

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 767, 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#1935  
3/9/2021 9:52 AM

(Floor Amendments Only) Date and Time Filed: \_\_\_\_\_

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 FLOOR SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 767

By: Bullard and Bergstrom of  
the Senate

6 and

7 Roberts (Sean) and McDugle  
of the House

8  
9  
10 FLOOR SUBSTITUTE

11 [ firearms - unlawful carrying of firearms on certain  
12 property - school property -  
13 emergency ]

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as  
16 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.  
17 2020, Section 1277), is amended to read as follows:

18 Section 1277.

19 UNLAWFUL CARRY IN CERTAIN PLACES

20 A. It shall be unlawful for any person<sup>7</sup> including a person in  
21 possession of a valid handgun license issued pursuant to the  
22 provisions of the Oklahoma Self-Defense Act<sup>7</sup> to carry any concealed  
23 or unconcealed handgun into any of the following places:

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

4        2. Any courthouse, courtroom, prison, jail, detention facility  
5 or any facility used to process, hold or house arrested persons,  
6 prisoners or persons alleged delinquent or adjudicated delinquent,  
7 except as provided in Section 21 of Title 57 of the Oklahoma  
8 Statutes;

9        3. Any public or private elementary or public or private  
10 secondary school, except as provided in subsections C and D of this  
11 section;

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

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

16       6. Any other place specifically prohibited by law.

17       B. For purposes of subsection A of this section, the prohibited  
18 place does not include and specifically excludes the following  
19 property:

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

23

24

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

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

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

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

19        Nothing contained in any provision of this subsection or  
20 subsection C of this section shall be construed to authorize or  
21 allow any person in control of any place described in subsection A  
22 of this section to establish any policy or rule that has the effect  
23 of prohibiting any person in lawful possession of a handgun license  
24

1 or otherwise in lawful possession of a firearm from carrying or  
2 possessing the firearm on the property described in this subsection.

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

18 D. Notwithstanding paragraph 3 of subsection A of this section,  
19 a board of education of a school district may adopt a policy  
20 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to  
21 authorize the carrying of a handgun onto school property by school  
22 personnel specifically designated by the board of education,  
23 provided such personnel either:  
24

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

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

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

8 b. Has successfully completed four (4) hours of weapon  
9 retention training certified by the Council on Law  
10 Enforcement Education and Training (CLEET), and

11 c. Has demonstrated proficiency in handgun training and  
12 campus-specific active shooter training as determined  
13 by the appropriate law enforcement agency having  
14 jurisdiction in that school district.

15 In addition to continuing education requirements for personnel  
16 authorized by the board of education to carry a firearm onto school  
17 property as a licensed armed security guard or reserve peace  
18 officer, personnel authorized to carry pursuant to the provisions of  
19 this subsection shall be required to obtain biannual training to  
20 include, but not be limited to:

21 Four (4) hours of CLEET certified weapon retention training,

22 Four (4) hours of campus-specific active shooter training as  
23 determined by the appropriate law enforcement agency having  
24 jurisdiction in that school district, and

1       Any other training as deemed necessary by the appropriate law  
2 enforcement agency having jurisdiction in that school district.

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

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

7       1. A public trust created pursuant to the provisions of Section  
8 176 of Title 60 of the Oklahoma Statutes; or

9       2. A nonprofit entity,

10 an individual shall be allowed to carry a concealed handgun but not  
11 openly carry a handgun on the property.

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

21       G. No person in possession of a valid handgun license issued  
22 pursuant to the provisions of the Oklahoma Self-Defense Act or who  
23 is carrying or in possession of a firearm as otherwise permitted by  
24 law or who is carrying or in possession of a machete, blackjack,

1 loaded cane, hand chain or metal knuckles shall be authorized to  
2 carry the firearm, machete, blackjack, loaded cane, hand chain or  
3 metal knuckles into or upon any college, university or technology  
4 center school property, except as provided in this subsection. For  
5 purposes of this subsection, the following property shall not be  
6 construed to be college, university or technology center school  
7 property:

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

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

20 3. Any property authorized by the written consent of the  
21 college or university president or technology center school  
22 administrator, provided the written consent is carried with the  
23 firearm, machete, blackjack, loaded cane, hand chain or metal  
24



1 knuckles and the valid handgun license while on college, university  
2 or technology center school property.

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

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

1 H. The provisions of this section shall not apply to the  
2 following:

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

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

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

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

20 5. The sheriff of any county may authorize certain employees of  
21 the county, who possess a valid handgun license issued pursuant to  
22 the provisions of the Oklahoma Self-Defense Act, to carry a  
23 concealed handgun when acting in the course and scope of employment  
24 within the courthouses in the county in which the person is

1 employed. Nothing in the Oklahoma Self-Defense Act shall prohibit  
2 the sheriff from requiring additional instruction or training before  
3 receiving authorization to carry a concealed handgun within the  
4 courthouse. The provisions of this paragraph and of paragraph 6 of  
5 this subsection shall not allow the county employee to carry the  
6 handgun into a courtroom, sheriff's office, adult or juvenile jail  
7 or any other prisoner detention area; and

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

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

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

22 Section 1280.1

23 POSSESSION OF FIREARM ON SCHOOL PROPERTY

24

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

7       B. For purposes of this section:

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

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

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

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

21       1. A gun or knife designed for hunting or fishing purposes kept  
22 in a privately owned vehicle and properly displayed or stored as  
23 required by law, provided such vehicle containing ~~said~~ the gun or  
24 knife is driven onto school property only to transport a student to

1 and from school and such vehicle does not remain unattended on  
2 school property;

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

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

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

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

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

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

22 7. A handgun carried onto ~~public~~ school property by school  
23 personnel who have been designated by the board of education,  
24 provided such personnel either:

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

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

8 c. (1) possess a valid handgun license issued pursuant  
9 to the provisions of the Oklahoma Self-Defense  
10 Act, and

11 (2) has successfully completed four (4) hours of  
12 weapon retention training certified by the  
13 Council on Law Enforcement Education and Training  
14 (CLEET), and

15 (3) has demonstrated proficiency in handgun training  
16 and campus-specific active shooter training as  
17 determined by the appropriate law enforcement  
18 agency having jurisdiction in that school  
19 district,

20 if a policy has been adopted by the board of education of the school  
21 district that authorizes the carrying of a handgun onto public  
22 school property by such personnel. Ongoing continuing education and  
23 training shall be required of any person authorized by the board of  
24

1 education to carry a handgun pursuant to the provisions and  
2 requirements provided in Section 1 of this act.

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

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

8 SECTION 3. AMENDATORY Section 3, Chapter 310, O.S.L.  
9 2015 (70 O.S. Supp. 2020, Section 5-149.2), is amended to read as  
10 follows:

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

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

19 2. Hold a valid reserve peace officer certification as provided  
20 for in Section 3311 of this title; or

21 3. a. Possess a valid handgun license issued pursuant to the  
22 provisions of the Oklahoma Self-Defense Act, and

23  
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1           b. Has successfully completed four (4) hours of weapon  
2           retention training certified by the Council on Law  
3           Enforcement Education and Training (CLEET), and

4           c. Has demonstrated proficiency in handgun training and  
5           campus-specific active shooter training as determined  
6           by the appropriate law enforcement agency having  
7           jurisdiction in that school district.

8           Ongoing continuing education and training shall be required of  
9           any person authorized by the board of education to carry a handgun  
10           pursuant to the provisions and requirements provided in Section 1 of  
11           this act.

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

21           ~~B.~~ C. Participation in either the armed security guard training  
22           program, or the reserve peace officer certification program or the  
23           training to carry a handgun as provided in subsection A of this  
24           section shall be voluntary and shall not in any way be considered a

1 requirement for continued employment with the school district. The  
2 board of education of a school district shall have the final  
3 authority to determine and designate the school personnel who will  
4 be authorized to obtain and use an armed security guard license ~~or,~~  
5 reserve peace officer certification or to participate with a handgun  
6 license and required training components in conjunction with ~~their~~  
7 his or her employment as school personnel.

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

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

17 ~~E.~~ F. Any school personnel who have successfully completed  
18 ~~either~~ armed security guard training, reserve peace officer  
19 certification training or handgun license and training, as provided  
20 in subsection A of this section and while acting in ~~good faith~~ a  
21 reasonable and prudent manner shall be immune from civil and  
22 criminal liability for any injury resulting from the carrying of a  
23 handgun onto public school property as provided for in this ~~act~~  
24 section. Any board of education of a school district or

1 participating local law enforcement agency shall be immune from  
2 civil and criminal liability for any injury resulting from any act  
3 committed by school personnel who are designated to carry a  
4 concealed handgun on public school property pursuant to the  
5 provisions of this ~~act~~ section.

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

9 SECTION 4. It being immediately necessary for the preservation  
10 of the public peace, health or safety, an emergency is hereby  
11 declared to exist, by reason whereof this act shall take effect and  
12 be in full force from and after its passage and approval.

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14 58-1-1935 BG 3/9/2021 9:52:46 AM

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