

1 **SENATE FLOOR VERSION**

2 April 6, 2017

3 ENGROSSED HOUSE  
4 BILL NO. 1104

5 By: Cleveland, Ritze, McDugle,  
6 Moore, Coody, Bennett  
7 (John), Calvey, O'Donnell,  
8 Faught, Murdock, Gann,  
9 Roberts (Dustin), Jordan,  
10 Tadlock, Teague, McEachin,  
11 Babinec, Newton, Dunlap,  
12 West (Kevin), West (Rick),  
13 Roberts (Sean), Wallace,  
14 Osborn (Leslie), Humphrey,  
15 Rogers, Enns, Ford, Murphey  
16 and Hilbert of the House

17 and

18 Dahm, Brecheen, Bergstrom,  
19 Standridge, Scott, Kidd,  
20 Quinn, Griffin, Boggs,  
21 Stanislowski, Rader, Allen  
22 and Pemberton of the Senate

23 An Act relating to firearms; amending 21 O.S. 2011,  
24 Section 1277, as last amended by Section 3, Chapter  
25 210, O.S.L. 2016 (21 O.S. Supp. 2016, Section 1277),  
26 which relates to the unlawful carry of firearms in  
27 certain places; providing an exception for elected  
28 county officials; and providing an effective date.

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

30 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as  
31 last amended by Section 3, Chapter 210, O.S.L. 2016 (21 O.S. Supp.  
32 2016, 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 in possession of a valid  
4 handgun license issued pursuant to the provisions of the Oklahoma  
5 Self-Defense Act to carry any concealed or unconcealed handgun into  
6 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 prison, jail, detention facility or any facility used to  
11 process, hold or house arrested persons, prisoners or persons  
12 alleged delinquent or adjudicated delinquent, except as provided in  
13 Section 21 of Title 57 of the Oklahoma Statutes;

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

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

18 5. Any place where pari-mutuel wagering is authorized by law;  
19 and

20 6. Any other place specifically prohibited by law.

21 B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A  
22 of this section, the prohibited place does not include and  
23 specifically excludes the following property:  
24

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

4           2. Any property set aside for the use or parking of any  
5 vehicle, whether attended or unattended, by any entity offering any  
6 professional sporting event which is open to the public for  
7 admission, or by any entity engaged in pari-mutuel wagering  
8 authorized by law;

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

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

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

24

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 paragraph 1,  
4 2, 3, 4 or 5 of subsection A of this section to establish any policy  
5 or rule that has the effect of prohibiting any person in lawful  
6 possession of a handgun license from possession of a handgun  
7 allowable under such license in places described in paragraph 1, 2,  
8 3, 4 or 5 of this subsection.

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

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. 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 F. 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 college, university  
18 or technology center school property, except as provided in this  
19 subsection. For purposes of this subsection, the following property  
20 shall not be construed as prohibited for persons having a valid  
21 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 Nothing contained in any provision of this subsection shall be  
22 construed to authorize or allow any college, university or  
23 technology center school to establish any policy or rule that has  
24 the effect of prohibiting any person in lawful possession of a

1 handgun license from possession of a handgun allowable under such  
2 license in places described in paragraphs 1, 2 and 3 of this  
3 subsection. Nothing contained in any provision of this subsection  
4 shall be construed to limit the authority of any college, university  
5 or technology center school in this state from taking administrative  
6 action against any student for any violation of any provision of  
7 this subsection.

8 G. The provisions of this section shall not apply to ~~any~~ the  
9 following:

10 1. Any peace officer or ~~to~~ any person authorized by law to  
11 carry a pistol 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, ~~shall be exempt from this section~~ when  
17 acting in the course and scope of employment within the courthouses  
18 of this state;

19 3. Private investigators with a firearms authorization ~~shall be~~  
20 ~~exempt from this section~~ when acting in the course and scope of  
21 employment; and

22 4. Elected officials of a county, who are in possession of a  
23 valid handgun license issued pursuant to the provisions of the  
24 Oklahoma Self-Defense Act, may carry a concealed handgun when acting

1 in the performance of their duties within the courthouses of the  
2 county in which he or she was elected. The provisions of this  
3 paragraph shall not allow the elected county official to carry the  
4 handgun into a courtroom.

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

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

8 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
9 April 6, 2017 - DO PASS

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