

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 733

By: Stephens

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2021, Section 1277, which relates to the unlawful carry of firearms in certain places; removing references to federally owned buildings and properties; authorizing municipalities to allow for the carry of concealed firearms by municipal officials or employees; providing eligibility requirements; prohibiting the carrying of firearms at firearm-prohibited locations; defining term; providing construing provision related to the carrying of firearms by municipal officials or employees; updating statutory language; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2021, 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 firearm 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, or 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;

16 6. Any other place specifically prohibited by law; and

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

- 23 a. a metallic-style security fence that is at least eight  
24 (8) feet in height that encompasses the property and  
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1 is secured in such a way as to deter unauthorized  
2 entry,

3 b. controlled access points staffed by a uniformed,  
4 commissioned peace officer, and

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

8 B. It shall be lawful for a person to carry a concealed or  
9 unconcealed firearm on the following properties:

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

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

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

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

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

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

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

23 C. A concealed or unconcealed weapon may be carried onto  
24 private school property or in any school bus or vehicle used by any

1 private school for transportation of students or teachers by a  
2 person who is licensed pursuant to the Oklahoma Self-Defense Act;  
3 provided, a policy has been adopted by the governing entity of the  
4 private school that authorizes the carrying and possession of a  
5 weapon on private school property or in any school bus or vehicle  
6 used by a private school. Except for acts of gross negligence or  
7 willful or wanton misconduct, a governing entity of a private school  
8 that adopts a policy which authorizes the possession of a weapon on  
9 private school property, a school bus or vehicle used by the private  
10 school shall not be subject to liability for any injuries arising  
11 from the adoption of the policy. The provisions of this subsection  
12 shall not apply to claims pursuant to the Administrative Workers'  
13 Compensation Act.

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

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

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

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

6 1. A public trust created pursuant to the provisions of Section  
7 176 of Title 60 of the Oklahoma Statutes; or

8 2. A nonprofit entity,  
9 an individual shall be allowed to carry a concealed handgun but not  
10 openly carry a handgun on the property.

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

20 G. No person in possession of a valid handgun license issued  
21 pursuant to the provisions of the Oklahoma Self-Defense Act or who  
22 is carrying or in possession of a firearm as otherwise permitted by  
23 law or who is carrying or in possession of a machete, blackjack,  
24 loaded cane, hand chain or metal knuckles shall be authorized to

1 carry the firearm, machete, blackjack, loaded cane, hand chain or  
2 metal knuckles into or upon any college, university or technology  
3 center school property, except as provided in this subsection. For  
4 purposes of this subsection, the following property shall not be  
5 construed to be college, university or technology center school  
6 property:

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

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

19 3. Any property authorized by the written consent of the  
20 college or university president or technology center school  
21 administrator, provided the written consent is carried with the  
22 firearm, machete, blackjack, loaded cane, hand chain or metal  
23 knuckles 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 or any person in lawful possession of a firearm,  
15 machete, blackjack, loaded cane, hand chain or metal knuckles from  
16 possession of a firearm, machete, blackjack, loaded cane, hand chain  
17 or metal knuckles in places described in paragraphs 1, 2 and 3 of  
18 this subsection. Nothing contained in any provision of this  
19 subsection shall be construed to limit the authority of any college,  
20 university or technology center school in this state from taking  
21 administrative action against any student for any violation of any  
22 provision of this subsection.

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



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

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

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

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

18           5. The sheriff of any county may authorize certain employees of  
19 the county, who possess a valid handgun license issued pursuant to  
20 the provisions of the Oklahoma Self-Defense Act, to carry a  
21 concealed handgun when acting in the course and scope of employment  
22 within the courthouse in the county in which the person is employed.  
23 Nothing in the Oklahoma Self-Defense Act shall prohibit the sheriff  
24 from requiring additional instruction or training before granting

1 authorization to carry a concealed handgun within the courthouse.  
2 The provisions of this paragraph and of paragraph 6 of this  
3 subsection shall not allow the county employee to carry the handgun  
4 into a courtroom, sheriff's office, adult or juvenile jail or any  
5 other prisoner detention area; and

6 6. The board of county commissioners of any county may  
7 authorize certain employees of the county, who possess a valid  
8 handgun license issued pursuant to the provisions of the Oklahoma  
9 Self-Defense Act, to carry a concealed handgun when acting in the  
10 course and scope of employment on county annex facilities or grounds  
11 surrounding the county courthouse.

12 I. 1. Municipalities may authorize certain employees or public  
13 officials of the municipality, municipal public trust, or municipal  
14 authority who possess a valid handgun license issued pursuant to the  
15 provisions of the Oklahoma Self-Defense Act and who have  
16 successfully completed any additional training or requirements as  
17 established by ordinance or resolution to carry a concealed or  
18 unconcealed handgun or other firearm when acting in the course and  
19 scope of employment.

20 2. For purposes of this subsection, firearms may not be present  
21 in a location that is a firearm-prohibited location. As used in  
22 this paragraph, "firearm-prohibited location" shall include any  
23 building or room on municipally owned, leased, or maintained  
24 property designated as such by the municipal government.

1       3. Nothing in this section shall be construed as a mechanism to  
2 allow municipal employees to carry a firearm as a duty or function  
3 of their employment with the municipality, municipal public trust,  
4 or municipal authority.

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

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

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