

1 STATE OF OKLAHOMA

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

3 SENATE BILL 733

By: Dahm

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5
6 AS INTRODUCED

7 An Act relating to campus carry of firearms; amending
8 21 O.S. 2011, Section 1277, as last amended by
9 Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.
10 2020, Section 1277), which relates to unlawful carry
11 in certain places; modifying allowable carry;
12 removing requirement for certain written consent;
13 allowing certain concealed carry; prohibiting certain
14 denial; allowing certain prohibition; providing
15 definition; providing for certain immunity; providing
16 construing provisions; allowing certain redress;
17 prohibiting certain responsibility for loss or damage
18 of firearms or accessories; and providing an
19 effective date.

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

23 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
24 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.
25 2020, Section 1277), is amended to read as follows:

Section 1277.

26 UNLAWFUL CARRY IN CERTAIN PLACES

27 A. It shall be unlawful for any person, including a person in
28 possession of a valid handgun license issued pursuant to the
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1 provisions of the Oklahoma Self-Defense Act, to carry any concealed
2 or unconcealed ~~handgun~~ firearm into 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 firearm 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 firearm 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 or otherwise in lawful possession of a firearm from carrying or
2 possessing the firearm on the property 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.

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 of any size that is owned,
8 leased, operated or managed by:

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

11 2. A nonprofit entity,
12 an individual shall be allowed to carry a concealed handgun but not
13 openly carry a handgun on the property.

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

23 G. ~~No~~ Any person who is not in possession of a valid handgun
24 license issued pursuant to the provisions of the Oklahoma Self-

1 Defense Act or who is carrying or in possession of a firearm as
2 otherwise permitted by law or who is carrying or in possession of a
3 machete, blackjack, loaded cane, hand chain or metal knuckles shall
4 not be authorized to carry the firearm, machete, blackjack, loaded
5 cane, hand chain or metal knuckles into or upon any public college,
6 university or technology center school property or building, except
7 as provided in this subsection. ~~For purposes of this subsection, the~~
8 ~~following property shall not be construed to be college, university~~
9 ~~or technology center school property:~~

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

19 2. Any property authorized for possession or use of firearms,
20 machetes, blackjacks, loaded canes, hand chains or metal knuckles by
21 college, university or technology center school policy; and

22 3. ~~Any property authorized by the written consent of the~~
23 ~~college or university president or technology center school~~
24 ~~administrator, provided the written consent is carried with the~~

1 ~~firearm, machete, blackjack, loaded cane, hand chain or metal~~
2 ~~knuckles and the valid handgun license while on college, university~~
3 ~~or technology center school property.~~

4 ~~The college, university or technology center school may notify~~
5 ~~the Oklahoma State Bureau of Investigation within ten (10) days of a~~
6 ~~violation of any provision of this subsection by a licensee. Upon~~
7 ~~receipt of a written notification of violation, the Bureau shall~~
8 ~~give a reasonable notice to the licensee and hold a hearing. At the~~
9 ~~hearing, upon a determination that the licensee has violated any~~
10 ~~provision of this subsection, the licensee may be subject to an~~
11 ~~administrative fine of Two Hundred Fifty Dollars (\$250.00) and may~~
12 ~~have the handgun license suspended for three (3) months. Any person~~
13 in possession of a valid handgun license issued pursuant to the
14 provisions of the Oklahoma Self-Defense Act shall be authorized to
15 carry a concealed handgun into or upon any public college, public
16 university or public technology center school property or building
17 in which the person is authorized to be. Under no circumstances
18 shall consent to carry a concealed handgun by a person with a valid
19 handgun license on any public college, public university or public
20 technology center school property or building be denied by the
21 public college, public university or public technology center school
22 administrator unless evidence is shown that the licensee has
23 previously been involved in a violent incident or an act that showed

1 deliberate or reckless disregard for the health or safety of the
2 faculty, staff, students or any other person.

3 4. The public college, public university or public technology
4 center school shall be authorized to prohibit any person who is or
5 is not in possession of a valid handgun license issued pursuant to
6 the provisions of the Oklahoma Self-Defense Act from carrying a
7 concealed handgun or any other firearm into any event venue where a
8 ticket is purchased of monetary value on the property or building
9 venue of the public college, public university or public technology
10 center during the event.

11 5. For purposes of this subsection, "event venue" shall be
12 defined as the venue of any athletic, theatric, musical or similar
13 event in which a ticket of monetary value is required for entry.

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

1 administrative action against any student for any violation of any
2 provision of this subsection.

3 H. Except for gross negligence or acts of willful or wanton
4 misconduct, any public or private college, university or technology
5 center school shall be immune from any liability arising from any
6 accidental or self-defense act involving a firearm. The provisions
7 of this subsection shall not apply to claims pursuant to the
8 Administrative Workers' Compensation Act.

9 I. Nothing contained in any provision of the Oklahoma Self-
10 Defense Act shall be construed to limit, restrict or prohibit in any
11 manner the existing rights of a private college, private university
12 or private technology center school to control the possession of
13 weapons on any property owned or controlled by the private college,
14 private university or private technology school entity. Nothing
15 contained in any provision of this subsection shall be construed to
16 limit the authority of any private college, private university or
17 private technology center school in this state from taking
18 administrative action against any person for any violation of any
19 provision of this subsection.

20 J. It shall not be considered part of an employee's job
21 description or within the employee's scope of employment when an
22 employee carries or discharges a firearm pursuant to this section.

23 K. Nothing in this section shall prevent a public or private
24 college, university or technology school, employee or person who has

1 suffered loss resulting from the discharge of a firearm to seek
2 redress or damages of the person who discharged the firearm or used
3 the firearm outside the provisions of the Oklahoma Self-Defense Act.

4 L. No public or private college, university or technology
5 center is responsible for any loss or damage of any firearm or
6 accessories at any time.

7 M. The provisions of this section shall not apply to the
8 following:

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

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

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

19 4. Elected officials of a county, who are in possession of a
20 valid handgun license issued pursuant to the provisions of the
21 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
22 in the performance of their duties within the courthouses of the
23 county in which he or she was elected. The provisions of this
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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 ~~F.~~ N. For the purposes of this section, "motor vehicle" means
22 any automobile, truck, minivan, sports utility vehicle or motorcycle
23 as 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, 2021.

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