

1 STATE OF OKLAHOMA

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

3 SENATE BILL 43

By: Leewright

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6 AS INTRODUCED

7 An Act relating to carrying firearms; amending 21
8 O.S. 2011, Section 1277, as last amended by Section
9 1, Chapter 18, O.S.L. 2016 (21 O.S. Supp. 2016,
10 Section 1277), which relates to unlawful carry in
11 certain places; modifying notification procedures for
12 certain situations; 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 18, O.S.L. 2016 (21 O.S. Supp.
16 2016, 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 courthouse, courtroom, prison, jail, detention facility
2 or any facility used to process, hold or house arrested persons,
3 prisoners or persons alleged delinquent or adjudicated delinquent,
4 except as provided in Section 21 of Title 57 of the Oklahoma
5 Statutes;

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

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

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

13 6. Any other place specifically prohibited by law.

14 B. For purposes of subsection A of this section, the prohibited
15 place does not include and specifically excludes the following
16 property:

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

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

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

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

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

16 Nothing contained in any provision of this subsection or
17 subsection C of this section shall be construed to authorize or
18 allow any person in control of any place described in subsection A
19 of this section to establish any policy or rule that has the effect
20 of prohibiting any person in lawful possession of a handgun license
21 from possession of a handgun allowable under such license in places
22 described in this subsection.

23 C. A concealed or unconcealed weapon may be carried onto
24 private school property or in any school bus or vehicle used by any

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

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

22 E. No person in possession of a valid handgun license issued
23 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
24 authorized to carry the handgun into or upon any college, university

1 or technology center school property, except as provided in this
2 subsection. For purposes of this subsection, the following property
3 shall not be construed as prohibited for persons having a valid
4 handgun license:

5 1. Any property set aside for the use or parking of any
6 vehicle, whether attended or unattended, provided the handgun is
7 carried or stored as required by law and the handgun is not removed
8 from the vehicle without the prior consent of the college or
9 university president or technology center school administrator while
10 the vehicle is on any college, university or technology center
11 school property;

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

14 3. Any property authorized by the written consent of the
15 college or university president or technology center school
16 administrator, provided the written consent is carried with the
17 handgun and the valid handgun license while on college, university
18 or technology center school property.

19 ~~The college, university or technology center school may notify~~
20 ~~the Oklahoma State Bureau of Investigation within ten (10) days of a~~
21 ~~violation of any provision of this subsection by a licensee. Upon~~
22 ~~receipt of a written notification of violation, the Bureau shall~~
23 ~~give a reasonable notice to the licensee and hold a hearing. At the~~
24 ~~hearing, upon a determination that the licensee has violated any~~

1 ~~provision of this subsection, the licensee may be subject to an~~
2 ~~administrative fine of Two Hundred Fifty Dollars (\$250.00) and may~~
3 ~~have the handgun license suspended for three (3) months.~~

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

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

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

5 SECTION 2. This act shall become effective November 1, 2017.

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