

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend House Bill No. 2336, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Bullard

Bullard-BG-FS-Req#3833
2/11/2020 1:58 PM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 HOUSE BILL NO. 2336

By: Roberts (Sean) of the House

and

Bullard of the Senate

7
8
9 FLOOR SUBSTITUTE

10 An Act relating to firearms; amending 21 O.S. 2011,
11 Section 1277, as last amended by Section 1, Chapter
12 235, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1277),
13 which relates to the unlawful carrying of firearms on
14 certain property; updating statutory reference;
15 authorizing handgun licensees to carry on school
16 property under certain circumstances; amending 21
17 O.S. 2011, Section 1280.1, as last amended by Section
18 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp. 2019,
19 Section 1280.1), which relates to the possession of
20 firearms on school property; updating statutory
21 reference; authorizing handgun licensees to carry on
22 school property under certain circumstances; amending
23 Section 3, Chapter 310, O.S.L. 2015 (70 O.S. Supp.
24 2019, 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; updating statutory language; and providing
an effective date.

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

2 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
3 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.
4 2019, Section 1277), is amended to read as follows:

5 Section 1277.

6 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

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

3 6. Any other place specifically prohibited by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

14 3. Possess a valid handgun license issued pursuant to the
15 provisions of the Oklahoma Self-Defense Act and has demonstrated
16 proficiency in handgun training and campus-specific active shooter
17 training as determined by the appropriate law enforcement agency
18 having jurisdiction in that school district. The local law
19 enforcement agency having jurisdiction in a school district shall
20 require annual training for staff authorized to carry pursuant to
21 this paragraph.

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

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

3 1. A public trust created pursuant to the provisions of Section
4 176 of Title 60 of the Oklahoma Statutes; or

5 2. A nonprofit entity,
6 an individual shall be allowed to carry a concealed handgun but not
7 openly carry a handgun on the property.

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

17 G. No person in possession of a valid handgun license issued
18 pursuant to the provisions of the Oklahoma Self-Defense Act or who
19 is carrying or in possession of a firearm as otherwise permitted by
20 law or who is carrying or in possession of a machete, blackjack,
21 loaded cane, hand chain or metal knuckles shall be authorized to
22 carry the firearm, machete, blackjack, loaded cane, hand chain or
23 metal knuckles into or upon any college, university or technology
24 center school property, except as provided in this subsection. For

1 purposes of this subsection, the following property shall not be
2 construed to be college, university or technology center school
3 property:

4 1. Any property set aside for the use or parking of any motor
5 vehicle, whether attended or unattended, provided the firearm,
6 machete, blackjack, loaded cane, hand chain or metal knuckles are
7 carried or stored as required by law and the firearm, machete,
8 blackjack, loaded cane, hand chain or metal knuckles are not removed
9 from the motor vehicle without the prior consent of the college or
10 university president or technology center school administrator while
11 the vehicle is on any college, university or technology center
12 school property;

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

16 3. Any property authorized by the written consent of the
17 college or university president or technology center school
18 administrator, provided the written consent is carried with the
19 firearm, machete, blackjack, loaded cane, hand chain or metal
20 knuckles and the valid handgun license while on college, university
21 or technology center school property.

22 The college, university or technology center school may notify
23 the Oklahoma State Bureau of Investigation within ten (10) days of a
24 violation of any provision of this subsection by a licensee. Upon

1 receipt of a written notification of violation, the Bureau shall
2 give a reasonable notice to the licensee and hold a hearing. At the
3 hearing, upon a determination that the licensee has violated any
4 provision of this subsection, the licensee may be subject to an
5 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
6 have the handgun license suspended for three (3) months.

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

20 H. The provisions of this section shall not apply to the
21 following:

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

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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 the Oklahoma Self-Defense Act shall prohibit
22 the sheriff from requiring additional instruction or training before
23 receiving authorization to carry a concealed handgun within the
24 courthouse. The provisions of this paragraph and of paragraph 6 of

1 this subsection shall not allow the county employee to carry the
2 handgun into a courtroom, sheriff's office, adult or juvenile jail
3 or any 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 I. For the purposes of this section, "motor vehicle" means any
11 automobile, truck, minivan, sports utility vehicle or motorcycle as
12 defined in Section 1-135 of Title 47 of the Oklahoma Statutes,
13 equipped with a locked accessory container within or affixed to the
14 motorcycle.

15 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, as
16 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
17 2019, Section 1280.1), is amended to read as follows:

18 Section 1280.1

19 POSSESSION OF FIREARM ON SCHOOL PROPERTY

20 A. It shall be unlawful for any person to have in his or her
21 possession on any public or private school property or while in any
22 school bus or vehicle used by any school for transportation of
23 students or teachers any firearm or weapon designated in Section
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1 1272 of this title, except as provided in subsection C of this
2 section or as otherwise authorized by law.

3 B. For purposes of this section:

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

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

13 3. "Motor vehicle" means any automobile, truck, minivan or
14 sports utility vehicle.

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

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

23 2. A gun or knife used for the purposes of participating in the
24 Oklahoma Department of Wildlife Conservation certified hunter

1 training education course or any other hunting, fishing, safety or
2 firearms training courses, or a recognized firearms sports event,
3 team shooting program or competition, or living history reenactment,
4 provided the course or event is approved by the principal or chief
5 administrator of the school where the course or event is offered,
6 and provided the weapon is properly displayed or stored as required
7 by law pending participation in the course, event, program or
8 competition;

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

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

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

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

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

22 a. possess a valid armed security guard license as
23 provided for in ~~Section 1750.1 et seq. of Title 59 of~~
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1 ~~the Oklahoma Statutes~~ the Oklahoma Security Guard and
2 Private Investigator Act, or

3 b. hold a valid reserve peace officer certification as
4 provided for in Section 3311 of Title 70 of the
5 Oklahoma Statutes, or

6 c. possess a valid handgun license issued pursuant to the
7 provisions of the Oklahoma Self-Defense Act and has
8 demonstrated proficiency in handgun training and
9 campus-specific active shooter training as determined
10 by the appropriate law enforcement agency having
11 jurisdiction in that school district,

12 if a policy has been adopted by the board of education of the school
13 district that authorizes the carrying of a handgun onto public
14 school property by such personnel. Nothing in this subsection shall
15 be construed to restrict authority granted elsewhere in law to carry
16 firearms. The local law enforcement agency having jurisdiction in a
17 school district shall require annual training for staff authorized
18 to carry pursuant to subparagraph c of this paragraph.

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

22 SECTION 3. AMENDATORY Section 3, Chapter 310, O.S.L.
23 2015 (70 O.S. Supp. 2019, Section 5-149.2), is amended to read as
24 follows:

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

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

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

11 3. Possess a valid handgun license issued pursuant to the
12 provisions of the Oklahoma Self-Defense Act has demonstrated
13 proficiency in handgun training and campus-specific active shooter
14 training as determined by the appropriate law enforcement agency
15 having jurisdiction in that school district. The local law
16 enforcement agency having jurisdiction in a school district shall
17 require annual training for staff authorized to carry pursuant to
18 this paragraph.

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

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

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

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

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

23 ~~E.~~ F. Any school personnel who have successfully completed
24 ~~either~~ armed security guard training, reserve peace officer

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

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

13 SECTION 4. This act shall become effective November 1, 2020.

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