

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 991

By: Sparks

4  
5  
6 AS INTRODUCED

7 An Act relating to handguns on school property;  
8 amending 21 O.S. 2011, Section 1277, as last amended  
9 by Section 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp.  
10 2017, Section 1277), which relates to carrying  
11 firearms on certain property; removing language  
12 allowing certain persons to carry handguns on public  
13 school property; amending 21 O.S. 2011, Section  
14 1280.1, as last amended by Section 2, Chapter 310,  
15 O.S.L. 2015 (21 O.S. Supp. 2017, Section 1280.1),  
16 which relates to possession of firearms on school  
17 property; removing language allowing certain school  
18 personnel to carry handguns on public school  
19 property; amending 51 O.S. 2011, Section 24A.28, as  
20 last amended by Section 1, Chapter 231, O.S.L. 2016  
21 (51 O.S. Supp. 2017, Section 24A.28), which relates  
22 to the Oklahoma Open Records Act; removing language  
23 allowing the names of certain designated school  
24 district personnel to be kept confidential; repealing  
Section 3, Chapter 310, O.S.L. 2015 (70 O.S. Supp.  
2017, Section 5-149.2), which relates to authorizing  
certain persons to carry handguns on public school  
property; updating language; providing an effective  
date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as  
last amended by Section 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp.  
2017, 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 in possession of a valid  
4 handgun license issued pursuant to the provisions of the Oklahoma  
5 Self-Defense Act to carry any concealed or unconcealed handgun into  
6 any of the following places:

7 1. Any structure, building, or office space which is owned or  
8 leased by a city, town, county, 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~~ subsection C and  
17 ~~D~~ of this 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.  
23  
24

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,  
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, or fairgrounds;  
15 provided, nothing in this paragraph shall be construed to authorize  
16 any entry by a person in possession of a concealed or unconcealed  
17 handgun into any structure, building or office space which is  
18 specifically prohibited by the provisions of subsection A of this  
19 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, ~~said~~ the handgun 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 from possession of a handgun allowable under such license in places  
7 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,  
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 education,~~  
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.~~ Any person violating the provisions of paragraph 2 or 3 of  
12 subsection A of this section shall, upon conviction, be guilty of a  
13 misdemeanor punishable by a fine not to exceed Two Hundred Fifty  
14 Dollars (\$250.00). A person violating any other provision of  
15 subsection A of this section may be denied entrance onto the  
16 property or removed from the property. If the person refuses to  
17 leave the property and a peace officer is summoned, the person may  
18 be issued a citation for an amount not to exceed Two Hundred Fifty  
19 Dollars (\$250.00).

20 ~~F.~~ E. No person in possession of a valid handgun license issued  
21 pursuant to the provisions of the Oklahoma Self-Defense Act shall be  
22 authorized to carry the handgun into or upon any college, university  
23 or technology center school property, except as provided in this  
24 subsection. For purposes of this subsection, the following property

1 shall not be construed as prohibited for persons having a valid  
2 handgun license:

3 1. Any property set aside for the use or parking of any  
4 vehicle, whether attended or unattended, provided the handgun is  
5 carried or stored as required by law and the handgun is not removed  
6 from the vehicle without the prior consent of the college or  
7 university president or technology center school administrator while  
8 the vehicle is on any college, university or technology center  
9 school property;

10 2. Any property authorized for possession or use of handguns by  
11 college, university or technology center school policy; and

12 3. Any property authorized by the written consent of the  
13 college or university president or technology center school  
14 administrator, provided the written consent is carried with the  
15 handgun and the valid handgun license while on college, university  
16 or technology center school property.

17 The college, university or technology center school may notify  
18 the Oklahoma State Bureau of Investigation within ten (10) days of a  
19 violation of any provision of this subsection by a licensee. Upon  
20 receipt of a written notification of violation, the Bureau shall  
21 give a reasonable notice to the licensee and hold a hearing. At the  
22 hearing, upon a determination that the licensee has violated any  
23 provision of this subsection, the licensee may be subject to an

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1 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may  
2 have the handgun license suspended for three (3) months.

3 Nothing contained in any provision of this subsection shall be  
4 construed to authorize or allow any college, university or  
5 technology center school to establish any policy or rule that has  
6 the effect of prohibiting any person in lawful possession of a  
7 handgun license from possession of a handgun allowable under such  
8 license in places described in paragraphs 1, 2 and 3 of this  
9 subsection. Nothing contained in any provision of this subsection  
10 shall be construed to limit the authority of any college, university  
11 or technology center school in this state from taking administrative  
12 action against any student for any violation of any provision of  
13 this subsection.

14 ~~G.~~ F. The provisions of this section shall not apply to the  
15 following:

16 1. Any peace officer or any person authorized by law to carry a  
17 pistol in the course of employment;

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

24

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

3           4. Elected officials of a county, who are in possession of a  
4 valid handgun license issued pursuant to the provisions of the  
5 Oklahoma Self-Defense Act, may carry a concealed handgun when acting  
6 in the performance of their duties within the courthouses of the  
7 county in which he or she was elected. The provisions of this  
8 paragraph shall not allow the elected county official to carry the  
9 handgun into a courtroom.

10         ~~H.~~ G. For the purposes of this section, "motor vehicle" means  
11 any automobile, truck, minivan or sports utility vehicle.

12         SECTION 2.         AMENDATORY         21 O.S. 2011, Section 1280.1, as  
13 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.  
14 2017, Section 1280.1), is amended to read as follows:

15             Section 1280.1.

16                     POSSESSION OF FIREARM ON SCHOOL PROPERTY

17         A. It shall be unlawful for any person to have in his or her  
18 possession on any public or private school property or while in any  
19 school bus or vehicle used by any school for transportation of  
20 students or teachers any firearm or weapon designated in Section  
21 1272 of this title, except as provided in subsection C of this  
22 section or as otherwise authorized by law.

23         B. For purposes of this section:  
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1        1. "School property" means any publicly owned property held for  
2 purposes of elementary, secondary or vocational-technical education,  
3 and shall not include property owned by public school districts or  
4 where such property is leased or rented to an individual or  
5 corporation and used for purposes other than educational;

6        2. "Private school" means a school that offers a course of  
7 instruction for students in one or more grades from prekindergarten  
8 through grade twelve and is not operated by a governmental entity;  
9 and

10       3. "Motor vehicle" means any automobile, truck, minivan or  
11 sports utility vehicle.

12       C. Firearms and weapons are allowed on school property and  
13 deemed not in violation of subsection A of this section as follows:

14       1. A gun or knife designed for hunting or fishing purposes kept  
15 in a privately owned vehicle and properly displayed or stored as  
16 required by law, provided such vehicle containing ~~said~~ the gun or  
17 knife is driven onto school property only to transport a student to  
18 and from school and such vehicle does not remain unattended on  
19 school property;

20       2. A gun or knife used for the purposes of participating in the  
21 Oklahoma Department of Wildlife Conservation certified hunter  
22 training education course or any other hunting, fishing, safety or  
23 firearms training courses, or a recognized firearms sports event,  
24 team shooting program or competition, or living history reenactment,

1 provided the course or event is approved by the principal or chief  
2 administrator of the school where the course or event is offered,  
3 and provided the weapon is properly displayed or stored as required  
4 by law pending participation in the course, event, program or  
5 competition;

6 3. Weapons in the possession of any peace officer or other  
7 person authorized by law to possess a weapon in the performance of  
8 his or her duties and responsibilities;

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

23 5. A gun, knife, bayonet or other weapon in the possession of a  
24 member of a veterans group, the national guard, active military, the

1 Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to  
2 participate in a ceremony, assembly or educational program approved  
3 by the principal or chief administrator of a school or school  
4 district where the ceremony, assembly or educational program is  
5 being held; provided, however, the gun or other weapon that uses  
6 projectiles is not loaded and is inoperable at all times while on  
7 school property; and

8 6. A handgun carried in a motor vehicle pursuant to a valid  
9 handgun license authorized by the Oklahoma Self-Defense Act onto  
10 property set aside by a public or private elementary or secondary  
11 school for the use or parking of any vehicle; provided, however,  
12 ~~said~~ the handgun shall be stored and hidden from view in a locked  
13 motor vehicle when the motor vehicle is left unattended on school  
14 property; ~~and~~

15 ~~7. A handgun carried onto public school property by school~~  
16 ~~personnel who have been designated by the board of education,~~  
17 ~~provided such personnel either:~~

18 a. ~~possess a valid armed security guard license as~~  
19 ~~provided for in Section 1750.1 et seq. of Title 59 of~~  
20 ~~the Oklahoma Statutes, or~~

21 b. ~~hold a valid reserve peace officer certification as~~  
22 ~~provided for in Section 3311 of Title 70 of the~~  
23 ~~Oklahoma Statutes,~~

24

1 ~~if a policy has been adopted by the board of education of the school~~  
2 ~~district that authorizes the carrying of a handgun onto public~~  
3 ~~school property by such personnel. Nothing in this subsection shall~~  
4 ~~be construed to restrict authority granted elsewhere in law to carry~~  
5 ~~firearms.~~

6 D. Any person violating the provisions of this section shall,  
7 upon conviction, be guilty of a misdemeanor punishable by a fine of  
8 not to exceed Two Hundred Fifty Dollars (\$250.00).

9 SECTION 3. AMENDATORY 51 O.S. 2011, Section 24A.28, as  
10 last amended by Section 1, Chapter 231, O.S.L. 2016 (51 O.S. Supp.  
11 2017, Section 24A.28), is amended to read as follows:

12 Section 24A.28. A. The following information may be kept  
13 confidential:

14 1. Investigative evidence of a plan or scheme to commit an act  
15 of terrorism;

16 2. Assessments of the vulnerability of government facilities or  
17 public improvements to an act of terrorism and work papers directly  
18 related to preparing the assessment of vulnerability;

19 3. Records including details for deterrence or prevention of or  
20 protection from an act or threat of an act of terrorism;

21 4. Records including details for response or remediation after  
22 an act of terrorism;

23 5. Information technology of a public body or public official  
24 but only if the information specifically identifies:

- a. design or functional schematics that demonstrate the relationship or connections between devices or systems,
- b. system configuration information,
- c. security monitoring and response equipment placement and configuration,
- d. specific location or placement of systems, components or devices,
- e. system identification numbers, names, or connecting circuits,
- f. business continuity and disaster planning, or response plans, or
- g. investigative information directly related to security penetrations or denial of services;

6. Investigation evidence of an act of terrorism that has already been committed;

7. Records received, maintained or generated by the Oklahoma Office of Homeland Security which include confidential private business information or an individual's private records;

8. Records received by the Oklahoma Office of Homeland Security from the United States Department of Homeland Security or records maintained or generated by the Oklahoma Office of Homeland Security involving the United States Department of Homeland Security; and

1           9. Records received, maintained or generated by the Department  
2 of Environmental Quality that contain information regarding sources  
3 of radiation in quantities determined by the United States Nuclear  
4 Regulatory Commission to be significant to public health and safety,  
5 by whomever possessed, whether in transit or at fixed sites, when  
6 the information could reasonably be expected to have an adverse  
7 effect on the health and safety of the public by increasing the  
8 likelihood of theft, diversion or sabotage of the radiation sources  
9 or facilities. The information may include but is not limited to  
10 information:

- 11           a. from or relating to radioactive material licensees  
12           identifying the exact location of the radioactive  
13           material,
- 14           b. describing how the radioactive material is secured  
15           from unauthorized removal or access when it is in  
16           storage,
- 17           c. describing the control and maintenance of constant  
18           surveillance of the radioactive material when it is  
19           not in storage,
- 20           d. describing specific policies and procedures for  
21           actions to physically protect the radioactive  
22           material,
- 23           e. identifying possession limits or actual inventories of  
24           radionuclides,

- f. containing or describing assessments or analyses that could reveal vulnerabilities,
- g. identifying specific locations of safety and security equipment,
- h. describing emergency planning, emergency response and fire protection, and
- i. containing or describing other information that could reasonably be expected to be useful to persons with malevolent intent; and

~~10. The names of school district personnel who have been designated to carry a firearm pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes.~~

B. The following information shall not be kept confidential:

1. Records related to federal grants administered by the Oklahoma Office of Homeland Security or the Department of Environmental Quality;

2. Records related to the receipt and expenditure of public funds; or

3. Records related to the financial performance or financial administration of the Oklahoma Office of Homeland Security or the Department of Environmental Quality.

C. For the purposes of this section, the term "terrorism" means any act encompassed by the definitions set forth in Section 1268.1 of Title 21 of the Oklahoma Statutes.

1 D. 1. Public educational institutions may keep confidential  
2 campus security plans. An institution or agency may in its  
3 discretion release information contained in or related to the campus  
4 security plan in order to design or implement the plan.

5 2. Nothing in this subsection shall preclude an institution or  
6 agency within The Oklahoma State System of Higher Education from  
7 collecting and releasing information relating to campus crime  
8 statistics and campus security policies as is required pursuant to  
9 the Jeanne Clery Disclosure of Campus Security Policy and Campus  
10 Crime Statistics Act, 20 U.S.C. 1092(f).

11 3. For purposes of this subsection, "campus security plan"  
12 shall include, but is not limited to, prevention and response  
13 procedures to and notification procedures for perceived or actual  
14 security threats and incidents on or impacting the campus.

15 SECTION 4. REPEALER Section 3, Chapter 310, O.S.L. 2015  
16 (70 O.S. Supp. 2017, Section 5-149.2), is hereby repealed.

17 SECTION 5. This act shall become effective July 1, 2018.

18 SECTION 6. It being immediately necessary for the preservation  
19 of the public peace, health or safety, an emergency is hereby  
20 declared to exist, by reason whereof this act shall take effect and  
21 be in full force from and after its passage and approval.

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