possession of a valid handgun license issued
5 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
6 authorized to carry the handgun into or upon any college, university
7 or technology center school property, except as provided in this
8 subsection. For purposes of this subsection, the following property
9 shall not be construed as prohibited for persons having a valid
10 handgun license:

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

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

20 3. Any property authorized by the written consent of the
21 college or university president or technology center school
22 administrator, provided the written consent is carried with the
23 handgun and the valid handgun license while on college, university
24 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 from possession of a handgun allowable under such
15 license in places described in paragraphs 1, 2 and 3 of this
16 subsection. Nothing contained in any provision of this subsection
17 shall be construed to limit the authority of any college, university
18 or technology center school in this state from taking administrative
19 action against any student for any violation of any provision of
20 this subsection.

21 G. The provisions of this section shall not apply to the
22 following:

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

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

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

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

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

18 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.8, as
19 last amended by Section 1, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
20 2017, Section 1290.8), is amended to read as follows:

21 Section 1290.8

22 POSSESSION OF LICENSE REQUIRED
23 NOTIFICATION TO POLICE OF GUN
24

1 A. Except as otherwise prohibited by law, an eligible person
2 shall have authority to carry a concealed or unconcealed handgun in
3 this state when:

4 1. The person has been issued a handgun license from the
5 Oklahoma State Bureau of Investigation pursuant to the provisions of
6 the Oklahoma Self-Defense Act, provided the person is in compliance
7 with the provisions of the Oklahoma Self-Defense Act, and the
8 license has not expired or been subsequently suspended or revoked;
9 or

10 2. The person is twenty-one (21) years of age or older, and is
11 either:

12 a. active military, or

13 b. a member of the Reserve or National Guard to include
14 Drill Status Guard and Reserve, Active Guard Reserves
15 or Military Technicians,

16 and presents a valid military identification card that shall be
17 considered a valid handgun license issued pursuant to the Oklahoma
18 Self-Defense Act.

19 B. A person in possession of a valid handgun license or who
20 meets the criteria and presents a valid military identification card
21 as provided for in this section and in compliance with the
22 provisions of the Oklahoma Self-Defense Act shall be authorized to
23 carry such concealed or unconcealed handgun while ~~how~~ scouting as it
24 relates to hunting or fishing or while hunting or fishing.

1 C. The person shall be required to have possession of his or
2 her valid handgun license or valid military identification card as
3 provided for qualified persons in this section and a valid Oklahoma
4 driver license or an Oklahoma State photo identification at all
5 times when in possession of an authorized pistol. The person shall
6 display the handgun license or a valid military identification card
7 as provided for qualified persons in this section on demand of a law
8 enforcement officer; provided, however, that in the absence of
9 reasonable and articulable suspicion of other criminal activity, an
10 individual carrying an unconcealed or concealed handgun shall not be
11 disarmed or physically restrained unless the individual fails to
12 display a valid handgun license or a valid military identification
13 card as provided for qualified persons in this section in response
14 to that demand. Any violation of the provisions of this subsection
15 may be punishable as a criminal offense as authorized by Section
16 1272 of this title or pursuant to any other applicable provision of
17 law. Any second or subsequent violation of the provisions of this
18 subsection shall be grounds for the Bureau to suspend the handgun
19 license for a period of six (6) months, in addition to any other
20 penalty imposed.

21 Upon the arrest of any person for a violation of the provisions
22 of this subsection, the person may show proof to the court that a
23 valid handgun license and the other required identification has been
24 issued to such person and the person may state any reason why the

1 handgun license, a valid military identification card as provided
2 for qualified persons in this section or the other required
3 identification was not carried by the person as required by the
4 Oklahoma Self-Defense Act. The court shall dismiss an alleged
5 violation of Section 1272 of this title upon payment of court costs,
6 if proof of a valid handgun license and other required
7 identification is shown to the court within ten (10) days of the
8 arrest of the person. The court shall report a dismissal of a
9 charge to the Bureau for consideration of administrative proceedings
10 against the licensee.

11 D. It shall be unlawful for any person to fail or refuse to
12 identify the fact that the person is in actual possession of a
13 concealed or unconcealed handgun pursuant to the authority of the
14 Oklahoma Self-Defense Act when the person comes into contact with
15 any law enforcement officer of this state or its political
16 subdivisions or a federal law enforcement officer during the course
17 of any arrest, detainment, or routine traffic stop. Said
18 identification to the law enforcement officer shall be made at the
19 first opportunity. No person shall be required to identify himself
20 or herself as a handgun licensee when no handgun is in the
21 possession of the person or in any vehicle in which the person is
22 driving or is a passenger. Any violation of the provisions of this
23 subsection shall, upon conviction, be a misdemeanor punishable by a
24 fine not exceeding One Hundred Dollars (\$100.00).

1 E. Any law enforcement officer coming in contact with a person
2 whose handgun license is suspended, revoked, or expired, or who is
3 in possession of a handgun license which has not been lawfully
4 issued to that person, shall confiscate the license and return it to
5 the Oklahoma State Bureau of Investigation for appropriate
6 administrative proceedings against the licensee when the license is
7 no longer needed as evidence in any criminal proceeding.

8 F. Nothing in this section shall be construed to authorize a
9 law enforcement officer to inspect any weapon properly concealed or
10 unconcealed without probable cause that a crime has been committed.

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

12 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
13 April 5, 2018 - DO PASS
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