

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 1049

By: Dahm

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2021, Section 1277, which relates to the unlawful carry of firearms in certain places; removing references to federally owned buildings and properties; authorizing municipal officials or employees to carry concealed firearms; providing eligibility requirements; prohibiting the carrying of firearms at firearm-prohibited locations; defining term; providing construing provision related to the carrying of firearms by municipal officials or employees; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1277, is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

A. It shall be unlawful for any person, including a person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry any concealed or unconcealed firearm 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, or 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;

16 6. Any other place specifically prohibited by law; and

17 7. Any property set aside by a county, city, town, public trust
18 with a county, city or town as a beneficiary, or state governmental
19 authority for an event that is secured with minimum-security
20 provisions. For purposes of this paragraph, a minimum-security
21 provision consists of a location that is secured utilizing the
22 following:

- 23 a. a metallic-style security fence that is at least eight
24 (8) feet in height that encompasses the property and
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1 is secured in such a way as to deter unauthorized
2 entry,

3 b. controlled access points staffed by a uniformed,
4 commissioned peace officer, and

5 c. a metal detector whereby persons walk or otherwise
6 travel with their property through or by the metal
7 detector.

8 B. It shall be lawful for a person to carry a concealed or
9 unconcealed firearm on the following properties:

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

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

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

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

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

8 6. Any public property set aside temporarily by a county, city,
9 town, public trust with a county, city or town as a beneficiary, or
10 state governmental authority for the holder of an event permit that
11 is without minimum-security provisions, as such term is defined in
12 paragraph 7 of subsection A of this section; provided, the carry of
13 firearms within ~~said~~ the permitted event area shall be limited to
14 concealed carry of a handgun unless otherwise authorized by the
15 holder of the event permit.

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 or otherwise in lawful possession of a firearm from carrying or
22 possessing the firearm on the property 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 not be subject to liability for any injuries arising
11 from the adoption of the policy. The provisions of this subsection
12 shall not apply to claims pursuant to the Administrative Workers'
13 Compensation Act.

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

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

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

3 E. Notwithstanding the provisions of subsection A of this
4 section, on any property designated as a municipal zoo or park of
5 any size that is owned, leased, operated or managed by:

6 1. A public trust created pursuant to the provisions of Section
7 176 of Title 60 of the Oklahoma Statutes; or

8 2. A nonprofit entity,
9 an individual shall be allowed to carry a concealed handgun but not
10 openly carry a handgun on the property.

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

20 G. No person in possession of a valid handgun license issued
21 pursuant to the provisions of the Oklahoma Self-Defense Act or who
22 is carrying or in possession of a firearm as otherwise permitted by
23 law or who is carrying or in possession of a machete, blackjack,
24 loaded cane, hand chain or metal knuckles shall be authorized to

1 carry the firearm, machete, blackjack, loaded cane, hand chain or
2 metal knuckles into or upon any college, university or technology
3 center school property, except as provided in this subsection. For
4 purposes of this subsection, the following property shall not be
5 construed to be college, university or technology center school
6 property:

7 1. Any property set aside for the use or parking of any motor
8 vehicle, whether attended or unattended, provided the firearm,
9 machete, blackjack, loaded cane, hand chain or metal knuckles are
10 carried or stored as required by law and the firearm, machete,
11 blackjack, loaded cane, hand chain or metal knuckles are not removed
12 from the motor vehicle without the prior consent of the college or
13 university president or technology center school administrator while
14 the vehicle is on any college, university or technology center
15 school property;

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

19 3. Any property authorized by the written consent of the
20 college or university president or technology center school
21 administrator, provided the written consent is carried with the
22 firearm, machete, blackjack, loaded cane, hand chain or metal
23 knuckles and the valid handgun license while on college, university
24 or technology center school property.

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

10 Nothing contained in any provision of this subsection shall be
11 construed to authorize or allow any college, university or
12 technology center school to establish any policy or rule that has
13 the effect of prohibiting any person in lawful possession of a
14 handgun license or any person in lawful possession of a firearm,
15 machete, blackjack, loaded cane, hand chain or metal knuckles from
16 possession of a firearm, machete, blackjack, loaded cane, hand chain
17 or metal knuckles in places described in paragraphs 1, 2 and 3 of
18 this subsection. Nothing contained in any provision of this
19 subsection shall be construed to limit the authority of any college,
20 university or technology center school in this state from taking
21 administrative action against any student for any violation of any
22 provision of this subsection.

23 H. The provisions of this section shall not apply to the
24 following:

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

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

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

11 4. Elected officials of a county, who are in possession of a
12 valid handgun license issued pursuant to the provisions of the
13 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
14 in the performance of his or her duties within the courthouses of
15 the county in which he or she was elected. The provisions of this
16 paragraph shall not allow the elected county official to carry the
17 handgun into a courtroom;

18 5. The sheriff of any county may authorize certain employees of
19 the county, who possess a valid handgun license issued pursuant to
20 the provisions of the Oklahoma Self-Defense Act, to carry a
21 concealed handgun when acting in the course and scope of employment
22 within the courthouse in the county in which the person is employed.
23 Nothing in the Oklahoma Self-Defense Act shall prohibit the sheriff
24 from requiring additional instruction or training before granting

1 authorization to carry a concealed handgun within the courthouse.
2 The provisions of this paragraph and of paragraph 6 of this
3 subsection shall not allow the county employee to carry the handgun
4 into a courtroom, sheriff's office, adult or juvenile jail or any
5 other prisoner detention area; and

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

12 I. 1. Any municipal, county, or state employee with a valid
13 handgun license issued pursuant to the provisions of the Oklahoma
14 Self-Defense Act may carry a concealed or unconcealed handgun or
15 other firearm when acting in the course and scope of employment.

16 2. For purposes of this subsection, firearms may not be present
17 in a location that is a firearm-prohibited location. As used in
18 this paragraph, "firearm-prohibited location" shall include the
19 following locations:

20 a. inside the building of any courthouse, courtroom,
21 prison, jail, detention facility, or any facility used
22 to process, hold, or house arrested persons,
23 prisoners, or persons alleged delinquent or
24 adjudicated delinquent, and

1 b. inside any state, county, or municipal mental health
2 facility building.

3 3. Nothing in this section shall be construed as a mechanism to
4 allow municipal employees to carry a firearm as a duty or function
5 of their employment with the municipality, municipal public trust,
6 or municipal authority.

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

12 SECTION 2. This act shall become effective November 1, 2023.

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