

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2010

By: Mize

7
8 COMMITTEE SUBSTITUTE

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

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

17 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
18 last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp.
19 2018, Section 1277), is amended to read as follows:

20 Section 1277.

21 UNLAWFUL CARRY IN CERTAIN PLACES

22 A. It shall be unlawful for any person in possession of a valid
23 handgun license issued pursuant to the provisions of the Oklahoma
24 Self-Defense Act to carry any concealed or unconcealed handgun into
any of the following places:

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 as a park, recreational area, wildlife
9 refuge, wildlife management area or fairgrounds; provided, nothing
10 in this paragraph shall be construed to authorize any entry by a
11 person in possession of a concealed or unconcealed handgun into any
12 structure, building or office space which is specifically prohibited
13 by the provisions of subsection A of this 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, the 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. Notwithstanding paragraph 3 of subsection A of this section,
19 a board of education of a school district may adopt a policy
20 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
21 authorize the carrying of a handgun onto school property by school
22 personnel specifically designated by the board of education,
23 provided such personnel either:
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1 1. Possess a valid armed security guard license as provided for
2 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

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

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

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

9 1. A public trust created pursuant to the provisions of Section
10 176 of Title 60 of the Oklahoma Statutes; or

11 2. A nonprofit entity,
12 an individual shall be allowed to carry a concealed handgun but not
13 openly carry a handgun on the property.

14 F. Any person violating the provisions of 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 of this section may be denied entrance onto the
19 property or removed from the property. If the person refuses to
20 leave the property and a peace officer is summoned, the person may
21 be issued a citation for an amount not to exceed Two Hundred Fifty
22 Dollars (\$250.00).

23 ~~F.~~ G. No person in possession of a valid handgun license issued
24 pursuant to the provisions of the Oklahoma Self-Defense Act shall be

1 authorized to carry the handgun into or upon any college, university
2 or technology center school property, except as provided in this
3 subsection. For purposes of this subsection, the following property
4 shall not be construed as prohibited for persons having a valid
5 handgun license:

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

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

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

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

1 hearing, upon a determination that the licensee has violated any
2 provision of this subsection, the licensee may be subject to an
3 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
4 have the handgun license suspended for three (3) months.

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

16 ~~G.~~ H. The provisions of this section shall not apply to the
17 following:

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

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

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

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

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

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

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

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11 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/25/2019 - DO PASS,
12 As Amended.

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