

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2136

6 By: McDugle

7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending
9 21 O.S. 2021, Section 1277, which relates to the
10 unlawful carry of firearms in certain places;
11 providing an exception to certain prohibited act;
12 authorizing municipalities to allow employees or
13 public officials to carry firearms under certain
14 circumstances; providing restrictions; defining term;
15 providing construing provision; providing for the
16 public display of firearms subject to policies; and
17 providing an effective date.

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

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

21 Section 1277.

22 UNLAWFUL CARRY IN CERTAIN PLACES

23 A. It shall be unlawful for any person, including a person in
24 possession of a valid handgun license issued pursuant to the
25 provisions of the Oklahoma Self-Defense Act, to carry any concealed
26 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 Notwithstanding the provisions of this subsection, the governing
5 body of a city or town may authorize the concealed carry of handguns
6 into any structure, building or office space, except those places
7 listed in paragraph 2 of this subsection, which is owned or leased
8 by a city or town;

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

14 3. Any public or private elementary or public or private
15 secondary school, except as provided in subsections C and D of this
16 section;

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

19 5. Any place where gambling is authorized by law, unless
20 allowed by the property owner;

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

22 7. Any property set aside by a county, city, town, public trust
23 with a county, city or town as a beneficiary, or state governmental
24 authority for an event that is secured with minimum-security

1 provisions. For purposes of this paragraph, a minimum-security
2 provision consists of a location that is secured utilizing the
3 following:

- 4 a. a metallic-style security fence that is at least eight
5 (8) feet in height that encompasses the property and
6 is secured in such a way as to deter unauthorized
7 entry,
- 8 b. controlled access points staffed by a uniformed,
9 commissioned peace officer, and
- 10 c. a metal detector whereby persons walk or otherwise
11 travel with their property through or by the metal
12 detector.

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

- 15 1. Any property set aside for the use or parking of any
16 vehicle, whether attended or unattended, by a city, town, county, or
17 state ~~or federal~~ governmental authority;
- 18 2. Any property set aside for the use or parking of any
19 vehicle, whether attended or unattended, which is open to the
20 public, or by any entity engaged in gambling authorized by law;
- 21 3. Any property adjacent to a structure, building or office
22 space in which concealed or unconcealed weapons are prohibited by
23 the provisions of this section;

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

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

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

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 Act⁷ⁱ;
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 not be subject to liability for any injuries arising
16 from the adoption of the policy. The provisions of this subsection
17 shall 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 education⁷ⁱ;
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. Notwithstanding the provisions of subsection A of this
8 section, on any property designated as a municipal zoo or park of
9 any size that 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.

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

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

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

21 2. Any property authorized for possession or use of firearms,
22 machetes, blackjacks, loaded canes, hand chains or metal knuckles by
23 college, university or technology center school policy; and
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1 3. Any property authorized by the written consent of the
2 college or university president or technology center school
3 administrator, provided the written consent is carried with the
4 firearm, machete, blackjack, loaded cane, hand chain or metal
5 knuckles and the valid handgun license while on college, university
6 or technology center school property.

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

16 Nothing contained in any provision of this subsection shall be
17 construed to authorize or allow any college, university or
18 technology center school to establish any policy or rule that has
19 the effect of prohibiting any person in lawful possession of a
20 handgun license or any person in lawful possession of a firearm,
21 machete, blackjack, loaded cane, hand chain or metal knuckles from
22 possession of a firearm, machete, blackjack, loaded cane, hand chain
23 or metal knuckles in places described in paragraphs 1, 2 and 3 of
24 this subsection. Nothing contained in any provision of this

1 subsection shall be construed to limit the authority of any college,
2 university or technology center school in this state from taking
3 administrative action against any student for any violation of any
4 provision of this subsection.

5 H. The provisions of this section shall not apply to the
6 following:

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

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

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

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

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

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

19 I. 1. Municipalities may authorize certain employees or public
20 officials of the municipality, municipal public trust, or municipal
21 authority who possess a valid handgun license issued pursuant to the
22 provisions of the Oklahoma Self-Defense Act and who have
23 successfully completed any additional training or requirements, as
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1 established by ordinance or resolution, to carry a concealed
2 handgun when acting in the course and scope of employment.

3 2. For purposes of this subsection, firearms may not be present
4 in a location that is a firearm-prohibited location. As used in
5 this paragraph, "firearm-prohibited location" shall include the
6 following locations:

7 a. any structure, building, or office space on
8 municipally owned, leased, or maintained property
9 designated as a firearm-prohibited location by the
10 municipality, municipal public trust, or municipal
11 authority, and

12 b. any police department, courthouse, courtroom, prison,
13 jail, detention facility, or any facility used to
14 process, hold, or house arrested persons, prisoners,
15 or persons alleged delinquent or adjudicated
16 delinquent.

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

21 4. Municipalities may authorize the public display of firearms
22 in public buildings subject to policies established by the
23 municipality, municipal public trust, or municipal authority.

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1 J. For the purposes of this section, "motor vehicle" means any
2 automobile, truck, minivan, ~~sports~~ sport utility vehicle, or
3 motorcycle, as defined in Section 1-135 of Title 47 of the Oklahoma
4 Statutes, equipped with a locked accessory container within or
5 affixed to the motorcycle.

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

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