

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 644

By: Stephens, Hamilton,
Bullard, Bergstrom and Jett
of the Senate

6 and

7 Roberts (Sean) and McDugle
8 of the House

9
10 COMMITTEE SUBSTITUTE

11 An Act relating to firearms; amending 21 O.S. 2011,
12 Section 1277, as last amended by Section 1, Chapter
235, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1277),
13 which relates to the unlawful carry of firearms in
certain places; removing references to federally
14 owned buildings and properties; authorizing
municipalities to allow for the carry of concealed
15 firearms by municipal officials or employees for
personal protection; providing eligibility
16 requirements; providing conditions by which firearms
shall be carried and stored; providing exemption from
17 civil and criminal liability under certain
circumstances; prohibiting the carrying of firearms
18 at firearm-prohibited locations; providing penalty;
defining term; providing construing provision related
19 to the carrying of firearms by municipal officials or
employees; and providing an effective date.

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

22 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
23 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.
24 2020, Section 1277), is amended to read as follows:

1 Section 1277.

2 UNLAWFUL CARRY IN CERTAIN PLACES

3 A. It shall be unlawful for any person~~7~~ including a person in
4 possession of a valid handgun license issued pursuant to the
5 provisions of the Oklahoma Self-Defense Act~~7~~ to carry any concealed
6 or unconcealed ~~handgun~~ firearm into any of the following places:

7 1. Any structure, building~~7~~ or office space which is owned or
8 leased by a city, town, county~~7~~ or state ~~or federal~~ governmental
9 authority for the purpose of conducting business with the public;

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

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

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

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

22 6. Any other place specifically prohibited by law.

1 B. For purposes of subsection A of this section, the prohibited
2 place does not include and specifically excludes the following
3 property:

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

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

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

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

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

1 Nothing contained in any provision of this subsection or
2 subsection C of this section shall be construed to authorize or
3 allow any person in control of any place described in subsection A
4 of this section to establish any policy or rule that has the effect
5 of prohibiting any person in lawful possession of a handgun license
6 or otherwise in lawful possession of a firearm from carrying or
7 possessing the firearm on the property described in this subsection.

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

23 D. Notwithstanding paragraph 3 of subsection A of this section,
24 a board of education of a school district may adopt a policy

1 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
2 authorize the carrying of a handgun onto school property by school
3 personnel specifically designated by the board of education⁷ⁱ
4 provided, such personnel either:

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

7 2. Hold a valid reserve peace officer certification as provided
8 for in Section 3311 of Title 70 of the Oklahoma Statutes.

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

11 E. In any municipal zoo or park of any size that is owned,
12 leased, operated or managed by:

13 1. A public trust created pursuant to the provisions of Section
14 176 of Title 60 of the Oklahoma Statutes; or

15 2. A nonprofit entity,
16 an individual shall be allowed to carry a concealed handgun but not
17 openly carry a handgun on the property.

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

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;

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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. 1. Municipalities may, by ordinance or resolution,
22 authorize all or certain municipal officials or employees to carry
23 concealed firearms for their personal protection according to the
24 terms and conditions outlined in this subsection. To be eligible to

1 carry a concealed firearm while working and employed on municipal
2 property, the employee must have been issued a valid handgun license
3 pursuant to the provisions of the Oklahoma Self-Defense Act.

4 2. Carrying a firearm as authorized in this section shall not
5 in any way be considered a requirement for continued employment with
6 the municipality, municipal authority, or municipal trust.

7 3. When carrying a firearm pursuant to this subsection, the
8 employee shall at all times carry the firearm on his or her person
9 or the firearm shall be stored in a locked and secured location
10 which is permanently affixed or tethered at the expense of the
11 employee and with permission of the governing body. The
12 municipality shall not be liable for any loss, damage, or injuries
13 that occur in relation to or caused by the possession or storage of
14 a firearm under the provisions of this subsection.

15 4. Any municipal official or employee authorized to carry a
16 firearm under the provisions of this subsection, while acting in a
17 reasonable and prudent manner, shall not be subject to civil and
18 criminal liability for any injury resulting from the carrying,
19 accidental discharge or intentional discharge of a handgun on
20 municipal property as provided in this subsection. Any
21 municipality, public authority or trust with a municipality as a
22 beneficiary, city council, board of trustees or participating local
23 law enforcement agency shall not be subject to civil and criminal
24 liability for any injury, act or other suit at law or in equity

1 resulting from any act, failure to act or refusal to act committed
2 by a municipal official or employee who carries, accidentally
3 discharges or intentionally discharges a handgun on property while
4 carrying a firearm as authorized by this subsection.

5 5. For purposes of this subsection, firearms may only be
6 carried by a municipal official or employee in the place of
7 employment of the municipal official or employee, unless the
8 location is a firearm-prohibited location. In addition to any
9 employment disciplinary actions, any person who violates the
10 provisions of this subsection shall be subject to the penalties
11 provided for in subsection F of this section. As used in this
12 paragraph, "firearm-prohibited location" shall include the following
13 locations:

14 a. any room, location or other public place where public
15 meetings or other meetings governed by the Oklahoma
16 Open Meeting Act occur, unless authorized by the
17 governing body,

18 b. any room, location or other place on municipally
19 owned, leased or maintained property designated as a
20 firearm-prohibited location by the municipal
21 government, and

22 c. any police department, courthouse, courtroom, prison,
23 jail, detention facility or any facility used to
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1 process, hold or house arrested persons, prisoners or
2 persons alleged delinquent or adjudicated delinquent.

3 6. Nothing in this section shall be construed as a mechanism to
4 allow municipal officials or employees to carry a firearm as a duty
5 or function of their employment with the municipality. Any act
6 concerning the carrying of a firearm, a refusal or failure to act
7 with a firearm or the accidental or intentional discharge of a
8 firearm shall be considered taken on the personal behalf of the
9 employee and not on behalf of the municipality, municipal authority
10 or municipal trust and shall not be considered an act performed
11 within the scope of duties of the employee, nor shall it be
12 construed as an act by the municipality, municipal authority or
13 municipal trust, or any employee thereof.

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

19 SECTION 2. This act shall become effective November 1, 2021.
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