

1 **SENATE FLOOR VERSION**

2 April 9, 2019

3 ENGROSSED HOUSE
4 BILL NO. 2336

By: Roberts (Sean) of the House

5 and

6 Bullard of the Senate

7
8
9 An Act relating to firearms; amending 21 O.S. 2011,
10 Section 1277, as last amended by Section 2 of
11 Enrolled House Bill No. 2597 of the 1st Session of
12 the 57th Oklahoma Legislature, which relates to the
13 unlawful carrying of firearms on certain property;
14 updating statutory reference; authorizing handgun
15 licensees to carry on school property under certain
16 circumstances; amending 21 O.S. 2011, Section 1280.1,
17 as last amended by Section 2, Chapter 310, O.S.L.
18 2015 (21 O.S. Supp. 2018, Section 1280.1), which
19 relates to the possession of firearms on school
20 property; updating statutory reference; authorizing
21 handgun licensees to carry on school property under
22 certain circumstances; amending Section 3, Chapter
23 310, O.S.L. 2015 (70 O.S. Supp. 2018, Section 5-
24 149.2), which relates to the authorization of certain
persons to carry handguns on school property;
authorizing school boards to adopt policies related
to the carrying of handguns on school property;
stating qualifications for designated personnel;
authorizing boards of education to designate school
personnel to attend certain training programs;
clarifying immunity from liability provision; and
providing an effective date.

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

1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
2 last amended by Section 2 of Enrolled House Bill No. 2597 of the 1st
3 Session of the 57th Oklahoma Legislature, is amended to read as
4 follows:

5 Section 1277.

6 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

19 3. Any public or private elementary or public or private
20 secondary school, except as provided in subsections C and D of this
21 section;

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

24

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

3 6. Any other place specifically prohibited by law.

4 B. For purposes of subsection A of this section, the prohibited
5 place does not include and specifically excludes the following
6 property:

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

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

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

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

23 5. Any property set aside by a public or private elementary or
24 secondary school for the use or parking of any vehicle, whether

1 attended or unattended; provided, however, the firearm shall be
2 stored and hidden from view in a locked motor vehicle when the motor
3 vehicle is left unattended on school property.

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

11 C. A concealed or unconcealed weapon may be carried onto
12 private school property or in any school bus or vehicle used by any
13 private school for transportation of students or teachers by a
14 person who is licensed pursuant to the Oklahoma Self-Defense Act,
15 provided a policy has been adopted by the governing entity of the
16 private school that authorizes the carrying and possession of a
17 weapon on private school property or in any school bus or vehicle
18 used by a private school. Except for acts of gross negligence or
19 willful or wanton misconduct, a governing entity of a private school
20 that adopts a policy which authorizes the possession of a weapon on
21 private school property, a school bus or vehicle used by the private
22 school shall be immune from liability for any injuries arising from
23 the adoption of the policy. The provisions of this subsection shall

24

1 not apply to claims pursuant to the Administrative Workers'
2 Compensation Act.

3 D. Notwithstanding paragraph 3 of subsection A of this section,
4 a board of education of a school district may adopt a policy
5 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
6 authorize the carrying of a handgun onto school property by school
7 personnel specifically designated by the board of education,
8 provided such personnel either:

9 1. Possess a valid armed security guard license as provided for
10 in ~~Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes~~ the
11 Oklahoma Security Guard and Private Investigator Act; or

12 2. Hold a valid reserve peace officer certification as provided
13 for in Section 3311 of Title 70 of the Oklahoma Statutes; or

14 3. Possess a valid handgun license issued pursuant to the
15 provisions of the Oklahoma Self-Defense Act and meet other
16 requirements authorized by the board of education.

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

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

1 leave the property and a peace officer is summoned, the person may
2 be issued a citation for an amount not to exceed Two Hundred Fifty
3 Dollars (\$250.00).

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

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

24

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 G. 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 this act shall prohibit the sheriff from
9 requiring additional instruction or training before receiving
10 authorization to carry a concealed handgun within the courthouse.
11 The provisions of this paragraph and of paragraph 6 of this
12 subsection shall not allow the county employee to carry the handgun
13 into a courtroom, sheriff's office, adult or juvenile jail or any
14 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 H. For the purposes of this section, "motor vehicle" means any
22 automobile, truck, minivan or sports utility vehicle.

23

24

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, as
2 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
3 2018, Section 1280.1), is amended to read as follows:

4 Section 1280.1

5 POSSESSION OF FIREARM ON SCHOOL PROPERTY

6 A. It shall be unlawful for any person to have in his or her
7 possession on any public or private school property or while in any
8 school bus or vehicle used by any school for transportation of
9 students or teachers any firearm or weapon designated in Section
10 1272 of this title, except as provided in subsection C of this
11 section or as otherwise authorized by law.

12 B. For purposes of this section:

13 1. "School property" means any publicly owned property held for
14 purposes of elementary, secondary or vocational-technical education,
15 and shall not include property owned by public school districts or
16 where such property is leased or rented to an individual or
17 corporation and used for purposes other than educational;

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

22 3. "Motor vehicle" means any automobile, truck, minivan or
23 sports utility vehicle.
24

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

3 1. A gun or knife designed for hunting or fishing purposes kept
4 in a privately owned vehicle and properly displayed or stored as
5 required by law, provided such vehicle containing said gun or knife
6 is driven onto school property only to transport a student to and
7 from school and such vehicle does not remain unattended on school
8 property;

9 2. A gun or knife used for the purposes of participating in the
10 Oklahoma Department of Wildlife Conservation certified hunter
11 training education course or any other hunting, fishing, safety or
12 firearms training courses, or a recognized firearms sports event,
13 team shooting program or competition, or living history reenactment,
14 provided the course or event is approved by the principal or chief
15 administrator of the school where the course or event is offered,
16 and provided the weapon is properly displayed or stored as required
17 by law pending participation in the course, event, program or
18 competition;

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

22 4. A concealed or unconcealed weapon carried onto private
23 school property or in any school bus or vehicle used by any private
24 school for transportation of students or teachers by a person who is

1 licensed pursuant to the Oklahoma Self-Defense Act, provided a
2 policy has been adopted by the governing entity of the private
3 school that authorizes the possession of a weapon on private school
4 property or in any school bus or vehicle used by a private school.
5 Except for acts of gross negligence or willful or wanton misconduct,
6 a governing entity of a private school that adopts a policy which
7 authorizes the possession of a weapon on private school property, a
8 school bus or vehicle used by the private school shall be immune
9 from liability for any injuries arising from the adoption of the
10 policy. The provisions of this paragraph shall not apply to claims
11 pursuant to the Workers' Compensation Code;

12 5. A gun, knife, bayonet or other weapon in the possession of a
13 member of a veterans group, the national guard, active military, the
14 Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to
15 participate in a ceremony, assembly or educational program approved
16 by the principal or chief administrator of a school or school
17 district where the ceremony, assembly or educational program is
18 being held; provided, however, the gun or other weapon that uses
19 projectiles is not loaded and is inoperable at all times while on
20 school property;

21 6. A handgun carried in a motor vehicle pursuant to a valid
22 handgun license authorized by the Oklahoma Self-Defense Act onto
23 property set aside by a public or private elementary or secondary
24 school for the use or parking of any vehicle; provided, however,

1 said handgun shall be stored and hidden from view in a locked motor
2 vehicle when the motor vehicle is left unattended on school
3 property; and

4 7. A handgun carried onto public school property by school
5 personnel who have been designated by the board of education,
6 provided such personnel either:

7 a. possess a valid armed security guard license as
8 provided for in ~~Section 1750.1 et seq. of Title 59 of~~
9 ~~the Oklahoma Statutes~~ the Oklahoma Security Guard and
10 Private Investigator Act, or

11 b. hold a valid reserve peace officer certification as
12 provided for in Section 3311 of Title 70 of the
13 Oklahoma Statutes, or

14 c. possess a valid handgun license issued pursuant to the
15 provisions of the Oklahoma Self-Defense Act and meet
16 other requirements authorized by the board of
17 education,

18 if a policy has been adopted by the board of education of the school
19 district that authorizes the carrying of a handgun onto public
20 school property by such personnel. Nothing in this subsection shall
21 be construed to restrict authority granted elsewhere in law to carry
22 firearms.

23

24

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

4 SECTION 3. AMENDATORY Section 3, Chapter 310, O.S.L.
5 2015 (70 O.S. Supp. 2018, Section 5-149.2), is amended to read as
6 follows:

7 Section 5-149.2 A. The board of education of a school district
8 ~~may, through a majority vote of the board, designate~~ adopt a policy
9 to authorize the carrying of a handgun onto school property by
10 school personnel who have been issued a handgun license pursuant to
11 the Oklahoma Self-Defense Act to attend an specifically designated
12 by the board of education, provided such personnel either:

13 1. Possess a valid armed security guard license as provided for
14 in the Oklahoma Security Guard and Private Investigator Act;

15 2. Hold a valid reserve peace officer certification as provided
16 for in Section 3311 of Title 70 of the Oklahoma Statutes; or

17 3. Possess a valid handgun license issued pursuant to the
18 provisions of the Oklahoma Self-Defense Act and meet other
19 requirements authorized by the board of education.

20 B. The board of education of a school district may, through a
21 majority vote of the board, designate school personnel to attend an
22 armed security guard training program, as provided for in Section
23 1750.5 of Title 59 of the Oklahoma Statutes, or a reserve peace
24 officer certification program, as provided for in Section 3311 of

1 Title 70 of the Oklahoma Statutes, provided and developed by the
2 Council on Law Enforcement Education and Training (CLEET). Nothing
3 in this section shall be construed to prohibit or limit the board of
4 education of a school district from requiring ongoing education and
5 training.

6 ~~B.~~ C. Participation in either the armed security guard training
7 program or the reserve peace officer certification program shall be
8 voluntary and shall not in any way be considered a requirement for
9 continued employment with the school district. The board of
10 education of a school district shall have the final authority to
11 determine and designate the school personnel who will be authorized
12 to obtain and use an armed security guard license ~~or,~~ reserve peace
13 officer certification or handgun license in conjunction with ~~their~~
14 his or her employment as school personnel.

15 ~~C.~~ D. The board of education of a school district that
16 authorizes school personnel to participate in either the armed
17 security guard program or the reserve peace officer program may pay
18 all necessary training, meal and lodging expenses associated with
19 the training.

20 ~~D.~~ E. When carrying a firearm pursuant to the provisions of
21 this act, the person shall at all times carry the firearm on his or
22 her person or the firearm shall be stored in a locked and secure
23 location.

24

1 ~~E.~~ F. Any school personnel who have successfully completed
2 ~~either~~ armed security guard training, reserve peace officer
3 certification training or handgun license training and while acting
4 in good faith shall be immune from civil and criminal liability for
5 any injury resulting from the carrying of a handgun onto public
6 school property as provided for in this act. Any board of education
7 of a school district or participating local law enforcement agency
8 shall be immune from civil and criminal liability for any injury
9 resulting from any act committed by school personnel who are
10 designated to carry a concealed handgun on public school property
11 pursuant to the provisions of this act.

12 ~~F.~~ G. In order to carry out the provisions of this section, the
13 board of education of a school district is authorized to enter into
14 a memorandum of understanding with local law enforcement entities.

15 SECTION 4. This act shall become effective November 1, 2019.

16 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
17 April 9, 2019 - DO PASS

18
19
20
21
22
23
24