

1 ENGROSSED HOUSE
2 BILL NO. 2588

By: Roberts (Sean), West
(Kevin) and Luttrell of the
House

3
4 and

Bullard of the Senate
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8 An Act relating to firearms; amending 21 O.S. 2011,
9 Section 1277, as last amended by Section 1, Chapter
10 235, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1277),
11 which relates to the unlawful carrying of firearms on
12 certain property; updating statutory reference;
13 authorizing school personnel with a handgun license
14 to carry on public school property under certain
15 circumstances; providing for biannual training;
16 amending 21 O.S. 2011, Section 1280.1, as last
17 amended by Section 2, Chapter 310, O.S.L. 2015 (21
18 O.S. Supp. 2020, Section 1280.1), which relates to
19 the possession of firearms on school property;
20 updating statutory reference; authorizing school
21 personnel with a handgun license to carry on public
22 school property under certain circumstances;
23 providing for continuing education and training;
24 amending Section 3, Chapter 310, O.S.L. 2015 (70 O.S.
Supp. 2020, Section 5-149.2), which relates to the
authorization of certain persons to carry handguns on
public school property; authorizing school boards to
adopt policies related to the carrying of handguns on
public school property by school personnel; stating
qualifications for designated school personnel;
providing for continuing education and training;
authorizing boards of education to designate school
personnel to attend certain training programs;
clarifying immunity from liability provision;
providing an effective date; and declaring an
emergency.

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 public 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. a. Possess a valid handgun license issued pursuant to the
13 provisions of the Oklahoma Self-Defense Act,
14 b. Has successfully completed four (4) hours of weapon
15 retention training certified by the Council on Law
16 Enforcement Education and Training (CLEET), and
17 c. Has demonstrated proficiency in handgun training and
18 campus-specific active shooter training as determined
19 by the appropriate law enforcement agency having
20 jurisdiction in that public school district.

21 In addition to continuing education requirements for personnel
22 authorized by the board of education to carry a firearm onto public
23 school property as a licensed armed security guard or reserve peace
24 officer, personnel authorized to carry pursuant to the provisions of

1 this subsection shall be required to obtain biannual training to
2 include, but not be limited to, four (4) hours of CLEET-certified
3 weapon retention training, four (4) hours of campus-specific active
4 shooter training as determined by the appropriate law enforcement
5 agency having jurisdiction in that public school district, and any
6 other training as deemed necessary by the appropriate law
7 enforcement agency having jurisdiction in that public school
8 district.

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

11 E. In any municipal zoo or park of any size that is owned,
12 leased, operated or managed by:

13 1. A public trust created pursuant to the provisions of Section
14 176 of Title 60 of the Oklahoma Statutes; or

15 2. A nonprofit entity,
16 an individual shall be allowed to carry a concealed handgun but not
17 openly carry a handgun on the property.

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

1 be issued a citation for an amount not to exceed Two Hundred Fifty
2 Dollars (\$250.00).

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

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

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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 H. 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 the Oklahoma Self-Defense Act shall prohibit
9 the sheriff from requiring additional instruction or training before
10 receiving authorization to carry a concealed handgun within the
11 courthouse. The provisions of this paragraph and of paragraph 6 of
12 this subsection shall not allow the county employee to carry the
13 handgun into a courtroom, sheriff's office, adult or juvenile jail
14 or any 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 I. For the purposes of this section, "motor vehicle" means any
22 automobile, truck, minivan, sports utility vehicle, or motorcycle as
23 defined in Section 1-135 of Title 47 of the Oklahoma Statutes,

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1 equipped with a locked accessory container within or affixed to the
2 motorcycle.

3 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, as
4 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
5 2020, Section 1280.1), is amended to read as follows:

6 Section 1280.1

7 POSSESSION OF FIREARM ON SCHOOL PROPERTY

8 A. It shall be unlawful for any person to have in his or her
9 possession on any public or private school property or while in any
10 school bus or vehicle used by any school for transportation of
11 students or teachers any firearm or weapon designated in Section
12 1272 of this title, except as provided in subsection C of this
13 section or as otherwise authorized by law.

14 B. For purposes of this section:

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

20 2. "Private school" means a school that offers a course of
21 instruction for students in one or more grades from prekindergarten
22 through grade twelve and is not operated by a governmental entity;
23 and
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1 3. "Motor vehicle" means any automobile, truck, minivan or
2 sports utility vehicle.

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

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

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

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

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

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

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

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

11 a. possess a valid armed security guard license as
12 provided for in ~~Section 1750.1 et seq. of Title 59 of~~
13 ~~the Oklahoma Statutes~~ the Oklahoma Security Guard and
14 Private Investigator Act, ~~or~~

15 b. hold a valid reserve peace officer certification as
16 provided for in Section 3311 of Title 70 of the
17 Oklahoma Statutes, or

18 c. (1) possess a valid handgun license issued pursuant
19 to the provisions of the Oklahoma Self-Defense
20 Act,

21 (2) has successfully completed four (4) hours of
22 weapon retention training certified by the
23 Council on Law Enforcement Education and Training
24 (CLEET), and

1 (3) has demonstrated proficiency in handgun training
2 and campus-specific active shooter training as
3 determined by the appropriate law enforcement
4 agency having jurisdiction in that school
5 district,

6 if a policy has been adopted by the board of education of the public
7 school district that authorizes the carrying of a handgun onto
8 public school property by such personnel. Ongoing continuing
9 education and training shall be required of any person authorized by
10 the board of education to carry a handgun pursuant to the provisions
11 and requirements provided in subsection D of Section 1277 of this
12 title. Nothing in this subsection shall be construed to restrict
13 authority granted elsewhere in law to carry firearms.

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

17 SECTION 3. AMENDATORY Section 3, Chapter 310, O.S.L.
18 2015 (70 O.S. Supp. 2020, Section 5-149.2), is amended to read as
19 follows:

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

1 designated by the public school board of education, provided such
2 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 this title; or

7 3. a. Possess a valid handgun license issued pursuant to the
8 provisions of the Oklahoma Self-Defense Act,

9 b. Has successfully completed four (4) hours of weapon
10 retention training certified by the Council on Law

11 Enforcement Education and Training (CLEET), and

12 c. Has demonstrated proficiency in handgun training and
13 campus-specific active shooter training as determined

14 by the appropriate law enforcement agency having
15 jurisdiction in that public school district.

16 Ongoing continuing education and training shall be required of
17 any person authorized by the board of education to carry a handgun
18 pursuant to the provisions and requirements provided in subsection D
19 of Section 1277 of Title 21 of the Oklahoma Statutes.

20 B. The board of education of a public school district may
21 designate school personnel to attend an armed security guard
22 training program, as provided for in Section 1750.5 of Title 59 of
23 the Oklahoma Statutes, or a reserve peace officer certification
24 program, as provided for in Section 3311 of ~~Title 70 of the Oklahoma~~

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

5 ~~B.~~ C. Participation in either the armed security guard training
6 program ~~or~~, the reserve peace officer certification program or
7 training to carry a handgun as provided in paragraph 3 of subsection
8 A of this section, shall be voluntary and shall not in any way be
9 considered a requirement for continued employment with the public
10 school district. The board of education of a public school district
11 shall have the final authority to determine and designate the school
12 personnel who will be authorized to obtain and use an armed security
13 guard license ~~or~~, reserve peace officer certification or participate
14 with a handgun license and required training components in
15 conjunction with ~~their~~ his or her employment as school personnel.

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

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

1 ~~E.~~ F. Any public school personnel who have successfully
2 completed ~~either~~ armed security guard training, reserve peace
3 officer certification training or handgun license training as
4 provided in paragraph 3 of subsection A of this section and while
5 acting in ~~good faith~~ a reasonable and prudent manner shall not be
6 ~~immune from~~ subject to civil and criminal liability for any injury
7 resulting from the carrying of a handgun onto public school property
8 as provided for in this ~~act~~ section. Any board of education of a
9 public school district or participating local law enforcement agency
10 shall not be ~~immune from~~ subject to civil and criminal liability for
11 any injury resulting from any act committed by school personnel who
12 are designated to carry a concealed handgun on public school
13 property pursuant to the provisions of this ~~act~~ section.

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

18 SECTION 4. This act shall become effective July 1, 2021.

19 SECTION 5. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

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