

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 821

By: Dahm

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5  
6 AS INTRODUCED

7 An Act relating to gun-free schools; amending 21 O.S.  
8 2021, Section 1280.1, which relates to possession of  
9 firearms on school property; removing prohibition of  
10 guns on school property; making it unlawful to have  
11 certain designation; and providing an effective date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1280.1, is  
14 amended to read as follows:

15 Section 1280.1.

16 POSSESSION OF FIREARM ON SCHOOL PROPERTY

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

1 B. For purposes of this section:

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

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

11 ~~3. "Motor vehicle" means any automobile, truck, minivan or~~  
12 ~~sports utility vehicle.~~

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

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

21 ~~2. A gun or knife used for the purposes of participating in the~~  
22 ~~Oklahoma Department of Wildlife Conservation certified hunter~~  
23 ~~training education course or any other hunting, fishing, safety or~~  
24 ~~firearms training courses, or a recognized firearms sports event,~~

1 ~~team shooting program or competition, or living history reenactment,~~  
2 ~~provided the course or event is approved by the principal or chief~~  
3 ~~administrator of the school where the course or event is offered,~~  
4 ~~and provided the weapon is properly displayed or stored as required~~  
5 ~~by law pending participation in the course, event, program or~~  
6 ~~competition;~~

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

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

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

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

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

- 20           ~~a. possess a valid armed security guard license as~~  
21           ~~provided for in Section 1750.1 et seq. of Title 59 of~~  
22           ~~the Oklahoma Statutes, or~~

1           ~~b. hold a valid reserve peace officer certification as~~  
2           ~~provided for in Section 3311 of Title 70 of the~~  
3           ~~Oklahoma Statutes,~~

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

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

12           SECTION 2. This act shall become effective November 1, 2023.

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14           59-1-955           BG           1/19/2023 8:40:34 PM  
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