

1 ENGROSSED HOUSE
2 BILL NO. 2336

By: Roberts (Sean) of the House

3 and

4 Bullard of the Senate

5
6
7 An Act relating to firearms; amending 21 O.S. 2011,
8 Section 1277, as last amended by Section 2 of
9 Enrolled House Bill No. 2597 of the 1st Session of
10 the 57th Oklahoma Legislature, which relates to the
11 unlawful carrying of firearms on certain property;
12 updating statutory reference; authorizing handgun
13 licensees to carry on school property under certain
14 circumstances; amending 21 O.S. 2011, Section 1280.1,
15 as last amended by Section 2, Chapter 310, O.S.L.
16 2015 (21 O.S. Supp. 2018, Section 1280.1), which
17 relates to the possession of firearms on school
18 property; updating statutory reference; authorizing
19 handgun licensees to carry on school property under
20 certain circumstances; amending Section 3, Chapter
21 310, O.S.L. 2015 (70 O.S. Supp. 2018, Section 5-
22 149.2), which relates to the authorization of certain
23 persons to carry handguns on school property;
24 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:

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
last amended by Section 2 of Enrolled House Bill No. 2597 of the 1st

1 Session of the 57th Oklahoma Legislature, is amended to read as
2 follows:

3 Section 1277.

4 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

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

24 6. Any other place specifically prohibited by law.

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

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

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

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

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

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

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

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

23 D. Notwithstanding paragraph 3 of subsection A of this section,
24 a board of education of a school district may adopt a policy

1 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
2 authorize the carrying of a handgun onto school property by school
3 personnel specifically designated by the board of education,
4 provided such personnel either:

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

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

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

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

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

24

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

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

21 2. Any property authorized for possession or use of firearms,
22 machetes, blackjacks, loaded canes, hand chains or metal knuckles by
23 college, university or technology center school policy; and
24

1 3. Any property authorized by the written consent of the
2 college or university president or technology center school
3 administrator, provided the written consent is carried with the
4 firearm, machete, blackjack, loaded cane, hand chain or metal
5 knuckles and the valid handgun license while on college, university
6 or technology center school property.

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

16 Nothing contained in any provision of this subsection shall be
17 construed to authorize or allow any college, university or
18 technology center school to establish any policy or rule that has
19 the effect of prohibiting any person in lawful possession of a
20 handgun license or any person in lawful possession of a firearm,
21 machete, blackjack, loaded cane, hand chain or metal knuckles from
22 possession of a firearm, machete, blackjack, loaded cane, hand chain
23 or metal knuckles in places described in paragraphs 1, 2 and 3 of
24 this subsection. Nothing contained in any provision of this

1 subsection shall be construed to limit the authority of any college,
2 university or technology center school in this state from taking
3 administrative action against any student for any violation of any
4 provision of this subsection.

5 G. The provisions of this section shall not apply to the
6 following:

7 1. Any peace officer or any person authorized by law to carry a
8 firearm in the course of employment;

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

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

17 4. Elected officials of a county, who are in possession of a
18 valid handgun license issued pursuant to the provisions of the
19 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
20 in the performance of their duties within the courthouses of the
21 county in which he or she was elected. The provisions of this
22 paragraph shall not allow the elected county official to carry the
23 handgun into a courtroom;

24

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

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

19 H. For the purposes of this section, "motor vehicle" means any
20 automobile, truck, minivan or sports utility vehicle.

21 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, as
22 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
23 2018, Section 1280.1), is amended to read as follows:

24 Section 1280.1

1 POSSESSION OF FIREARM ON SCHOOL PROPERTY

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

8 B. For purposes of this section:

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

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

18 3. "Motor vehicle" means any automobile, truck, minivan or
19 sports utility vehicle.

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

22 1. A gun or knife designed for hunting or fishing purposes kept
23 in a privately owned vehicle and properly displayed or stored as
24 required by law, provided such vehicle containing said gun or knife

1 is driven onto school property only to transport a student to and
2 from school and such vehicle does not remain unattended on school
3 property;

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

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

17 4. A concealed or unconcealed weapon carried onto private
18 school property or in any school bus or vehicle used by any private
19 school for transportation of students or teachers by a person who is
20 licensed pursuant to the Oklahoma Self-Defense Act, provided a
21 policy has been adopted by the governing entity of the private
22 school that authorizes the possession of a weapon on private school
23 property or in any school bus or vehicle used by a private school.
24 Except for acts of gross negligence or willful or wanton misconduct,

1 a governing entity of a private school that adopts a policy which
2 authorizes the possession of a weapon on private school property, a
3 school bus or vehicle used by the private school shall be immune
4 from liability for any injuries arising from the adoption of the
5 policy. The provisions of this paragraph shall not apply to claims
6 pursuant to the Workers' Compensation Code;

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

16 6. A handgun carried in a motor vehicle pursuant to a valid
17 handgun license authorized by the Oklahoma Self-Defense Act onto
18 property set aside by a public or private elementary or secondary
19 school for the use or parking of any vehicle; provided, however,
20 said handgun shall be stored and hidden from view in a locked motor
21 vehicle when the motor vehicle is left unattended on school
22 property; and
23
24

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

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

8 b. hold a valid reserve peace officer certification as
9 provided for in Section 3311 of Title 70 of the
10 Oklahoma Statutes, or

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

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

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

1 SECTION 3. AMENDATORY Section 3, Chapter 310, O.S.L.
2 2015 (70 O.S. Supp. 2018, Section 5-149.2), is amended to read as
3 follows:

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

- 10 1. Possess a valid armed security guard license as provided for
11 in the Oklahoma Security Guard and Private Investigator Act;
- 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 B. The board of education of a school district may, through a
18 majority vote of the board, designate school personnel to attend an
19 armed security guard training program, as provided for in Section
20 1750.5 of Title 59 of the Oklahoma Statutes, or a reserve peace
21 officer certification program, as provided for in Section 3311 of
22 Title 70 of the Oklahoma Statutes, provided and developed by the
23 Council on Law Enforcement Education and Training (CLEET). Nothing
24 in this section shall be construed to prohibit or limit the board of

1 education of a school district from requiring ongoing education and
2 training.

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

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

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

21 ~~E.~~ F. Any school personnel who have successfully completed
22 ~~either~~ armed security guard training, reserve peace officer
23 certification training or handgun license training and while acting
24 in good faith shall be immune from civil and criminal liability for

1 any injury resulting from the carrying of a handgun onto public
2 school property as provided for in this act. Any board of education
3 of a school district or participating local law enforcement agency
4 shall be immune from civil and criminal liability for any injury
5 resulting from any act committed by school personnel who are
6 designated to carry a concealed handgun on public school property
7 pursuant to the provisions of this act.

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

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

12 Passed the House of Representatives the 13th day of March, 2019.

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14 _____
15 Presiding Officer of the House
16 of Representatives

17 Passed the Senate the ____ day of _____, 2019.

18
19 _____
20 Presiding Officer of the Senate
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