

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1556

By: Faught

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5  
6 AS INTRODUCED

7 An Act relating to handguns; amending 21 O.S. 2011,  
8 Section 1277, as last amended by Section 3, Chapter  
9 210, O.S.L. 2016 (21 O.S. Supp. 2016, Section 1277),  
10 which relates to unlawful and lawful carry of  
11 handguns in certain places; providing for liability  
12 if an individual is injured after being denied  
13 consent to carry a handgun on the campus of a  
14 college, university or technology center school;  
15 requiring certain posting; stating responsibility of  
16 certain persons; providing for cause of action;  
17 providing requirements to prevail in cause of action;  
18 providing statute of limitations; providing immunity  
19 in certain circumstances; providing for codification;  
20 and providing an effective date.

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24 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 3, Chapter 210, O.S.L. 2016 (21 O.S. Supp.  
2016, Section 1277), is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

A. It shall be unlawful for any person in possession of a valid  
handgun license issued pursuant to the provisions of the Oklahoma

1 Self-Defense Act to carry any concealed or unconcealed handgun into  
2 any of the following places:

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

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

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

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

14 5. Any place where pari-mutuel wagering is authorized by law;

15 and

16 6. Any other place specifically prohibited by law.

17 B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A  
18 of this section, the prohibited place does not include and  
19 specifically excludes the following 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;

23 2. Any property set aside for the use or parking of any  
24 vehicle, whether attended or unattended, by any entity offering any

1 professional sporting event which is open to the public for  
2 admission, or by any entity engaged in pari-mutuel wagering  
3 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 paragraph 1,  
22 2, 3, 4 or 5 of subsection A of this section to establish any policy  
23 or rule that has the effect of prohibiting any person in lawful  
24 possession of a handgun license from possession of a handgun

1 allowable under such license in places described in paragraph 1, 2,  
2 3, 4 or 5 of 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 Code Act.

18 D. Notwithstanding paragraph 3 of subsection A of this section,  
19 a board of education of a school district may adopt a policy  
20 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to  
21 authorize the carrying of a handgun onto school property by school  
22 personnel specifically designated by the board of education,  
23 provided such personnel either:  
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1        1. Possess a valid armed security guard license as provided for  
2 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

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

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

7        E. Any person violating the provisions of subsection A of this  
8 section shall, upon conviction, be guilty of a misdemeanor  
9 punishable by a fine not to exceed Two Hundred Fifty Dollars  
10 (\$250.00).

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

18        1. Any property set aside for the use or parking of any  
19 vehicle, whether attended or unattended, provided the handgun is  
20 carried or stored as required by law and the handgun is not removed  
21 from the vehicle without the prior consent of the college or  
22 university president or technology center school administrator while  
23 the vehicle is on any college, university or technology center  
24 school property;

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

3        3. Any property authorized by the written consent of the  
4 college or university president or technology center school  
5 administrator, provided the written consent is carried with the  
6 handgun and the valid handgun license while on college, university  
7 or technology center school property. Pursuant to Section 2 of this  
8 act, if such consent is denied, the person who was denied consent  
9 shall have a cause of action against the college or university  
10 president or technology center administrator if the person is  
11 injured on campus in a situation in which carrying a handgun would  
12 afford the person a means of self-defense. A notice of the rights  
13 of persons denied consent pursuant to this paragraph and Section 2  
14 of this act shall be posted on any school property where the  
15 carrying of handguns is prohibited.

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

1        Nothing contained in any provision of this subsection shall be  
2 construed to authorize or allow any college, university or  
3 technology center school to establish any policy or rule that has  
4 the effect of prohibiting any person in lawful possession of a  
5 handgun license from possession of a handgun allowable under such  
6 license in places described in paragraphs 1, 2 and 3 of this  
7 subsection. Nothing contained in any provision of this subsection  
8 shall be construed to limit the authority of any college, university  
9 or technology center school in this state from taking administrative  
10 action against any student for any violation of any provision of  
11 this subsection.

12        G. The provisions of this section shall not apply to any peace  
13 officer or to any person authorized by law to carry a pistol in the  
14 course of employment. District judges, associate district judges  
15 and special district judges, who are in possession of a valid  
16 handgun license issued pursuant to the provisions of the Oklahoma  
17 Self-Defense Act and whose names appear on a list maintained by the  
18 Administrative Director of the Courts, shall be exempt from this  
19 section when acting in the course and scope of employment within the  
20 courthouses of this state. Private investigators with a firearms  
21 authorization shall be exempt from this section when acting in the  
22 course and scope of employment.

23        H. For the purposes of this section, "motor vehicle" means any  
24 automobile, truck, minivan or sports utility vehicle.

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1277.1 of Title 21, unless there  
3 is created a duplication in numbering, reads as follows:

4 LIABILITY OF COLLEGES AND UNIVERSITIES

5 A. If a college or university president or a technology center  
6 school administrator denies consent to carry a handgun on campus  
7 pursuant to Section 1277 of Title 21 of the Oklahoma Statutes, such  
8 president or administrator thereby assumes absolute custodial  
9 responsibility for the safety and defense of the individual who  
10 requested the consent if the individual has a license to carry the  
11 handgun while the individual is on school property and while on any  
12 property the individual is required to traverse in order to travel  
13 to and from the location where the individual's handgun is stored.  
14 This custodial responsibility extends to the conduct of other  
15 invitees, trespassers, employees of the college or university,  
16 vicious animals, wild animals, and defensible man-made and natural  
17 hazards.

18 B. Except as provided in subsections E and F of this section,  
19 an individual in possession of a valid handgun license who is  
20 injured, suffers bodily injury or death, incurs economic loss or  
21 expense, property damage or any other compensable loss on property  
22 provided for in subsection A of this section shall have a cause of  
23 action against the university or college president or the technology  
24 center school administrator. In addition to damages, the individual



1 shall be entitled to reasonable attorney fees, expert witness costs  
2 and other costs necessary to bring the cause of action.

3 C. To prevail in an action brought under this section, the  
4 plaintiff must show by a preponderance of the evidence that:

5 1. The plaintiff was authorized to carry a handgun pursuant to  
6 the provisions of the Oklahoma Self-Defense Act at the time of the  
7 incident giving rise to the action;

8 2. The plaintiff was prohibited from carrying a handgun on the  
9 property where the incident occurred because of campus policy; and

10 3. The property was not property where possession of a handgun  
11 is prohibited by state or federal law.

12 D. The statute of limitations for an action brought pursuant to  
13 this section shall be two (2) years from the date of the occurrence  
14 giving rise to the damages, loss or injury.

15 E. The liability provided for in this section shall not apply  
16 during university- or college-sponsored sporting events.

17 F. A university or college president or technology center  
18 school administrator who does not prohibit or enforce a policy to  
19 prohibit any individual who is not precluded from obtaining a  
20 handgun license pursuant to Section 1290.10 of Title 21 of the  
21 Oklahoma Statutes from carrying a handgun on property provided for  
22 in subsection A of this section shall be immune from liability for  
23 that decision under this section. Except for acts of gross  
24 negligence or willful or wanton misconduct, a university or college

1 president or technology center school administrator who does not  
2 prohibit employees from carrying a concealed weapon is immune from  
3 liability for that decision under this section. The provisions of  
4 this subsection shall not apply to claims pursuant to the  
5 Administrative Workers' Compensation Act.

6 SECTION 3. This act shall become effective November 1, 2017.

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8 56-1-5187 SD 01/17/17

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