

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 400

By: Dahm

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5  
6 AS INTRODUCED

7 An Act relating to unlawful carry of firearms;  
8 amending 21 O.S. 2011, Section 1277, as last amended  
9 by Section 1, Chapter 325, O.S.L. 2014 (21 O.S. Supp.  
10 2014, Section 1277), which relates to prohibitions on  
11 carrying handguns; amending restricted places for  
12 unlawful carry; and providing an effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as  
15 last amended by Section 1, Chapter 325, O.S.L. 2014 (21 O.S. Supp.  
16 2014, Section 1277), is amended to read as follows:

17 Section 1277.

18 UNLAWFUL CARRY IN CERTAIN PLACES

19 A. It shall be unlawful for any person in possession of a valid  
20 handgun license issued pursuant to the provisions of the Oklahoma  
21 Self-Defense Act to carry any concealed or unconcealed handgun into  
22 any of the following places:

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

1       2. Any prison, jail, detention facility or any facility used to  
2 process, hold, or house arrested persons, prisoners or persons  
3 alleged delinquent or adjudicated delinquent;

4       3. Any public or private elementary or public or private  
5 secondary school, except as provided in subsection C of this  
6 section;

7       4. Any sports arena during a professional sporting event;

8       5. Any place where pari-mutuel wagering is authorized by law;  
9 and

10       6. Any other place specifically prohibited by law.

11       B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A  
12 of this section, the prohibited place does not include and  
13 specifically excludes the following property:

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

17       2. Any property set aside for the use or parking of any  
18 vehicle, whether attended or unattended, by any entity offering any  
19 professional sporting event which is open to the public for  
20 admission, or by any entity engaged in pari-mutuel wagering  
21 authorized by law;

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

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

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

13       Nothing contained in any provision of this subsection or  
14 subsection C of this section shall be construed to authorize or  
15 allow any person in control of any place described in paragraph 1,  
16 2, 3, 4 or 5 of subsection A of this section to establish any policy  
17 or rule that has the effect of prohibiting any person in lawful  
18 possession of a handgun license from possession of a handgun  
19 allowable under such license in places described in paragraph 1, 2,  
20 3, 4 or 5 of this subsection.

21       C. A concealed or unconcealed weapon may be carried onto  
22 private school property or in any school bus or vehicle used by any  
23 private school for transportation of students or teachers by a  
24 person who is licensed pursuant to the Oklahoma Self-Defense Act,

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

11 D. Any person violating the provisions of subsection A of this  
12 section shall, upon conviction, be guilty of a misdemeanor  
13 punishable by a fine not to exceed Two Hundred Fifty Dollars  
14 (\$250.00).

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

22 1. Any property set aside for the use or parking of any  
23 vehicle, whether attended or unattended, provided the handgun is  
24 carried or stored as required by law and the handgun is not removed

1 from the vehicle without the prior consent of the college or  
2 university president or technology center school administrator while  
3 the vehicle is on any college, university, or technology center  
4 school property;

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

7 3. Any property authorized by the written consent of the  
8 college or university president or technology center school  
9 administrator, provided the written consent is carried with the  
10 handgun and the valid handgun license while on college, university,  
11 or technology center school property.

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

21 4. A concealed or unconcealed weapon may be carried onto a  
22 private university, private college or private technical school  
23 property, or in a vehicle owned by any private university, private  
24 college or private technical school for transportation of students

1 or personnel by a person who has a valid license pursuant to the  
2 Oklahoma Self-Defense Act, provided the private university, private  
3 college or private technical school has adopted a policy that  
4 authorizes the carrying and possession of weapons on a private  
5 university, private college or private technical school property.  
6 Except for acts of gross negligence or willful or wanton misconduct,  
7 a governing entity of a private university, private college or  
8 private technical school that adopts a policy which authorizes the  
9 possession of weapons on school property or in a vehicle under the  
10 control of the private school shall be immune from liability for any  
11 injuries arising from the adoption of the policy. The provisions of  
12 this subsection shall not apply to claims pursuant to the Workers'  
13 Compensation Code.

14       Nothing contained in any provision of this subsection shall be  
15 construed to authorize or allow any college, university, or  
16 technology center school to establish any policy or rule that has  
17 the effect of prohibiting any person in lawful possession of a  
18 handgun license from possession of a handgun allowable under such  
19 license in places described in paragraphs 1, 2, ~~and~~ 3 and 4 of this  
20 subsection. Nothing contained in any provision of this subsection  
21 shall be construed to limit the authority of any college, university  
22 or technology center school in this state from taking administrative  
23 action against any student for any violation of any provision of  
24 this subsection.

1 F. The provisions of this section shall not apply to any peace  
2 officer or to any person authorized by law to carry a pistol in the  
3 course of employment. District judges, associate district judges  
4 and special district judges, who are in possession of a valid  
5 handgun license issued pursuant to the provisions of the Oklahoma  
6 Self-Defense Act and whose names appear on a list maintained by the  
7 Administrative Director of the Courts, shall be exempt from this  
8 section when acting in the course and scope of employment within the  
9 courthouses of this state. Private investigators with a firearms  
10 authorization shall be exempt from this section when acting in the  
11 course and scope of employment.

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

14 SECTION 2. This act shall become effective November 1, 2015.

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