

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2136

By: McDugle

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2021, Section 1277, which relates to the  
9 unlawful carry of firearms in certain places;  
10 deleting certain restrictions; providing an  
11 exception; authorizing the carry of firearms into  
12 certain city or town buildings; authorizing  
13 municipalities to allow for the carry of firearms  
14 under certain circumstances; providing restrictions;  
15 defining term; providing construing provision; and  
16 providing an effective date.

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

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

22 Section 1277.

23 UNLAWFUL CARRY IN CERTAIN PLACES

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

1. Any ~~structure,~~ building, or office space which is owned or  
leased by a ~~city, town,~~ county or state governmental authority for

1 the purpose of conducting business with the public, unless  
2 authorized by state law;

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

8 3. Any public or private elementary or public or private  
9 secondary school, except as provided in subsections C and D of this  
10 section;

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

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

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

16 7. Any property set aside by a county, city, town, public trust  
17 with a county, city or town as a beneficiary, or state governmental  
18 authority for an event that is secured with minimum-security  
19 provisions. For purposes of this paragraph, a minimum-security  
20 provision consists of a location that is secured utilizing the  
21 following:

22 a. a metallic-style security fence that is at least eight  
23 (8) feet in height that encompasses the property and  
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1 is secured in such a way as to deter unauthorized  
2 entry,

3 b. controlled access points staffed by a uniformed,  
4 commissioned peace officer, and

5 c. a metal detector whereby persons walk or otherwise  
6 travel with their property through or by the metal  
7 detector.

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

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

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

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

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

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

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

16 7. Any structure, building, or office space which is owned or  
17 leased by a city or town for the purpose of conducting business with  
18 the public.

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 not be subject to liability for any injuries arising  
15 from the adoption of the policy. The provisions of this subsection  
16 shall 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<sup>7i</sup>  
23 provided, such personnel either:  
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- 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. Municipalities may authorize certain employees or public  
20 officials of the municipality, municipal 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  
24 established by ordinance or resolution, to carry a concealed or

1 unconcealed handgun or other firearm when acting in the scope and  
2 course 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 any  
6 building or room on municipally-owned, leased, or maintained  
7 property designated as a firearm-prohibited location by the  
8 municipality, municipal public trust, or municipal authority.

9 3. Nothing in this subsection shall be construed as a mechanism  
10 to allow municipal employees to carry a firearm as a duty or  
11 function of their employment with the municipality, municipal public  
12 trust, or municipal authority.

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

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

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20 59-1-5024 GRS 01/05/23

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