

1 **SENATE FLOOR VERSION**

2 February 23, 2017

3 SENATE BILL NO. 43

By: Leewright of the Senate

4 and

5 Jordan, Coody, Bennett
6 (John), Faught and Gann of
the House

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9 An Act relating to carrying firearms; amending 21
10 O.S. 2011, Section 1277, as last amended by Section
11 1, Chapter 18, O.S.L. 2016 (21 O.S. Supp. 2016,
12 Section 1277), which relates to unlawful carry in
13 certain places; modifying notification procedures for
14 certain situations; and providing an effective date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
17 last amended by Section 1, Chapter 18, O.S.L. 2016 (21 O.S. Supp.
18 2016, Section 1277), is amended to read as follows:

19 Section 1277.

20 UNLAWFUL CARRY IN CERTAIN PLACES

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

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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 as a park, recreational area, or fairgrounds;
9 provided, nothing in this paragraph shall be construed to authorize
10 any entry by a person in possession of a concealed or unconcealed
11 handgun into any structure, building or office space which is
12 specifically prohibited by the provisions of subsection A of this
13 section; and

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

19 Nothing contained in any provision of this subsection or
20 subsection C of this section shall be construed to authorize or
21 allow any person in control of any place described in subsection A
22 of this section to establish any policy or rule that has the effect
23 of prohibiting any person in lawful possession of a handgun license
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1 from possession of a handgun allowable under such license in places
2 described in this subsection.

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

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

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

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

17 2. Any property authorized for possession or use of handguns 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 handgun and the valid handgun license while on college, university
23 or technology center school property.

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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 F. The provisions of this section shall not apply to any peace
22 officer or to any person authorized by law to carry a pistol in the
23 course of employment. District judges, associate district judges,
24 and special district judges, who are in possession of a valid

1 handgun license issued pursuant to the provisions of the Oklahoma
2 Self-Defense Act and whose names appear on a list maintained by the
3 Administrative Director of the Courts, shall be exempt from this
4 section when acting in the course and scope of employment within the
5 courthouses of this state. Private investigators with a firearms
6 authorization shall be exempt from this section when acting in the
7 course and scope of employment.

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

10 SECTION 2. This act shall become effective November 1, 2017.

11 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
12 February 23, 2017 - DO PASS
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