

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2336

By: Roberts (Sean)

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5  
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,  
8 Section 1277, as last amended by Section 1, Chapter  
9 247, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1277),  
10 which relates to the unlawful carrying of firearms on  
11 certain property; updating statutory reference;  
12 authorizing handgun licensees to carry on school  
13 property under certain circumstances; amending 21  
14 O.S. 2011, Section 1280.1, as last amended by Section  
15 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp. 2018,  
16 Section 1280.1), which relates to the possession of  
17 firearms on school property; updating statutory  
18 reference; authorizing handgun licensees to carry on  
19 school property under certain circumstances; amending  
20 21 O.S. 2011, Section 1289.6, as last amended by  
21 Section 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp.  
22 2018, Section 1289.6), which relates to the Oklahoma  
23 Firearms Act of 1971; deleting specific carrying  
24 requirement for shotguns, rifles and pistols;  
amending Section 3, Chapter 310, O.S.L. 2015 (70 O.S.  
Supp. 2018, Section 5-149.2), 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 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp.  
3 2018, Section 1277), is amended to read as follows:

4 Section 1277.

5 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

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

1       6. Any other place specifically prohibited by law.

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

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

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

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

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

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

3 Nothing contained in any provision of this subsection or  
4 subsection C of this section shall be construed to authorize or  
5 allow any person in control of any place described in subsection A  
6 of this section to establish any policy or rule that has the effect  
7 of prohibiting any person in lawful possession of a handgun license  
8 from possession of a handgun allowable under such license in places  
9 described in this subsection.

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

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

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

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

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

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

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

3 F. No person in possession of a valid handgun license issued  
4 pursuant to the provisions of the Oklahoma Self-Defense Act shall be  
5 authorized to carry the handgun into or upon any college, university  
6 or technology center school property, except as provided in this  
7 subsection. For purposes of this subsection, the following property  
8 shall not be construed as prohibited for persons having a valid  
9 handgun license:

10 1. Any property set aside for the use or parking of any  
11 vehicle, whether attended or unattended, provided the handgun is  
12 carried or stored as required by law and the handgun is not removed  
13 from the vehicle without the prior consent of the college or  
14 university president or technology center school administrator while  
15 the vehicle is on any college, university or technology center  
16 school property;

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

19 3. Any property authorized by the written consent of the  
20 college or university president or technology center school  
21 administrator, provided the written consent is carried with the  
22 handgun and the valid handgun license while on college, university  
23 or technology center school property.

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1 The college, university or technology center school may notify  
2 the Oklahoma State Bureau of Investigation within ten (10) days of a  
3 violation of any provision of this subsection by a licensee. Upon  
4 receipt of a written notification of violation, the Bureau shall  
5 give a reasonable notice to the licensee and hold a hearing. At the  
6 hearing, upon a determination that the licensee has violated any  
7 provision of this subsection, the licensee may be subject to an  
8 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may  
9 have the handgun license suspended for three (3) months.

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

21 G. The provisions of this section shall not apply to the  
22 following:

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

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

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

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

16           5. The sheriff of any county may authorize certain employees of  
17 the county, who possess a valid handgun license issued pursuant to  
18 the provisions of the Oklahoma Self-Defense Act, to carry a  
19 concealed handgun when acting in the course and scope of employment  
20 within the courthouses in the county in which the person is  
21 employed. Nothing in this act shall prohibit the sheriff from  
22 requiring additional instruction or training before receiving  
23 authorization to carry a concealed handgun within the courthouse.  
24 The provisions of this paragraph and of paragraph 6 of this

1 subsection shall not allow the county employee to carry the handgun  
2 into a courtroom, sheriff's office, adult or juvenile jail or any  
3 other prisoner detention area; and

4 6. The board of county commissioners of any county may  
5 authorize certain employees of the county, who possess a valid  
6 handgun license issued pursuant to the provisions of the Oklahoma  
7 Self-Defense Act, to carry a concealed handgun when acting in the  
8 course and scope of employment on county annex facilities or grounds  
9 surrounding the county courthouse.

10 H. For the purposes of this section, "motor vehicle" means any  
11 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 2018, 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 gun or knife  
17 is driven onto school property only to transport a student to and  
18 from school and such vehicle does not remain unattended on school  
19 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;

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 handgun shall be stored and hidden from view in a locked motor  
13 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~~ the Oklahoma Security Guard and  
21                 Private Investigator Act, or

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

1           c. possess a valid handgun license issued pursuant to the  
2           provisions of the Oklahoma Self-Defense Act and meet  
3           other requirements authorized by the board of  
4           education,

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

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

13           SECTION 3.           AMENDATORY           21 O.S. 2011, Section 1289.6, as  
14 last amended by Section 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp.  
15 2018, Section 1289.6), is amended to read as follows:

16           Section 1289.6

17                           CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

18           A. A person shall be permitted to carry loaded and unloaded  
19 shotguns, rifles and pistols, ~~open and not concealed~~ and without a  
20 handgun license as authorized by the Oklahoma Self-Defense Act  
21 pursuant to the following conditions:

22           1. When hunting animals or fowl;

1        2. During competition in or practicing in a safety or hunter  
2 safety class, target shooting, skeet, trap or other recognized  
3 sporting events;

4        3. During participation in or in preparation for a military  
5 function of the state military forces to be defined as the Oklahoma  
6 Army or Air National Guard, Federal Military Reserve and active  
7 military forces. It is further provided that Oklahoma Army or Air  
8 National Guard personnel with proper authorization and performing a  
9 military function may carry loaded or unloaded and concealed weapons  
10 on Oklahoma Military Department facilities in accordance with rules  
11 promulgated by the Adjutant General;

12       4. During participation in or in preparation for a recognized  
13 police function of either a municipal, county or state government as  
14 functioning police officials;

15       5. During a practice for or a performance for entertainment  
16 purposes;

17       6. For lawful self-defense and self-protection or any other  
18 legitimate purpose in or on property that is owned, leased, rented,  
19 or otherwise legally controlled by the person; or

20       7. For any legitimate purpose not in violation of the Oklahoma  
21 Firearms Act of 1971 or any legislative enactment regarding the use,  
22 ownership and control of firearms.

23       B. A person shall be permitted to carry unloaded shotguns,  
24 rifles and pistols, ~~open and not concealed and~~ without a handgun

1 license as authorized by the Oklahoma Self-Defense Act pursuant to  
2 the following conditions:

3 1. When going to or from the person's private residence or  
4 vehicle or a vehicle in which the person is riding as a passenger to  
5 a place designated or authorized for firearms repairs or  
6 reconditioning, or for firearms trade, sale, or barter, or gunsmith,  
7 or hunting animals or fowl, or hunter safety course, or target  
8 shooting, or skeet or trap shooting or any recognized firearms  
9 activity or event and while in such places; or

10 2. For any legitimate purpose not in violation of the Oklahoma  
11 Firearms Act of 1971.

12 C. The provisions of this section shall not be construed to  
13 prohibit educational or recreational activities, exhibitions,  
14 displays or shows involving the use or display of rifles, shotguns  
15 or pistols or other weapons if the activity is approved by the  
16 property owner and sponsor of the activity.

17 SECTION 4. AMENDATORY Section 3, Chapter 310, O.S.L.  
18 2015 (70 O.S. Supp. 2018, Section 5-149.2), is amended to read as  
19 follows:

20 Section 5-149.2 A. The board of education of a school district  
21 ~~may, through a majority vote of the board, designate~~ adopt a policy  
22 to authorize the carrying of a handgun onto school property by  
23 ~~school personnel who have been issued a handgun license pursuant to~~

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1 ~~the Oklahoma Self-Defense Act to attend an~~ specifically designated  
2 by the board of education, provided such personnel either:

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

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

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

10 B. The board of education of a school district may, through a  
11 majority vote of the board, designate school personnel to attend an  
12 armed security guard training program, as provided for in Section  
13 1750.5 of Title 59 of the Oklahoma Statutes, or a reserve peace  
14 officer certification program, as provided for in Section 3311 of  
15 Title 70 of the Oklahoma Statutes, provided and developed by the  
16 Council on Law Enforcement Education and Training (CLEET). Nothing  
17 in this section shall be construed to prohibit or limit the board of  
18 education of a school district from requiring ongoing education and  
19 training.

20 ~~B.~~ C. Participation in either the armed security guard training  
21 program or the reserve peace officer certification program shall be  
22 voluntary and shall not in any way be considered a requirement for  
23 continued employment with the school district. The board of  
24 education of a school district shall have the final authority to

1 determine and designate the school personnel who will be authorized  
2 to obtain and use an armed security guard license ~~or~~, reserve peace  
3 officer certification or handgun license in conjunction with ~~their~~  
4 his or her employment as school personnel.

5 ~~C.~~ D. The board of education of a school district that  
6 authorizes school personnel to participate in either the armed  
7 security guard program or the reserve peace officer program may pay  
8 all necessary training, meal and lodging expenses associated with  
9 the training.

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

14 ~~E.~~ F. Any school personnel who have successfully completed  
15 ~~either~~ armed security guard training, reserve peace officer  
16 certification training or handgun license training and while acting  
17 in good faith shall be immune from civil and criminal liability for  
18 any injury resulting from the carrying of a handgun onto public  
19 school property as provided for in this act. Any board of education  
20 of a school district or participating local law enforcement agency  
21 shall be immune from civil and criminal liability for any injury  
22 resulting from any act committed by school personnel who are  
23 designated to carry a concealed handgun on public school property  
24 pursuant to the provisions of this act.

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

SECTION 5. This act shall become effective November 1, 2019.

57-1-7492            GRS            01/02/19