

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 783

By: Dahm

4
5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,
8 Section 1277, as last amended by Section 1, Chapter
9 247, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1277),
10 which relates to unlawful carry in certain places;
11 providing additional exceptions to preclusion;
12 updating statutory reference; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
16 last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp.
17 2018, Section 1277), is amended to read as follows:

Section 1277.

18 UNLAWFUL CARRY IN CERTAIN PLACES

19 A. It shall be unlawful for any person in possession of a valid
20 handgun license issued pursuant to the provisions of the Oklahoma
21 Self-Defense Act to carry any concealed or unconcealed handgun into
22 any of the following places:
23
24

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 courthouse, courtroom, prison, jail, detention facility
5 or any facility used to process, hold or house arrested persons,
6 prisoners or persons alleged delinquent or adjudicated delinquent,
7 except as provided in Section 21 of Title 57 of the Oklahoma
8 Statutes;

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

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

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

16 6. Any other place specifically prohibited by law.

17 B. For purposes of subsection A of this section, the prohibited
18 place does not include and specifically excludes the following
19 property:

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

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

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

7 4. Any property designated by a city, town, county or state
8 governmental authority, by legislation, or use as a park,
9 recreational area, wildlife refuge, wildlife management area, zoo,
10 botanical garden or fairgrounds, and any property held by a public
11 trust having a person or entity as trustee pursuant to the Trusts
12 for Furtherance of Public Functions Act as provided for in Section
13 176 of Title 60 of the Oklahoma Statutes and open to the public as a
14 park, recreational area, wildlife refuge, wildlife management area,
15 zoo, botanical garden or fairground, bus station, bus stop, bus
16 terminal or any vehicle operated by a transportation service for the
17 public use; provided, nothing in this paragraph shall be construed
18 to authorize any entry by a person in possession of a concealed or
19 unconcealed handgun into any structure, building or office space
20 which is specifically prohibited by the provisions of subsection A
21 of this section; and

22 5. Any property set aside by a public or private elementary or
23 secondary school for the use or parking of any vehicle, whether
24 attended or unattended; provided, however, the handgun shall be

1 stored and hidden from view in a locked motor vehicle when the motor
2 vehicle is left unattended on school property.

3 Nothing contained in any provision of this subsection or
4 subsection C of this section shall be construed to authorize or
5 allow any person in control of any place described in subsection A
6 of this section to establish any policy or rule that has the effect
7 of prohibiting any person in lawful possession of a handgun license
8 from possession of a handgun allowable under such license in places
9 described in this subsection.

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

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

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

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

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

22 F. 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, university

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

15 G. The provisions of this section shall not apply to the
16 following:

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

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

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

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

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

22 6. The board of county commissioners of any county may
23 authorize certain employees of the county, who possess a valid
24 handgun license issued pursuant to the provisions of the Oklahoma

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment on county annex facilities or grounds surrounding the county courthouse.

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

SECTION 2. This act shall become effective November 1, 2019.

57-1-641 BHG 1/28/2019 3:54:47 PM