

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 18, 2021

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB644

By: Paxton et al of the Senate and Roberts (Sean) et al of the House

Title: Firearms; authorizing municipalities to allow for the carry of firearms by officials or employees for personal protection; exemption from liability; prohibited locations. Effective date.

_____ together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:


1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,


SENATE CONFEREES:



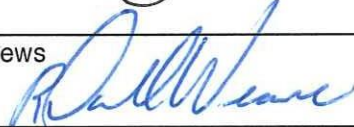
Paxton



Jech

Brooks


Coleman

Matthews


Weaver

HOUSE CONFEREES:

Conference Committee on County and Municipal Government

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 644

By: Paxton, Hamilton, Bullard,
Bergstrom, Jett and
Stephens of the Senate

6 and

7 Roberts (Sean), McDugle,
8 Gann and Smith of the House

9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to firearms; amending 21 O.S. 2011,
12 Section 1277, as last amended by Section 1, Chapter
13 235, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1277),
14 which relates to the unlawful carry of firearms in
15 certain places; authorizing municipalities to allow
16 for the carry of concealed firearms by municipal
17 employees for personal protection; providing
18 eligibility requirements; providing conditions by
19 which firearms shall be carried and stored; providing
20 immunity from civil and criminal liability under
21 certain circumstances; prohibiting the carrying of
22 firearms at firearm-prohibited locations; providing
23 penalty; defining term; providing construing
24 provision related to the carrying of firearms by
municipal employees; amending 21 O.S. 2011, Section
1290.2, as last amended by Section 4 of Enrolled
Senate Bill No. 106 of the 1st Session of the 58th
Legislature (21 O.S. Supp. 2020, Section 1290.2),
which relates to definitions; clarifying certain
definitions; and providing an effective date.

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

1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
2 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.
3 2020, Section 1277), is amended to read as follows:

4 Section 1277.

5 UNLAWFUL CARRY IN CERTAIN PLACES

6 A. It shall be unlawful for any person, including a person in
7 possession of a valid handgun license issued pursuant to the
8 provisions of the Oklahoma Self-Defense Act, to carry any concealed
9 or unconcealed ~~handgun~~ firearm into any of the following places:

10 1. Any structure, building, or office space which is owned or
11 leased by a city, town, county, state or federal governmental
12 authority for the purpose of conducting business with the public;

13 2. Any courthouse, courtroom, prison, jail, detention facility
14 or any facility used to process, hold or house arrested persons,
15 prisoners or persons alleged delinquent or adjudicated delinquent,
16 except as provided in Section 21 of Title 57 of the Oklahoma
17 Statutes;

18 3. Any public or private elementary or public or private
19 secondary school, except as provided in subsections C and D of this
20 section;

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

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

1 6. Any other place specifically prohibited by law.

2 B. For purposes of subsection A of this section, the prohibited
3 place does not include and specifically excludes the following
4 property:

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

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

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

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

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

3 Nothing contained in any provision of this subsection or
4 subsection C of this section shall be construed to authorize or
5 allow any person in control of any place described in subsection A
6 of this section to establish any policy or rule that has the effect
7 of prohibiting any person in lawful possession of a handgun license
8 or otherwise in lawful possession of a firearm from carrying or
9 possessing the firearm on the property described in this subsection.

10 C. A concealed or unconcealed weapon may be carried onto
11 private school property or in any school bus or vehicle used by any
12 private school for transportation of students or teachers by a
13 person who is licensed pursuant to the Oklahoma Self-Defense Act⁷;
14 provided, a policy has been adopted by the governing entity of the
15 private school that authorizes the carrying and possession of a
16 weapon on private school property or in any school bus or vehicle
17 used by a private school. Except for acts of gross negligence or
18 willful or wanton misconduct, a governing entity of a private school
19 that adopts a policy which authorizes the possession of a weapon on
20 private school property, a school bus or vehicle used by the private
21 school shall be immune from liability for any injuries arising from
22 the adoption of the policy. The provisions of this subsection shall
23 not apply to claims pursuant to the Administrative Workers'
24 Compensation Act.

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

- 7 1. Possess a valid armed security guard license as provided for
8 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or
- 9 2. Hold a valid reserve peace officer certification as provided
10 for in Section 3311 of Title 70 of the Oklahoma Statutes.

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

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

- 15 1. A public trust created pursuant to the provisions of Section
16 176 of Title 60 of the Oklahoma Statutes; or
- 17 2. A nonprofit entity,
18 an individual shall be allowed to carry a concealed handgun but not
19 openly carry a handgun on the property.

20 F. Any person violating the provisions of paragraph 2 or 3 of
21 subsection A of this section shall, upon conviction, be guilty of a
22 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
23 Dollars (\$250.00). A person violating any other provision of
24 subsection A of this section may be denied entrance onto the

1 property or removed from the property. If the person refuses to
2 leave the property and a peace officer is summoned, the person may
3 be issued a citation for an amount not to exceed Two Hundred Fifty
4 Dollars (\$250.00).

5 G. No person in possession of a valid handgun license issued
6 pursuant to the provisions of the Oklahoma Self-Defense Act or who
7 is carrying or in possession of a firearm as otherwise permitted by
8 law or who is carrying or in possession of a machete, blackjack,
9 loaded cane, hand chain or metal knuckles shall be authorized to
10 carry the firearm, machete, blackjack, loaded cane, hand chain or
11 metal knuckles into or upon any college, university or technology
12 center school property, except as provided in this subsection. For
13 purposes of this subsection, the following property shall not be
14 construed to be college, university or technology center school
15 property:

16 1. Any property set aside for the use or parking of any motor
17 vehicle, whether attended or unattended, provided the firearm,
18 machete, blackjack, loaded cane, hand chain or metal knuckles are
19 carried or stored as required by law and the firearm, machete,
20 blackjack, loaded cane, hand chain or metal knuckles are not removed
21 from the motor vehicle without the prior consent of the college or
22 university president or technology center school administrator while
23 the vehicle is on any college, university or technology center
24 school property;

1 2. Any property authorized for possession or use of firearms,
2 machetes, blackjacks, loaded canes, hand chains or metal knuckles by
3 college, university or technology center school policy; and

4 3. Any property authorized by the written consent of the
5 college or university president or technology center school
6 administrator, provided the written consent is carried with the
7 firearm, machete, blackjack, loaded cane, hand chain or metal
8 knuckles and the valid handgun license while on college, university
9 or technology center school property.

10 The college, university or technology center school may notify
11 the Oklahoma State Bureau of Investigation within ten (10) days of a
12 violation of any provision of this subsection by a licensee. Upon
13 receipt of a written notification of violation, the Bureau shall
14 give a reasonable notice to the licensee and hold a hearing. At the
15 hearing, upon a determination that the licensee has violated any
16 provision of this subsection, the licensee may be subject to an
17 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
18 have the handgun license suspended for three (3) months.

19 Nothing contained in any provision of this subsection shall be
20 construed to authorize or allow any college, university or
21 technology center school to establish any policy or rule that has
22 the effect of prohibiting any person in lawful possession of a
23 handgun license or any person in lawful possession of a firearm,
24 machete, blackjack, loaded cane, hand chain or metal knuckles from

1 possession of a firearm, machete, blackjack, loaded cane, hand chain
2 or metal knuckles in places described in paragraphs 1, 2 and 3 of
3 this subsection. Nothing contained in any provision of this
4 subsection shall be construed to limit the authority of any college,
5 university or technology center school in this state from taking
6 administrative action against any student for any violation of any
7 provision of this subsection.

8 H. The provisions of this section shall not apply to the
9 following:

10 1. Any peace officer or any person authorized by law to carry a
11 firearm 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, when acting in the course and scope of
17 employment within the courthouses of this state;

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

20 4. Elected officials of a county, who are in possession of a
21 valid handgun license issued pursuant to the provisions of the
22 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
23 in the performance of their duties within the courthouses of the
24 county in which he or she was elected. The provisions of this

1 paragraph shall not allow the elected county official to carry the
2 handgun into a courtroom;

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

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

21 I. 1. Municipalities may authorize all or certain municipal
22 employees to carry concealed firearms, as defined in Section 1290.2
23 of this title, for their personal protection according to the terms
24 and conditions outlined in this subsection. To be eligible to carry

1 a concealed firearm while working and employed on a municipal
2 property, the employee must have been issued a valid handgun license
3 pursuant to the provisions of the Oklahoma Self-Defense Act and
4 successfully completed any additional training or requirements as
5 established by ordinance.

6 2. Carrying a firearm as authorized in this section shall not
7 in any way be considered a requirement for continued employment with
8 the municipality, municipal authority or municipal trust.

9 3. When carrying a firearm pursuant to this subsection, the
10 employee shall at all times carry the firearm on his or her person
11 or the firearm shall be stored in a locked and secured location
12 which is permanently affixed or tethered at the expense of the
13 employee and with permission of the governing body. The
14 municipality shall not be liable for any loss, damage or injuries
15 that occur in relation to or caused by the possession or storage of
16 a firearm under the provisions of this subsection.

17 4. Any municipal employee authorized to carry a firearm under
18 the provisions of this subsection, while acting in a reasonable and
19 prudent manner, shall be immune from civil and criminal liability
20 for any injury resulting from the carrying, accidental discharge or
21 intentional discharge of a handgun on municipal property as provided
22 in this subsection. Any municipality, public authority or trust
23 with a municipality as a beneficiary, city council, board of
24 trustees or participating local law enforcement agency, whose

1 authorized employee is acting in a reasonable and prudent manner,
2 shall be immune from civil and criminal liability for any injury,
3 act or other suit at law or in equity resulting from any act,
4 failure to act or refusal to act committed by a municipal employee
5 who carries, accidentally discharges or intentionally discharges a
6 handgun in the place of employment as authorized by this subsection.

7 5. For purposes of this subsection, firearms may only be
8 carried by a municipal employee in the place of employment of the
9 municipal employee during working hours, unless the location is a
10 firearm-prohibited location. In addition to any employment
11 disciplinary actions, any person who violates the provisions of this
12 subsection shall be subject to the penalties provided for in
13 subsection F of this section. As used in this paragraph, "firearm-
14 prohibited location" shall include the following locations:

15 a. any room, location or other public place where public
16 meetings or other meetings governed by the Oklahoma
17 Open Meeting Act occur,

18 b. any room, location or other place on municipally
19 owned, leased or maintained property designated as a
20 firearm-prohibited location by the municipal
21 government, and

22 c. any police department, courthouse, courtroom, prison,
23 jail, detention facility or any facility used to
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1 process, hold or house arrested persons, prisoners or
2 persons alleged delinquent or adjudicated delinquent.

3 6. Nothing in this section should be construed as a mechanism
4 to allow municipal employees to carry a firearm as a duty or
5 function of their employment with the municipality. Any act
6 concerning the carrying of a firearm, a refusal or failure to act
7 with a firearm or the accidental or intentional discharge of a
8 firearm shall be considered taken on the personal behalf of the
9 municipal employee and not on behalf of the municipality and shall
10 not be considered an act performed within the scope of duties of the
11 employee, nor shall it be construed as an act by the municipality,
12 municipal authority or municipal trust, or any employee thereof.

13 J. For the purposes of this section, "motor vehicle" means any
14 automobile, truck, minivan, or sports utility vehicle, or motorcycle
15 as defined in Section 1-135 of Title 47 of the Oklahoma Statutes,
16 equipped with a locked accessory container within or affixed to the
17 motorcycle.

18 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.2, as
19 last amended by Section 4 of Enrolled Senate Bill No. 106 of the 1st
20 Session of the 58th Legislature (21 O.S. Supp. 2020, Section
21 1290.2), is amended to read as follows:

22 Section 1290.2.

23 DEFINITIONS

24 A. As used in the Oklahoma Self-Defense Act:

1 1. "Completed application" means all fields are completed, all
2 questions are answered and the required signatures are present on
3 the application for a handgun license, and the required documents
4 are attached to the application, including legible fingerprints, if
5 applicable;

6 2. "Concealed ~~handgun~~ firearm" means a loaded or unloaded
7 ~~pistol or handgun~~ firearm, not openly visible to the ordinary
8 observation of a reasonable person;

9 3. "Unconcealed ~~handgun~~ firearm" or "open carry" means a loaded
10 or unloaded ~~pistol or handgun~~ firearm that is not held in the hand,
11 but rather is carried upon the person in a holster where the firearm
12 is visible, or carried upon the person using a scabbard, or sling in
13 a general vertical position where the barrel of the firearm is
14 safely pointed in an up or down direction, or in a case designed for
15 carrying firearms. The provisions of this paragraph shall not apply
16 while lawfully at a gun range, while lawfully hunting, while
17 lawfully shooting a firearm or during an act of self-defense; and

18 4. "Pistol" or "handgun" shall have the same definition as
19 provided in ~~the Oklahoma Firearms Act of 1971, defined in Section~~
20 1289.3 of this title;

21 5. "Rifle" shall have the same definition as provided in
22 Section 1289.4 of this title; and

23 6. "Shotgun" shall have the same definition as provided in
24 Section 1289.5 of this title.

1 B. The definition of pistol or handgun for purposes of the
2 Oklahoma Self-Defense Act shall not apply to imitation pistols,
3 flare guns, underwater fishing guns or blank pistols.

4 C. Pistols, handguns, rifles, shotguns and all other lawful
5 firearms mentioned in the Oklahoma Self-Defense Act may collectively
6 be referred to as "firearms".

7 SECTION 3. This act shall become effective November 1, 2021.

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