

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1212

By: Dahm

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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  
9 165, O.S.L. 2017 (21 O.S. Supp. 2017, Section 1277),  
10 which relates to unlawful carry in certain places;  
11 modifying inclusions; updating language; and  
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as  
15 last amended by Section 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp.  
16 2017, Section 1277), is amended to read as follows:

17 Section 1277.

18 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

6       3. Any public or private elementary or public or private  
7 secondary school, except as provided in subsections C and D of this  
8 section;

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

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

13       6. Any other place specifically prohibited by law.

14       B. For purposes of subsection A of this section, the prohibited  
15 place does not include and specifically excludes the following  
16 property:

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

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

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

4           4. Any property designated by a city, town, county or state  
5 governmental authority as a park, recreational area, wildlife  
6 refuge, wildlife management area or fairgrounds; provided, nothing  
7 in this paragraph shall be construed to authorize any entry by a  
8 person in possession of a concealed or unconcealed handgun into any  
9 structure, building or office space which is specifically prohibited  
10 by the provisions of subsection A of this section; and

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

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 from possession of a handgun allowable under such license in places  
22 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 be immune from liability for any injuries arising from  
11 the adoption of the policy. The provisions of this subsection shall  
12 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.

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

3 E. Any person violating the provisions of paragraph 2 or 3 of  
4 subsection A of this section shall, upon conviction, be guilty of a  
5 misdemeanor punishable by a fine not to exceed Two Hundred Fifty  
6 Dollars (\$250.00). A person violating any other provision of  
7 subsection A of this section may be denied entrance onto the  
8 property or removed from the property. If the person refuses to  
9 leave the property and a peace officer is summoned, the person may  
10 be issued a citation for an amount not to exceed Two Hundred Fifty  
11 Dollars (\$250.00).

12 F. No person in possession of a valid handgun license issued  
13 pursuant to the provisions of the Oklahoma Self-Defense Act shall be  
14 authorized to carry the handgun into or upon any college, university  
15 or technology center school property, except as provided in this  
16 subsection. For purposes of this subsection, the following property  
17 shall not be construed as prohibited for persons having a valid  
18 handgun license:

19 1. Any property set aside for the use or parking of any  
20 vehicle, whether attended or unattended, provided the handgun is  
21 carried or stored as required by law and the handgun is not removed  
22 from the vehicle without the prior consent of the college or  
23 university president or technology center school administrator while  
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1 the vehicle is on any college, university or technology center  
2 school property;

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

5 3. Any property authorized by the written consent of the  
6 college or university president or technology center school  
7 administrator, provided the written consent is carried with the  
8 handgun 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 from possession of a handgun allowable under such  
24 license in places described in paragraphs 1, 2 and 3 of this

1 subsection. Nothing contained in any provision of this subsection  
2 shall be construed to limit the authority of any college, university  
3 or technology center school in this state from taking administrative  
4 action against any student for any violation of any provision of  
5 this subsection.

6 G. The provisions of this section shall not apply to the  
7 following:

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

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

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

18 4. Elected officials of a county, who are in possession of a  
19 valid handgun license issued pursuant to the provisions of the  
20 Oklahoma Self-Defense Act, may carry a concealed handgun when acting  
21 in the performance of their duties within the courthouses of the  
22 county in which he or she was elected. The provisions of this  
23 paragraph shall not allow the elected county official to carry the  
24 handgun into a courtroom.

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

SECTION 2. This act shall become effective November 1, 2018.

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