STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2084 BY: JOHNSON (Rob)

AS INTRODUCED

AN ACT RELATING TO SCHOOLS; AMENDING 70 O.S. 1991, SECTIONS 1210.229-2, 1210.229-3 AND 1210.229-5, WHICH RELATE TO THE OKLAHOMA ALCOHOL AND DRUG PREVENTION AND LIFE SKILLS EDUCATION ACT; MODIFYING PURPOSES OF SUCH ACT; MODIFYING DEFINITION OF LIFE SKILLS; PROVIDING FOR CERTAIN EDUCATION ON THE POSSESSION AND/OR USE OF FIREARMS IN CERTAIN CIRCUMSTANCES; AUTHORIZING APPLICATIONS FOR FUNDS RELATING TO THE FEDERAL ACT ON DRUG-FREE SCHOOL ZONES; ENHANCING PENALTIES FOR CERTAIN FIREARM OFFENSES; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 1210.229-2, is amended to read as follows:

Section 1210.229-2 The Legislature finds that for the purpose of preventing drug and alcohol abuse among our young people, and for preventing or alleviating problems which lead to and are closely associated with drug and alcohol abuse, it is desirable that all Oklahoma school districts develop and implement a curriculum for drug and alcohol abuse prevention for all grade levels. Such curriculum may include training in life skills, such as

problem-solving, responsibility, communication and decision-making skills, which enable young people to successfully resist social and other pressures to engage in activities which are destructive to their health and future. The Legislature encourages all school districts to adopt as a goal for the year 1990 the full implementation of drug and alcohol abuse prevention programs in their schools. In order to expand and enhance the ability of school districts to implement drug and alcohol prevention programs, it is the intent of the Legislature that local school districts participate in the federal Drug-Free Schools and Communities Act of 1986, 20 U.S.C., Section 4601 et seq. and the provisions of Public Law No. 101-647, Drug-Free School Zones.

In order to derive maximum benefit from their drug and alcohol prevention programs, it is further the intent of the Legislature that the school districts coordinate their efforts and activities with the Oklahoma Drug and Alcohol Abuse Policy Board, and with appropriate state and local drug and alcohol abuse, health and law enforcement agencies and programs within the community which provide drug education, prevention, treatment and rehabilitation.

It is further the intent of the Legislature to encourage school districts to establish programs concerning the danger and criminal consequences of the possession and/or use of firearms in school zones.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 1210.229-3, is amended to read as follows:

Section 1210.229-3 For purposes of the Oklahoma Alcohol and Drug Abuse Prevention and Life Skills Education Act, Section 1210.229-1 et seq. of this title:

1. "Alcohol" means any nonintoxicating beverage as defined in Section 163.2 of Title 37 of the Oklahoma Statutes or alcoholic beverage as defined in Section 506 of Title 37 of the Oklahoma Statutes;

2. "Board" means the State Board of Education;

3. "Department" means the State Department of Education;

4. "Drug" means a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes; and

5. "Life skills" includes but is not limited to fostering skills in responsibility, decision making, communication, self-confidence and goal setting. Life skills shall not include values clarification or sex education, but shall include education on the danger and criminal consequences of the possession and/or use of firearms in areas in and around one thousand (1,000) feet of a school or school property.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 1210.229-5, is amended to read as follows:

Section 1210.229-5 A. The State Superintendent of Public Instruction and State Department of Education in conjunction with the Oklahoma Drug and Alcohol Abuse Policy Board shall:

1. Establish objective criteria, guidelines and a comprehensive integrated curriculum for substance abuse programs and the teaching of life skills in local schools and school districts;

2. Establish and review annually model policies for alcohol and drug abuse issues, including but not limited to policies regarding disciplinary actions and referral for services;

3. Develop and implement strategies which encourage all schools to employ prevention and guidance counselors trained in substance abuse prevention, firearm safety and other life skills and to develop and begin implementing quality substance abuse, firearm prevention and safety and life skills education programs; ~~and~~

4. Develop guidelines and criteria to encourage teachers and administrators to receive in-service training on alcohol and drug abuse. The training or workshops should be included in the staff development point system; and

5. Make application to receive any funds available pursuant to Public Law No. 101-647, for the establishment of drug-free school zones.

B. The State Department of Education shall distribute information or reports provided by the Oklahoma Drug and Alcohol Abuse Policy Board, to each school district and, upon request, to members of the public. Upon request of the chief administrator of a school or school district, the Department shall provide technical assistance to schools and school districts to implement policies and programs pursuant to guidelines provided by the Oklahoma Drug and Alcohol Abuse Policy Board and shall provide a clearinghouse program accessible by school districts to provide information about life skills and drug and alcohol abuse prevention curricula and programs.

C. Final determination of materials to be used, means of implementation of the curriculum, and ages and times at which students receive instruction about said life skills and drug and alcohol abuse prevention shall be made by the local school board. The local school district, at least one (1) month prior to giving such instruction to students, shall conduct for parents and guardians of students involved, during weekend or evening hours, at least one presentation concerning the plans for instruction and the materials to be used. No student shall be required to receive instruction about said life skills and drug and alcohol abuse prevention if a parent or guardian of the student objects in writing.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1277.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise authorized by law, any person who is convicted of violating Sections 1272, 1273, 1277, 1279, 1283 or 1286 of Title 21 of the Oklahoma Statutes, or any provision of the Oklahoma Firearms Act of 1971, with any type of firearm or other

weapon as specified in Sections 1272, 1273, 1277, 1279, 1283 or 1286 of Title 21 of the Oklahoma Statutes, or any provision of the Oklahoma Firearms Act of 1971, such offense occurring in or on or within one thousand (1,000) feet of the real property comprising a public or private elementary or secondary school, public vocational-technical school, or a public or private college or university shall be punished by:

1. A term of imprisonment or by the imposition of a fine or by both, not exceeding twice that otherwise authorized by the applicable section of law, and shall serve a minimum of fifty percent (50%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence; or

2. If the violation occurred as specified in subsection A of this section, after a previous conviction pursuant to that subsection which has become final, a term of imprisonment not exceeding three times that otherwise authorized by the applicable section of law, and shall serve a minimum of ninety percent (90%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence.

B. It shall not be a defense to prosecution that the violator was unaware that the prohibited conduct took place while on or within one thousand (1,000) feet of any school property.

SECTION 5. This act shall become effective July 1, 1992.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-2-7845 MCD