

An Act

ENROLLED HOUSE
BILL NO. 2645

By: Echols, Davis, Roberts
(Sean), West (Kevin),
Hardin (David), McDugle,
Steagall, Crosswhite Hader,
Bashore and Newton of the
House

and

Bergstrom, Murdock,
Bullard, Hamilton and
Stephens of the Senate

An Act relating to firearms; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1277), which relates to the unlawful carry of firearms in certain places; prohibiting the carry of firearms on government property with minimum-security provisions; describing minimum-security features; clarifying exemption that authorizes the possession of firearms on certain property; authorizing concealed carry of firearms on government property during permitted events that lack minimum-security provisions; providing certain limitation; and declaring an emergency.

SUBJECT: Firearms

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 235, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1277), is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

A. It shall be unlawful for any person, including a 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~~ firearm into any of the following places:

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

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

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

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

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

6. Any other place specifically prohibited by law; and

7. Any property set aside by a county, city, town, public trust with a county, city or town as a beneficiary, or state governmental authority for an event that is secured with minimum-security provisions. For purposes of this paragraph, a minimum-security provision consists of a location that is secured utilizing the following:

- a. a metallic-style security fence that is at least eight (8) feet in height that encompasses the property and is secured in such a way as to deter unauthorized entry,
- b. controlled access points staffed by a uniformed, commissioned peace officer, and

c. a metal detector whereby persons walk or otherwise travel with their property through or by the metal detector.

~~B. For purposes of subsection A of this section, the prohibited place does not include and specifically excludes~~ It shall be lawful for a person to carry a concealed or unconcealed firearm on the following ~~property~~ properties:

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

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

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

4. Any property designated by a city, town, county or state governmental authority as a park, recreational area, wildlife refuge, wildlife management area or fairgrounds; provided, nothing in this paragraph shall be construed to authorize any entry by a person in possession of a concealed or unconcealed firearm into any structure, building ~~or~~, office space or event which is specifically prohibited by the provisions of subsection A of this section; ~~and~~

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

6. Any public property set aside temporarily by a county, city, town, public trust with a county, city or town as a beneficiary, or state governmental authority for the holder of an event permit that is without minimum-security provisions, as such term is defined in paragraph 7 of subsection A of this section; provided, the carry of firearms within said permitted event area shall be limited to concealed carry of a handgun unless otherwise authorized by the holder of the event permit.

Nothing contained in any provision of this subsection or subsection C of this section shall be construed to authorize or allow any person in control of any place described in subsection A of this section to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license or otherwise in lawful possession of a firearm from carrying or possessing the firearm on the property described in this subsection.

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

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

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

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

E. ~~Notwithstanding the provisions of subsection A of this section,~~ on any property designated as a municipal zoo or park of any size that is owned, leased, operated or managed by:

1. A public trust created pursuant to the provisions of Section 176 of Title 60 of the Oklahoma Statutes; or

2. A nonprofit entity,

an individual shall be allowed to carry a concealed handgun but not openly carry a handgun on the property.

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

G. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act or who is carrying or in possession of a firearm as otherwise permitted by law or who is carrying or in possession of a machete, blackjack, loaded cane, hand chain or metal knuckles shall be authorized to carry the firearm, machete, blackjack, loaded cane, hand chain or metal knuckles into or upon any college, university or technology center school property, except as provided in this subsection. For purposes of this subsection, the following property shall not be construed to be college, university or technology center school property:

1. Any property set aside for the use or parking of any motor vehicle, whether attended or unattended, provided the firearm, machete, blackjack, loaded cane, hand chain or metal knuckles are carried or stored as required by law and the firearm, machete, blackjack, loaded cane, hand chain or metal knuckles are not removed from the motor vehicle without the prior consent of the college or university president or technology center school administrator while the vehicle is on any college, university or technology center school property;

2. Any property authorized for possession or use of firearms, machetes, blackjacks, loaded canes, hand chains or metal knuckles by college, university or technology center school policy; and

3. Any property authorized by the written consent of the college or university president or technology center school administrator, provided the written consent is carried with the firearm, machete, blackjack, loaded cane, hand chain or metal knuckles and the valid handgun license while on college, university or technology center school property.

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

Nothing contained in any provision of this subsection shall be construed to authorize or allow any college, university or technology center school to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license or any person in lawful possession of a firearm, machete, blackjack, loaded cane, hand chain or metal knuckles from possession of a firearm, machete, blackjack, loaded cane, hand chain or metal knuckles in places described in paragraphs 1, 2 and 3 of this subsection. Nothing contained in any provision of this subsection shall be construed to limit the authority of any college, university or technology center school in this state from taking administrative action against any student for any violation of any provision of this subsection.

H. The provisions of this section shall not apply to the following:

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

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

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

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

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

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

I. For the purposes of this section, "motor vehicle" means any automobile, truck, minivan, sports utility vehicle, or motorcycle, as defined in Section 1-135 of Title 47 of the Oklahoma Statutes, equipped with a locked accessory container within or affixed to the motorcycle.

SECTION 2. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 11th day of May, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 22nd day of April, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____