

1 STATE OF OKLAHOMA

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

3 SENATE BILL 380

By: Sykes

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6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,
8 Section 1277, as last amended by Section 1, Chapter
9 18, O.S.L. 2016 (21 O.S. Supp. 2016, Section 1277),
10 which relates to unlawful carry in certain places;
11 modifying where firearms may be carried; providing
12 definitions; making certain carrying of firearms
13 lawful; prohibiting certain action; allowing certain
14 consideration; providing allowable time frame for
15 certain action; allowing certain prohibition; stating
16 certain offenses; prescribing penalty; amending 21
17 O.S. 2011, Section 1290.24, as last amended by
18 Section 3, Chapter 18, O.S.L. 2016 (21 O.S. Supp.
19 2016, Section 1290.24), which relates to immunity;
20 modifying inclusions; providing for codification; and
21 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 1, Chapter 18, 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 courthouse, courtroom, prison, jail, detention facility
7 or any facility used to process, hold or house arrested persons,
8 prisoners or persons alleged delinquent or adjudicated delinquent,
9 except as provided in Section 21 of Title 57 of the Oklahoma
10 Statutes;

11 3. Any public or private elementary or public or private
12 secondary school, except as provided in subsection C of this
13 section;

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

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

18 6. Any other place specifically prohibited by law.

19 B. For purposes of subsection A of this section, the prohibited
20 place does not include and specifically excludes the following
21 property:

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

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

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1289.31 of Title 21, unless
12 there is created a duplication in numbering, reads as follows:

13 A. For the purposes of this section:

14 1. "Campus" means all land and buildings owned or leased by a
15 state educational institution or private educational institution.

16 2. "State educational institution" and "private educational
17 institution" have the meanings assigned in Section 3102 of Title 70
18 of the Oklahoma Statutes.

19 B. It shall be lawful for any person in possession of a valid
20 license issued pursuant to the provisions of the Oklahoma Self-
21 Defense Act to carry a concealed handgun on or about the license
22 holder's person while the license holder is on the campus of a state
23 educational institution or private educational institution in this
24 state.

1 C. Except as provided by subsections D and E of this section, a
2 state educational institution or private educational institution in
3 this state may not adopt any rule, regulation or other provision
4 prohibiting license holders from carrying handguns on the campus of
5 the institution.

6 D. A state educational institution or private education
7 institution may establish rules, regulations or other provisions
8 concerning the storage of handguns in dormitories or other
9 residential facilities that are owned or leased and operated by the
10 institution and located on the campus of the institution.

11 1. After consulting with students, staff and faculty of the
12 institution regarding the nature of the student population, specific
13 safety considerations and the uniqueness of the campus environment,
14 the president or other chief executive officer of the institution
15 shall establish reasonable rules, regulations and other provisions
16 regarding the carrying of concealed handguns by license holders on
17 the campus of the institution or on premises located on the campus
18 of the institution. The president or officer may not establish
19 provisions that generally prohibit or have the effect of generally
20 prohibiting license holders from carrying concealed handguns on the
21 campus of the institution. The president or officer may amend the
22 provisions as necessary for campus safety. The provisions will take
23 effect as determined by the president or other governing board under
24 paragraph 2 of this subsection. The institution must give effective

1 notice with respect to any portion of a premise on which license
2 holders may not carry a handgun.

3 2. Not later than ninety (90) days after the date that the
4 rules, regulations or other provisions are established as described
5 in paragraph 1 of this subsection, the board of regents or other
6 governing board of the institution shall review the provisions. The
7 board of regents or other governing board may, by a vote of not less
8 than two-thirds of the board, amend wholly or partly the provisions
9 established under paragraph 1 of this subsection. If amended under
10 this subsection, the provisions are considered to be those of the
11 institution as established under paragraph 1 of this subsection.

12 3. An institution shall widely distribute the rules,
13 regulations or other provisions described by paragraph 1 of this
14 subsection to the institution's students, staff and faculty,
15 including prominently publishing the provisions on the institution's
16 internet website.

17 4. Not later than September 1 of each even-numbered year, each
18 state educational institution or private educational institution in
19 this state shall submit a report to the legislature and to the
20 standing committees of the legislature with jurisdiction over the
21 implementation and continuation of this section that:

22 a. describes its rules, regulations or other provisions
23 regarding the carrying of concealed handguns on the
24 campus of the institution, and

1 b. explains the reasons the institution has established
2 those provisions.

3 E. A private educational institution in this state, after
4 consulting with students, staff and faculty of the institution, may
5 establish rules, regulations or other provisions prohibiting license
6 holders from carrying handguns on the campus of the institution, any
7 grounds or building on which an activity sponsored by the
8 institution is being conducted, or a passenger transportation
9 vehicle owned by the institution.

10 F. A license holder commits an offense if the license holder
11 carries a partially or wholly visible handgun, regardless of whether
12 the handgun is holstered and intentionally or knowingly displays the
13 handgun in plain view of another person:

14 1. On the premises of a state educational institution or
15 private educational institution; or

16 2. On any public or private driveway, street, sidewalk or
17 walkway, parking lot, parking garage or other parking area of a
18 state educational institution or a private educational institution.

19 G. A license holder commits an offense if the license holder
20 carries a handgun on the campus of a private educational institution
21 in this state that has established rules, regulations or other
22 provisions prohibiting license holders from carrying handguns
23 pursuant to subsection E of this section, or on the grounds or
24 building in which an activity sponsored by such an institution is

1 being conducted, or in a passenger transportation vehicle of such an
2 institution, regardless of whether the handgun is concealed,
3 provided the institution gives effective notice.

4 H. A license holder commits an offense if the license holder
5 intentionally carries a concealed handgun on a portion of a premises
6 located on the campus of a state educational institution in this
7 state on which the carrying of a concealed handgun is prohibited by
8 rules, regulations or other provisions, provided the institution
9 gives effective notice with respect to that portion of the premises.

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

13 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.24, as
14 last amended by Section 3, Chapter 18, O.S.L. 2016 (21 O.S. Supp.
15 2016, Section 1290.24), is amended to read as follows:

16 Section 1290.24.

17 IMMUNITY

18 A. The state or any political subdivision of the state as
19 defined in Section 152 of Title 51 of the Oklahoma Statutes, and its
20 officers, agents and employees, a state educational institution or
21 private educational institution that has not adopted rules under
22 subsection D of Section 2 of this act or an officer or employee of a
23 state educational institution that has not adopted rules under
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1 subsection D of Section 2 of this act shall be immune from liability
2 resulting or arising from:

3 1. Failure to prevent the licensing of an individual for whom
4 the receipt of the license is unlawful pursuant to the provisions of
5 the Oklahoma Self-Defense Act or any other provision of law of this
6 state;

7 2. Any action or misconduct with a pistol committed by a person
8 to whom a license to carry a concealed or unconcealed handgun has
9 been issued pursuant to the provisions of the Oklahoma Self-Defense
10 Act or by any person who obtains a pistol from a licensee;

11 3. Any injury to any person during a handgun training course
12 conducted by a firearms instructor certified by the Council on Law
13 Enforcement Education and Training to conduct training under the
14 Oklahoma Self-Defense Act, or injury from any misfire or malfunction
15 of any handgun on a training course firing range supervised by a
16 certified firearms instructor under the provisions of the Oklahoma
17 Self-Defense Act, or any injury resulting from carrying a concealed
18 or unconcealed handgun pursuant to a handgun license; and

19 4. Any action or finding pursuant to a hearing conducted in
20 accordance with the Administrative Procedures Act as required in the
21 Oklahoma Self-Defense Act.

22 B. Firearms instructors certified by the Council on Law
23 Enforcement Education and Training to conduct training for the
24 Oklahoma Self-Defense Act shall be immune from liability to third

1 persons resulting or arising from any claim based on an act or
2 omission of a trainee.

3 C. The provisions of this subsection shall not apply to claims
4 pursuant to the Administrative Workers' Compensation Act.

5 SECTION 4. This act shall become effective November 1, 2017.

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