

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 2901

By: Humphrey

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5  
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,  
8 Sections 1272, as last amended by Section 1, Chapter  
9 1, O.S.L. 2019 and 1277, as last amended by Section  
10 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp. 2019,  
11 Sections 1272 and 1277), which relate to the carry of  
12 firearms; providing exception to certain prohibited  
13 act for members of the Legislature; and providing an  
14 effective date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as  
17 last amended by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp.  
18 2019, Section 1272), is amended to read as follows:

19 Section 1272.

20 UNLAWFUL CARRY

21 A. Notwithstanding any other provision of law, it shall be  
22 unlawful for any person to carry upon or about his or her person, or  
23 in a purse or other container belonging to the person, any pistol,  
24 revolver, shotgun or rifle whether loaded or unloaded or any  
blackjack, loaded cane, hand chain, metal knuckles, or any other

1 offensive weapon, whether such weapon be concealed or unconcealed,  
2 except this section shall not prohibit:

3 1. The proper use of guns and knives for self-defense, hunting,  
4 fishing, educational or recreational purposes;

5 2. The carrying or use of weapons in a manner otherwise  
6 permitted by statute or authorized by the Oklahoma Self-Defense Act;

7 3. The carrying, possession and use of any weapon by a peace  
8 officer or other person authorized by law to carry a weapon in the  
9 performance of official duties and in compliance with the rules of  
10 the employing agency;

11 4. The carrying or use of weapons in a courthouse by a district  
12 judge, associate district judge or special district judge within  
13 this state, who is in possession of a valid handgun license issued  
14 pursuant to the provisions of the Oklahoma Self-Defense Act and  
15 whose name appears on a list maintained by the Administrative  
16 Director of the Courts;

17 5. The carrying and use of firearms and other weapons provided  
18 in this subsection when used for the purpose of living history  
19 reenactment. For purposes of this paragraph, "living history  
20 reenactment" means depiction of historical characters, scenes,  
21 historical life or events for entertainment, education, or  
22 historical documentation through the wearing or use of period,  
23 historical, antique or vintage clothing, accessories, firearms,  
24 weapons, and other implements of the historical period; ~~or~~

1           6. The carrying of a firearm, concealed or unconcealed, loaded  
2 or unloaded, by a person who is twenty-one (21) years of age or  
3 older or by a person who is eighteen (18) years of age but not yet  
4 twenty-one (21) years of age and the person is a member or veteran  
5 of the United States Armed Forces, Reserves or National Guard or was  
6 discharged under honorable conditions from the United States Armed  
7 Forces, Reserves or National Guard, and the person is otherwise not  
8 disqualified from the possession or purchase of a firearm under  
9 state or federal law and is not carrying the firearm in furtherance  
10 of a crime.

11           Except as provided in subsection B of Section 1283 of this  
12 title, a person who has been convicted of any one of the following  
13 offenses in this state or a violation of the equivalent law of  
14 another state:

- 15           a. assault and battery pursuant to the provisions of  
16                 Section 644 of this title which caused serious  
17                 physical injury to the victim,
- 18           b. aggravated assault and battery pursuant to the  
19                 provisions of Section 646 of this title,
- 20           c. assault and battery that qualifies as domestic abuse  
21                 as defined in Section 644 of this title,
- 22           d. stalking pursuant to the provisions of Section 1173 of  
23                 this title,

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- 1 e. a violation of an order issued under the Protection  
2 from Domestic Abuse Act or a domestic abuse protection  
3 order issued by another state, or  
4 f. a violation relating to illegal drug use or possession  
5 under the provisions of the Uniform Controlled  
6 Dangerous Substances Act,

7 shall be prohibited from carrying a firearm under the provisions of  
8 this paragraph. Any person who carries a firearm in the manner  
9 provided for in this paragraph shall be prohibited from carrying the  
10 firearm into any of the places prohibited in subsection A of Section  
11 1277 of this title or any other place currently prohibited by law.  
12 Nothing in this section shall modify or otherwise change where a  
13 person may legally carry a firearm; or

14 7. The carrying, possession or use of firearms in the State  
15 Capitol Building by a member of the Oklahoma Legislature.

16 B. Any person convicted of violating the foregoing provision  
17 shall be guilty of a misdemeanor punishable as provided in Section  
18 1276 of this title.

19 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as  
20 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.  
21 2019, Section 1277), is amended to read as follows:

22 Section 1277.

23 UNLAWFUL CARRY IN CERTAIN PLACES  
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1 A. It shall be unlawful for any person, including a person in  
2 possession of a valid handgun license issued pursuant to the  
3 provisions of the Oklahoma Self-Defense Act, to carry any concealed  
4 or unconcealed handgun into any of the following places:

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

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

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

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

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

20 6. Any other place specifically prohibited by law.

21 B. For purposes of subsection A of this section, the prohibited  
22 ~~place does~~ places do not include and specifically ~~excludes~~ exclude  
23 the following ~~property~~ properties:

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

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

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

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

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

22          Nothing contained in any provision of this subsection or  
23 subsection C of this section shall be construed to authorize or  
24 allow any person in control of any place described in subsection A

1 of this section to establish any policy or rule that has the effect  
2 of prohibiting any person in lawful possession of a handgun license  
3 or otherwise in lawful possession of a firearm from carrying or  
4 possessing the firearm on the property described in this subsection.

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

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

3 1. Possess a valid armed security guard license as provided for  
4 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

5 2. Hold a valid reserve peace officer certification as provided  
6 for in Section 3311 of Title 70 of the Oklahoma Statutes.

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

9 E. In any municipal zoo or park of any size that is owned,  
10 leased, operated or managed by:

11 1. A public trust created pursuant to the provisions of Section  
12 176 of Title 60 of the Oklahoma Statutes; or

13 2. A nonprofit entity,  
14 an individual shall be allowed to carry a concealed handgun but not  
15 openly carry a handgun on the property.

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



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

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

21 2. Any property authorized for possession or use of firearms,  
22 machetes, blackjacks, loaded canes, hand chains or metal knuckles by  
23 college, university or technology center school policy; and  
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1           3. Any property authorized by the written consent of the  
2 college or university president or technology center school  
3 administrator, provided the written consent is carried with the  
4 firearm, machete, blackjack, loaded cane, hand chain or metal  
5 knuckles and the valid handgun license while on college, university  
6 or technology center school property.

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

16           Nothing contained in any provision of this subsection shall be  
17 construed to authorize or allow any college, university or  
18 technology center school to establish any policy or rule that has  
19 the effect of prohibiting any person in lawful possession of a  
20 handgun license or any person in lawful possession of a firearm,  
21 machete, blackjack, loaded cane, hand chain or metal knuckles from  
22 possession of a firearm, machete, blackjack, loaded cane, hand chain  
23 or metal knuckles in places described in paragraphs 1, 2 and 3 of  
24 this subsection. Nothing contained in any provision of this

1 subsection shall be construed to limit the authority of any college,  
2 university or technology center school in this state from taking  
3 administrative action against any student for any violation of any  
4 provision of this subsection.

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

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

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

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

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

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

13           6. The board of county commissioners of any county may  
14 authorize certain employees of the county, who possess a valid  
15 handgun license issued pursuant to the provisions of the Oklahoma  
16 Self-Defense Act, to carry a concealed handgun when acting in the  
17 course and scope of employment on county annex facilities or grounds  
18 surrounding the county courthouse; and

19           7. Members of the Oklahoma Legislature when entering the State  
20 Capitol Building.

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

3 SECTION 3. This act shall become effective November 1, 2020.

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