

1 STATE OF OKLAHOMA

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

3 SENATE BILL 671

By: Bullard

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5
6 AS INTRODUCED

7 An Act relating to carrying of firearms; amending 21
8 O.S. 2011, Section 1277, as last amended by Section
9 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp. 2018,
10 Section 1277), which relates to unlawful carry in
11 certain places; modifying certain allowable
12 authorization; amending 21 O.S. 2011, Section 1280.1,
13 as last amended by Section 2, Chapter 310, O.S.L.
14 2015 (21 O.S. Supp. 2018, Section 1280.1), which
15 relates to possession of firearm on school property;
16 modifying certain allowable authorization; amending
17 Section 3, Chapter 310, O.S.L. 2015 (70 O.S. Supp.
18 2018, Section 5-149.2), which relates to handgun
19 licenses for school personnel; specifying certain
20 allowable authorization; updating statutory language;
21 updating statutory references; and providing an
22 effective date.

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

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

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

A. It shall be unlawful for any person in possession of a valid
handgun license issued pursuant to the provisions of the Oklahoma

1 Self-Defense Act to carry any concealed or unconcealed handgun into
2 any of the following places:

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

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

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

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

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

18 6. Any other place specifically prohibited by law.

19 B. For purposes of subsection A of this section, the prohibited
20 place does not include and specifically excludes the following
21 property:

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

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:
24

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; or

5 3. Possess a valid handgun license issued pursuant to the
6 provisions of the Oklahoma Self-Defense Act and meet other
7 requirements as authorized by the board of education.

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

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

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

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

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

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

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

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

14 G. The provisions of this section shall not apply to the
15 following:

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

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

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

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

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

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

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

6 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, as
7 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
8 2018, Section 1280.1), is amended to read as follows:

9 Section 1280.1.

10 POSSESSION OF FIREARM ON SCHOOL PROPERTY

11 A. It shall be unlawful for any person to have in his or her
12 possession on any public or private school property or while in any
13 school bus or vehicle used by any school for transportation of
14 students or teachers any firearm or weapon designated in Section
15 1272 of this title, except as provided in subsection C of this
16 section or as otherwise authorized by law.

17 B. For purposes of this section:

18 1. "School property" means any publicly owned property held for
19 purposes of elementary, secondary or vocational-technical education,
20 and shall not include property owned by public school districts or
21 where such property is leased or rented to an individual or
22 corporation and used for purposes other than educational;

23 2. "Private school" means a school that offers a course of
24 instruction for students in one or more grades from prekindergarten
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1 through grade twelve and is not operated by a governmental entity;
2 and

3 3. "Motor vehicle" means any automobile, truck, minivan or
4 sports utility vehicle.

5 C. Firearms and weapons are allowed on school property and
6 deemed not in violation of subsection A of this section as follows:

7 1. A gun or knife designed for hunting or fishing purposes kept
8 in a privately owned vehicle and properly displayed or stored as
9 required by law, provided such vehicle containing ~~said~~ the gun or
10 knife is driven onto school property only to transport a student to
11 and from school and such vehicle does not remain unattended on
12 school property;

13 2. A gun or knife used for the purposes of participating in the
14 Oklahoma Department of Wildlife Conservation certified hunter
15 training education course or any other hunting, fishing, safety or
16 firearms training courses, or a recognized firearms sports event,
17 team shooting program or competition, or living history reenactment,
18 provided the course or event is approved by the principal or chief
19 administrator of the school where the course or event is offered,
20 and provided the weapon is properly displayed or stored as required
21 by law pending participation in the course, event, program or
22 competition;

1 3. Weapons in the possession of any peace officer or other
2 person authorized by law to possess a weapon in the performance of
3 his or her duties and responsibilities;

4 4. A concealed or unconcealed weapon carried onto private
5 school property or in any school bus or vehicle used by any private
6 school for transportation of students or teachers by a person who is
7 licensed pursuant to the Oklahoma Self-Defense Act, provided a
8 policy has been adopted by the governing entity of the private
9 school that authorizes the possession of a weapon on private school
10 property or in any school bus or vehicle used by a private school.
11 Except for acts of gross negligence or willful or wanton misconduct,
12 a governing entity of a private school that adopts a policy which
13 authorizes the possession of a weapon on private school property, a
14 school bus or vehicle used by the private school shall be immune
15 from liability for any injuries arising from the adoption of the
16 policy. The provisions of this paragraph shall not apply to claims
17 pursuant to the Workers' Compensation Code;

18 5. A gun, knife, bayonet or other weapon in the possession of a
19 member of a veterans group, the national guard, active military, the
20 Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to
21 participate in a ceremony, assembly or educational program approved
22 by the principal or chief administrator of a school or school
23 district where the ceremony, assembly or educational program is
24 being held; provided, however, the gun or other weapon that uses

1 projectiles is not loaded and is inoperable at all times while on
2 school property;

3 6. A handgun carried in a motor vehicle pursuant to a valid
4 handgun license authorized by the Oklahoma Self-Defense Act onto
5 property set aside by a public or private elementary or secondary
6 school for the use or parking of any vehicle; provided, however,
7 ~~said~~ the handgun shall be stored and hidden from view in a locked
8 motor vehicle when the motor vehicle is left unattended on school
9 property; and

10 7. A handgun carried onto public school property by school
11 personnel who have been designated by the board of education,
12 provided such personnel either:

- 13 a. possess a valid armed security guard license as
14 provided for in Section 1750.1 et seq. of Title 59 of
15 the Oklahoma Statutes, ~~or~~
- 16 b. hold a valid reserve peace officer certification as
17 provided for in Section 3311 of Title 70 of the
18 Oklahoma Statutes, or
- 19 c. possess a valid handgun license issued pursuant to the
20 provisions of the Oklahoma Self-Defense Act and meet
21 other requirements as authorized by the board of
22 education,

23 if a policy has been adopted by the board of education of the school
24 district that authorizes the carrying of a handgun onto public

1 school property by such personnel. Nothing in this subsection shall
2 be construed to restrict authority granted elsewhere in law to carry
3 firearms.

4 D. Any person violating the provisions of this section shall,
5 upon conviction, be guilty of a misdemeanor punishable by a fine of
6 not to exceed Two Hundred Fifty Dollars (\$250.00).

7 SECTION 3. AMENDATORY Section 3, Chapter 310, O.S.L.
8 2015 (70 O.S. Supp. 2018, Section 5-149.2), is amended to read as
9 follows:

10 Section 5-149.2. A. The board of education of a school
11 district may, ~~through a majority vote of the board, designate~~ adopt
12 a policy to authorize the carrying of a handgun onto school property
13 by school personnel who have been issued a handgun license pursuant
14 to the Oklahoma Self-Defense Act to attend an specifically
15 designated by the board of education, provided such personnel
16 either:

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

19 2. Hold a valid reserve peace officer certification as provided
20 for in Section 3311 of this title; or

21 3. Possess a valid handgun license issued pursuant to the
22 provisions of the Oklahoma Self-Defense Act and meet other
23 requirements as authorized by the board of education.

1 B. The board of education of a school district may, through a
2 majority vote of the board, designate school personnel to attend an
3 armed security guard training program, as provided for in Section
4 1750.5 of Title 59 of the Oklahoma Statutes, or a reserve peace
5 officer certification program, as provided for in Section 3311 of
6 ~~7 Title 70 of the Oklahoma Statutes~~ this title, provided and developed
7 by the Council on Law Enforcement Education and Training (CLEET).
8 Nothing in this section shall be construed to prohibit or limit the
9 board of education of a school district from requiring ongoing
10 education and training.

11 ~~B.~~ C. Participation in either the armed security guard training
12 program or the reserve peace officer certification program shall be
13 voluntary and shall not in any way be considered a requirement for
14 continued employment with the school district. The board of
15 education of a school district shall have the final authority to
16 determine and designate the school personnel who will be authorized
17 to obtain and use an armed security guard license ~~or~~, reserve peace
18 officer certification or handgun license in conjunction with their
19 employment as school personnel.

20 ~~C.~~ D. The board of education of a school district that
21 authorizes school personnel to participate in either the armed
22 security guard program or the reserve peace officer program may pay
23 all necessary training, meal and lodging expenses associated with
24 the training.

1 ~~D.~~ E. When carrying a firearm pursuant to the provisions of
2 ~~this act~~ the Oklahoma Self-Defense Act, the person shall at all
3 times carry the firearm on his or her person or the firearm shall be
4 stored in a locked and secure location.

5 ~~E.~~ F. Any school personnel who have successfully completed
6 ~~either~~ armed security guard training, reserve peace officer
7 certification training or handgun license training and while acting
8 in good faith shall be immune from civil and criminal liability for
9 any injury resulting from the carrying of a handgun onto public
10 school property as provided for in ~~this act~~ the Oklahoma Self-
11 Defense Act. Any board of education of a school district or
12 participating local law enforcement agency shall be immune from
13 civil and criminal liability for any injury resulting from any act
14 committed by school personnel who are designated to carry a
15 concealed handgun on public school property pursuant to the
16 provisions of ~~this act~~ the Oklahoma Self-Defense Act.

17 ~~F.~~ G. In order to carry out the provisions of this section, the
18 board of education of a school district is authorized to enter into
19 a memorandum of understanding with local law enforcement entities.

20 SECTION 4. This act shall become effective November 1, 2019.

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