

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

HOUSE BILL 2887

By: Enns

AS INTRODUCED

An Act relating to crimes and punishments; amending 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), which relates to the unlawful carrying of firearms; prohibiting denial of consent to carry on college, university or technology center school property; deleting administrative hearing requirement and fine; 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, 4 and 5 of subsection A of  
15 this section, the prohibited place does not include and specifically  
16 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.

11        Nothing contained in any provision of this subsection shall be  
12 construed to authorize or allow any person in control of any place  
13 described in paragraph 1, 2, 4 or 5 of subsection A of this section  
14 to establish any policy or rule that has the effect of prohibiting  
15 any person in lawful possession of a handgun license from possession  
16 of a handgun allowable under such license in places described in  
17 paragraph 1, 2, 3 or 4 of this subsection.

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

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

8 D. Any person violating the provisions of subsection A of this  
9 section shall, upon conviction, be guilty of a misdemeanor  
10 punishable by a fine not to exceed Two Hundred Fifty Dollars  
11 (\$250.00). Any person convicted of violating the provisions of  
12 subsection A of this section may be liable for an administrative  
13 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and  
14 determination by the Oklahoma State Bureau of Investigation that the  
15 person is in violation of the provisions of subsection A of this  
16 section.

17 E. No person in possession of a valid handgun license issued  
18 pursuant to the provisions of the Oklahoma Self-Defense Act shall be  
19 authorized to carry the handgun into or upon any college,  
20 university, or technology center school property, except as provided  
21 in this subsection. For purposes of this subsection, the following  
22 property shall not be construed as prohibited for persons having a  
23 valid handgun license:

1        1. Any property set aside for the use or parking of any  
2 vehicle, whether attended or unattended, provided the handgun is  
3 carried or stored as required by law and the handgun is not removed  
4 from the vehicle without the prior consent of the college or  
5 university president or technology center school administrator while  
6 the vehicle is on any college, university, or technology center  
7 school property;

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

10       3. Any property authorized by the written consent of the  
11 college or university president or technology center school  
12 administrator, provided the written consent is carried with the  
13 handgun and the valid handgun license while on college, university,  
14 or technology center school property. Under no circumstances shall  
15 consent to carry a handgun by a person with a handgun license on  
16 college, university or technology center school property be denied  
17 by the college or university president or technology center school  
18 administrator unless evidence is shown that the licensee has  
19 previously been involved in a violent incident or an act on school  
20 property that showed deliberate or reckless disregard for the health  
21 or safety of faculty or other students.

22       ~~The college, university, or technology center school may notify~~  
23 ~~the Oklahoma State Bureau of Investigation within ten (10) days of a~~  
24 ~~violation of any provision of this subsection by a licensee. Upon~~

1 ~~receipt of a written notification of violation, the Bureau shall~~  
2 ~~give a reasonable notice to the licensee and hold a hearing. At the~~  
3 ~~hearing upon a determination that the licensee has violated any~~  
4 ~~provision of this subsection, the licensee may be subject to an~~  
5 ~~administrative fine of Two Hundred Fifty Dollars (\$250.00) and may~~  
6 ~~have the handgun license suspended for three (3) months.~~

7       Nothing contained in any provision of this subsection shall be  
8 construed to authorize or allow any college, university, or  
9 technology center school to establish any policy or rule that has  
10 the effect of prohibiting any person in lawful possession of a  
11 handgun license from possession of a handgun allowable under such  
12 license in places described in paragraphs 1, 2 and 3 of this  
13 subsection. Nothing contained in any provision of this subsection  
14 shall be construed to limit the authority of any college or  
15 university in this state from taking administrative action against  
16 any student for any violation of any provision of this subsection.

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

1 courthouses of this state. Private investigators with a firearms  
2 authorization shall be exempt from this section when acting in the  
3 course and scope of employment.

4 SECTION 2. This act shall become effective November 1, 2014.

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