

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1401

By: Dahm

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6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,
8 Section 1277, as last amended by Section 1, Chapter
9 235, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1277),
10 which relates to unlawful carry in certain places;
11 modifying allowable locations where carry cannot be
12 prohibited; requiring certain designation; allowing
13 certain carry; and providing an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
16 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.
17 2019, Section 1277), is amended to read as follows:

Section 1277.

18 UNLAWFUL CARRY IN CERTAIN PLACES

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

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 in statute, ordinance, resolution,
8 policy or by use, that is designated by a city, town, county or
9 state governmental authority as a street, plaza, sidewalk, alley,
10 park, recreational area, wildlife refuge, wildlife management area
11 or fairgrounds; provided, nothing in this paragraph shall be
12 construed to authorize any entry by a person in possession of a
13 concealed or unconcealed firearm into any structure, building or
14 office space which is specifically prohibited by the provisions of
15 subsection A of this section; and

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

21 Nothing contained in any provision of this subsection or
22 subsection C of this section shall be construed to authorize or
23 allow any person in control of any place described in subsection A
24 of this section to establish any policy or rule that has the effect

1 of prohibiting any person in lawful possession of a handgun license
2 or otherwise in lawful possession of a firearm from carrying or
3 possessing the firearm on the property described in this subsection.

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

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

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, regardless of any size,
8 designated by statute, ordinance, resolution, policy or by use that
9 is owned, leased, operated or managed by:

10 1. A public trust created pursuant to the provisions of Section
11 176 of Title 60 of the Oklahoma Statutes; or

12 2. A nonprofit entity,
13 an individual shall be allowed to carry a concealed handgun but not
14 openly carry a handgun on the property, unless the open carry of a
15 firearm is permitted by the nonprofit entity of the public trust
16 property.

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

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

14 1. Any property set aside for the use or parking of any motor
15 vehicle, whether attended or unattended, provided the firearm,
16 machete, blackjack, loaded cane, hand chain or metal knuckles are
17 carried or stored as required by law and the firearm, machete,
18 blackjack, loaded cane, hand chain or metal knuckles are not removed
19 from the motor vehicle without the prior consent of the college or
20 university president or technology center school administrator while
21 the vehicle is on any college, university or technology center
22 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. For the purposes of this section, "motor vehicle" means any
22 automobile, truck, minivan, sports utility vehicle or motorcycle as
23 defined in Section 1-135 of Title 47 of the Oklahoma Statutes,
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1 equipped with a locked accessory container within or affixed to the
2 motorcycle.

3 SECTION 2. This act shall become effective November 1, 2020.

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