

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1197

By: Gann

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5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,
8 Section 1277, as last amended by Section 1, Chapter
9 247, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1277),
10 which relates to the unlawful carrying of firearms in
11 certain places; authorizing the carry of firearms
12 onto certain public property; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
16 last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp.
17 2018, Section 1277), is amended to read as follows:

18 Section 1277.

19 UNLAWFUL CARRY IN CERTAIN PLACES

20 A. It shall be unlawful for any person in possession of a valid
21 handgun license issued pursuant to the provisions of the Oklahoma
22 Self-Defense Act to carry any concealed or unconcealed handgun into
23 any of the following places:
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1 1. Any structure, building, or office space which is owned or
2 leased by a city, town, county, state or federal governmental
3 authority for the purpose of conducting business with the public;

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

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

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

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

16 6. Any other place specifically prohibited by law.

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

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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 by legislation or use as a park, recreational
9 area, wildlife refuge, wildlife management area ~~or~~, zoo, botanical
10 garden, fairgrounds, bus station, bus stop, bus terminal or any
11 vehicle operated by a transportation service for public use, and any
12 property held by a public trust having a governmental entity as
13 beneficiary pursuant to the Trusts for Furtherance of Public
14 Functions Act and used by or open to the public as a park,
15 recreational area, wildlife refuge, wildlife management area, zoo,
16 botanical garden, fairgrounds, bus station, bus stop, bus terminal
17 or any vehicle operated by a transportation service for public use;
18 provided, nothing in this paragraph shall be construed to authorize
19 any entry by a person in possession of a concealed or unconcealed
20 handgun into any structure, building or office space which is
21 specifically prohibited by the provisions of subsection A of this
22 section; and

23 5. Any property set aside by a public or private elementary or
24 secondary school for the use or parking of any vehicle, whether

1 attended or unattended; provided, however, the handgun shall be
2 stored and hidden from view in a locked motor vehicle when the motor
3 vehicle is left unattended on school property.

4 Nothing contained in any provision of this subsection or
5 subsection C of this section shall be construed to authorize or
6 allow any person in control of any place described in subsection A
7 of this section to establish any policy or rule that has the effect
8 of prohibiting any person in lawful possession of a handgun license
9 from possession of a handgun allowable under such license in places
10 described in this subsection.

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

3 D. Notwithstanding paragraph 3 of subsection A of this section,
4 a board of education of a school district may adopt a policy
5 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
6 authorize the carrying of a handgun onto school property by school
7 personnel specifically designated by the board of education,
8 provided such personnel either:

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

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

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

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

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1 F. No person in possession of a valid handgun license issued
2 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
3 authorized to carry the handgun into or upon any college, university
4 or technology center school property, except as provided in this
5 subsection. For purposes of this subsection, the following property
6 shall not be construed as prohibited for persons having a valid
7 handgun license:

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

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

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

22 The college, university or technology center school may notify
23 the Oklahoma State Bureau of Investigation within ten (10) days of a
24 violation of any provision of this subsection by a licensee. Upon

1 receipt of a written notification of violation, the Bureau shall
2 give a reasonable notice to the licensee and hold a hearing. At the
3 hearing, upon a determination that the licensee has violated any
4 provision of this subsection, the licensee may be subject to an
5 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
6 have the handgun license suspended for three (3) months.

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

18 G. The provisions of this section shall not apply to the
19 following:

20 1. Any peace officer or any person authorized by law to carry a
21 pistol in the course of employment;

22 2. District judges, associate district judges and special
23 district judges, who are in possession of a valid handgun license
24 issued pursuant to the provisions of the Oklahoma Self-Defense Act

1 and whose names appear on a list maintained by the Administrative
2 Director of the Courts, when acting in the course and scope of
3 employment within the courthouses of this state;

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

6 4. Elected officials of a county, who are in possession of a
7 valid handgun license issued pursuant to the provisions of the
8 Oklahoma Self-Defense Act, ~~may carry a concealed handgun~~ when acting
9 in the performance of their duties within the courthouses of the
10 county in which he or she was elected. The provisions of this
11 paragraph shall not allow the elected county official to carry the
12 handgun into a courtroom;

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

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

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

9 SECTION 2. This act shall become effective November 1, 2019.

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