

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2547

By: Roberts (Sean) and **McDugle**

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8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to firearms; amending 21 O.S. 2011,  
10                   Section 1277, as last amended by Section 1, Chapter  
11                   235, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1277),  
12                   which relates to the unlawful carry of firearms in  
13                   certain places; authorizing municipalities to allow  
14                   for the carry of concealed firearms by municipal  
15                   employees for personal protection; providing  
16                   eligibility requirements; providing conditions by  
17                   which firearms shall be carried and stored; providing  
18                   immunity from civil and criminal liability under  
19                   certain circumstances; prohibiting the carrying of  
20                   firearms at firearm-prohibited locations; providing  
21                   penalty; defining term; providing construing  
22                   provision related to the carrying of firearms by  
23                   municipal employees; repealing Section 1, Chapter  
24                   355, O.S.L. 2019 (11 O.S. Supp. 2019, Section 22-  
                 139), which relates to the designation of municipal  
                 employees to attend armed security guard training;  
                 and providing an effective date.

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

22                   SECTION 1.            AMENDATORY            21 O.S. 2011, Section 1277, as  
23                   last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.  
24                   2019, Section 1277), is amended to read as follows:

1 Section 1277.

2 UNLAWFUL CARRY IN CERTAIN PLACES

3 A. It shall be unlawful for any person, including a person in  
4 possession of a valid handgun license issued pursuant to the  
5 provisions of the Oklahoma Self-Defense Act, to carry any concealed  
6 or unconcealed ~~handgun~~ firearm into any of the following places:

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

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

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

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

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

22 6. Any other place specifically prohibited by law.  
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1 B. For purposes of subsection A of this section, the prohibited  
2 place does not include and specifically excludes the following  
3 property:

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

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

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

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

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

1        Nothing contained in any provision of this subsection or  
2 subsection C of this section shall be construed to authorize or  
3 allow any person in control of any place described in subsection A  
4 of this section to establish any policy or rule that has the effect  
5 of prohibiting any person in lawful possession of a handgun license  
6 or otherwise in lawful possession of a firearm from carrying or  
7 possessing the firearm on the property described in this subsection.

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

23        D. Notwithstanding paragraph 3 of subsection A of this section,  
24 a board of education of a school district may adopt a policy

1 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to  
2 authorize the carrying of a handgun onto school property by school  
3 personnel specifically designated by the board of education,  
4 provided such personnel either:

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

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

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

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

13 1. A public trust created pursuant to the provisions of Section  
14 176 of Title 60 of the Oklahoma Statutes; or

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

18 F. Any person violating the provisions of 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 of this section may be denied entrance onto the  
23 property or removed from the property. If the person refuses to  
24 leave the property and a peace officer is summoned, the person may

1 be issued a citation for an amount not to exceed Two Hundred Fifty  
2 Dollars (\$250.00).

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

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

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

4           3. Any property authorized by the written consent of the  
5 college or university president or technology center school  
6 administrator, provided the written consent is carried with the  
7 firearm, machete, blackjack, loaded cane, hand chain or metal  
8 knuckles and the valid handgun license while on college, university  
9 or technology center school property.

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

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

1 possession of a firearm, machete, blackjack, loaded cane, hand chain  
2 or metal knuckles in places described in paragraphs 1, 2 and 3 of  
3 this subsection. Nothing contained in any provision of this  
4 subsection shall be construed to limit the authority of any college,  
5 university or technology center school in this state from taking  
6 administrative action against any student for any violation of any  
7 provision of this subsection.

8 H. The provisions of this section shall not apply to the  
9 following:

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

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

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

20 4. Elected officials of a county, who are in possession of a  
21 valid handgun license issued pursuant to the provisions of the  
22 Oklahoma Self-Defense Act, may carry a concealed handgun when acting  
23 in the performance of their duties within the courthouses of the  
24 county in which he or she was elected. The provisions of this



1 paragraph shall not allow the elected county official to carry the  
2 handgun into a courtroom;

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

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

21 I. 1. Municipalities may, by ordinance, authorize all or  
22 certain municipal employees to carry concealed firearms, as defined  
23 in Section 1290.2 of this title, for their personal protection  
24 according to the terms and conditions outlined in this subsection.

1 To be eligible to carry a concealed firearm while working and  
2 employed on a municipal property, the employee must have been issued  
3 a valid handgun license pursuant to the provisions of the Oklahoma  
4 Self-Defense Act.

5 2. Carrying a firearm as authorized in this section shall not  
6 in any way be considered a requirement for continued employment with  
7 the municipality, municipal authority or municipal trust.

8 3. When carrying a firearm pursuant to this subsection, the  
9 employee shall at all times carry the firearm on his or her person  
10 or the firearm shall be stored in a locked and secured location  
11 which is permanently affixed or tethered at the expense of the  
12 employee and with permission of the governing body. The  
13 municipality shall not be liable for any loss, damage, or injuries  
14 that occur in relation to or caused by the possession or storage of  
15 a firearm under the provisions of this subsection.

16 4. Any municipal employee authorized to carry a firearm under  
17 the provisions of this subsection, while acting in a reasonable and  
18 prudent manner, shall be immune from civil and criminal liability  
19 for any injury resulting from the carrying, accidental discharge, or  
20 intentional discharge of a handgun on municipal property as provided  
21 in this subsection. Any municipality, public authority or trust  
22 with a municipality as a beneficiary, city council, board of  
23 trustees, or participating local law enforcement agency shall be  
24 immune from civil and criminal liability for any injury, act, or

1 other suit at law or in equity resulting from any act, failure to  
2 act, or refusal to act, committed by a municipal employee who  
3 carries, accidentally discharges, or intentionally discharges a  
4 handgun on municipal property as authorized by this subsection.

5 5. For purposes of this subsection, firearms may only be  
6 carried by a municipal employee in the place of employment of the  
7 municipal employee during working hours, unless the location is a  
8 firearm-prohibited location. In addition to any employment  
9 disciplinary actions, any person who violates the provisions of this  
10 subsection shall be subject to the penalties provided for in  
11 subsection F of this section. As used in this paragraph, "firearm-  
12 prohibited locations" shall include the following locations:

- 13 a. any room, location or other public place where public  
14 meetings or other meetings governed by the Oklahoma  
15 Open Meeting Act occur,
- 16 b. any room, location, or other place on municipally  
17 owned, leased, or maintained property designated as a  
18 firearm-prohibited location by the municipal  
19 government, and
- 20 c. any police department, courthouse, courtroom, prison,  
21 jail, detention facility or any facility used to  
22 process, hold or house arrested persons, prisoners or  
23 persons alleged delinquent or adjudicated delinquent.

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1       6. Nothing in this section should be construed as a mechanism  
2 to allow municipal employees to carry a firearm as a duty or  
3 function of their employment with the municipality. Any act  
4 concerning the carrying of a firearm, a refusal or failure to act  
5 with a firearm or the accidental or intentional discharge of a  
6 firearm shall be considered taken on the personal behalf of the  
7 municipal employee and not on behalf of the municipality and shall  
8 not be considered an act performed within the scope of duties of the  
9 employee nor shall it be construed as an act by the municipality,  
10 municipal authority or municipal trust, or any employee thereof.

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

16       SECTION 2.       REPEALER       Section 1, Chapter 355, O.S.L. 2019  
17 (11 O.S. Supp. 2019, Section 22-139), is hereby repealed.

18       SECTION 3. This act shall become effective November 1, 2020.  
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20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/27/2020 -  
21 DO PASS, As Amended and Coauthored.  
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