

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2588

By: Roberts (Sean)

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to firearms; amending 21 O.S. 2011,
10 Section 1277, as last amended by Section 1, Chapter
11 235, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1277),
12 which relates to the unlawful carrying of firearms on
13 certain property; updating statutory reference;
14 authorizing handgun licensees to carry on school
15 property under certain circumstances; amending 21
16 O.S. 2011, Section 1280.1, as last amended by Section
17 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp. 2020,
18 Section 1280.1), which relates to the possession of
19 firearms on school property; updating statutory
20 reference; authorizing handgun licensees to carry on
21 school property under certain circumstances; amending
22 Section 3, Chapter 310, O.S.L. 2015 (70 O.S. Supp.
23 2020, Section 5-149.2), which relates to the
24 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 235, O.S.L. 2019 (21 O.S. Supp.
3 2020, 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, including a person in
7 possession of a valid handgun license issued pursuant to the
8 provisions of the Oklahoma Self-Defense Act, to carry any concealed
9 or unconcealed handgun into 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 firearm 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 firearm 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 or otherwise in lawful possession of a firearm from carrying or
9 possessing the firearm on the property 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. In any municipal zoo or park of any size that is owned,
18 leased, operated or managed by:

19 1. A public trust created pursuant to the provisions of Section
20 176 of Title 60 of the Oklahoma Statutes; or

21 2. A nonprofit entity,
22 an individual shall be allowed to carry a concealed handgun but not
23 openly carry a handgun on the property.

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

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

21 1. Any property set aside for the use or parking of any motor
22 vehicle, whether attended or unattended, provided the firearm,
23 machete, blackjack, loaded cane, hand chain or metal knuckles are
24 carried or stored as required by law and the firearm, machete,

1 blackjack, loaded cane, hand chain or metal knuckles are not removed
2 from the motor vehicle without the prior consent of the college or
3 university president or technology center school administrator while
4 the vehicle is on any college, university or technology center
5 school property;

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

9 3. Any property authorized by the written consent of the
10 college or university president or technology center school
11 administrator, provided the written consent is carried with the
12 firearm, machete, blackjack, loaded cane, hand chain or metal
13 knuckles and the valid handgun license while on college, university
14 or technology center school property.

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

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

14 H. 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 firearm 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;

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

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 5. The sheriff of any county may authorize certain employees of
11 the county, who possess a valid handgun license issued pursuant to
12 the provisions of the Oklahoma Self-Defense Act, to carry a
13 concealed handgun when acting in the course and scope of employment
14 within the courthouses in the county in which the person is
15 employed. Nothing in the Oklahoma Self-Defense Act shall prohibit
16 the sheriff from requiring additional instruction or training before
17 receiving authorization to carry a concealed handgun within the
18 courthouse. The provisions of this paragraph and of paragraph 6 of
19 this subsection shall not allow the county employee to carry the
20 handgun into a courtroom, sheriff's office, adult or juvenile jail
21 or any other prisoner detention area; and

22 6. The board of county commissioners of any county may
23 authorize certain employees of the county, who possess a valid
24 handgun license issued pursuant to the provisions of the Oklahoma

1 Self-Defense Act, to carry a concealed handgun when acting in the
2 course and scope of employment on county annex facilities or grounds
3 surrounding the county courthouse.

4 I. For the purposes of this section, "motor vehicle" means any
5 automobile, truck, minivan, sports utility vehicle or motorcycle as
6 defined in Section 1-135 of Title 47 of the Oklahoma Statutes,
7 equipped with a locked accessory container within or affixed to the
8 motorcycle.

9 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, as
10 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
11 2020, Section 1280.1), is amended to read as follows:

12 Section 1280.1

13 POSSESSION OF FIREARM ON SCHOOL PROPERTY

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

20 B. For purposes of this section:

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

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

7 3. "Motor vehicle" means any automobile, truck, minivan or
8 sports utility vehicle.

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

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

17 2. A gun or knife used for the purposes of participating in the
18 Oklahoma Department of Wildlife Conservation certified hunter
19 training education course or any other hunting, fishing, safety or
20 firearms training courses, or a recognized firearms sports event,
21 team shooting program or competition, or living history reenactment,
22 provided the course or event is approved by the principal or chief
23 administrator of the school where the course or event is offered,
24 and provided the weapon is properly displayed or stored as required

1 by law pending participation in the course, event, program or
2 competition;

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

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

20 5. A gun, knife, bayonet or other weapon in the possession of a
21 member of a veterans group, the national guard, active military, the
22 Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to
23 participate in a ceremony, assembly or educational program approved
24 by the principal or chief administrator of a school or school

1 district where the ceremony, assembly or educational program is
2 being held; provided, however, the gun or other weapon that uses
3 projectiles is not loaded and is inoperable at all times while on
4 school property;

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

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

15 a. possess a valid armed security guard license as
16 provided for in ~~Section 1750.1 et seq. of Title 59 of~~
17 ~~the Oklahoma Statutes~~ the Oklahoma Security Guard and
18 Private Investigator Act, ~~or~~

19 b. hold a valid reserve peace officer certification as
20 provided for in Section 3311 of Title 70 of the
21 Oklahoma Statutes, or

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

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

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

11 SECTION 3. AMENDATORY Section 3, Chapter 310, O.S.L.
12 2015 (70 O.S. Supp. 2020, Section 5-149.2), is amended to read as
13 follows:

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

- 20 1. Possess a valid armed security guard license as provided for
21 in the Oklahoma Security Guard and Private Investigator Act;
22 2. Hold a valid reserve peace officer certification as provided
23 for in Section 3311 of this title; or
24

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

4 B. The board of education of a school district may, through a
5 majority vote of the board, designate school personnel to attend an
6 armed security guard training program, as provided for in Section
7 1750.5 of Title 59 of the Oklahoma Statutes, or a reserve peace
8 officer certification program, as provided for in Section 3311 of
9 Title 70 of the Oklahoma Statutes this title, provided and developed
10 by the Council on Law Enforcement Education and Training (CLEET).
11 Nothing in this section shall be construed to prohibit or limit the
12 board of education of a school district from requiring ongoing
13 education and training.

14 ~~B.~~ C. Participation in either the armed security guard training
15 program or the reserve peace officer certification program shall be
16 voluntary and shall not in any way be considered a requirement for
17 continued employment with the school district. The board of
18 education of a school district shall have the final authority to
19 determine and designate the school personnel who will be authorized
20 to obtain and use an armed security guard license ~~or~~, reserve peace
21 officer certification or handgun license in conjunction with their
22 employment as school personnel.

23 ~~C.~~ D. The board of education of a school district that
24 authorizes school personnel to participate in either the armed

1 security guard program or the reserve peace officer program may pay
2 all necessary training, meal and lodging expenses associated with
3 the training.

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

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

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

22 SECTION 4. This act shall become effective November 1, 2021.

23
24 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
dated 03/01/2021 - DO PASS, As Amended.