

1 ENGROSSED SENATE
2 BILL NO. 855

By: Halligan of the Senate

and

Denney of the House

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7 An Act relating to crimes; making certain conduct
8 unlawful; defining terms; providing exceptions;
9 providing disciplinary measures; stating penalty;
10 providing for codification; and providing an
11 effective date.

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1280.2 of Title 21, unless there
15 is created a duplication in numbering, reads as follows:

16 A. It shall be unlawful for any person to engage in reckless
17 conduct while having in his or her possession a weapon as defined in
18 this section, look-alike weapon, or any object that can reasonably
19 be considered or mistaken for a weapon or dangerous object that may
20 cause harm to the physical and mental health, safety, or welfare of
21 any individual according to the following:

22 1. On school property immediately before, during, or
23 immediately after school hours;

1 2. On school property at any other time when the school is
2 being used by a school group;

3 3. Off school property at any school activity, function, or
4 event approved by the principal;

5 4. In a district-owned or contracted vehicle; or

6 5. Within one thousand (1,000) feet from the grounds of a
7 public, parochial, or private school during school hours or when
8 used by a school group.

9 B. As used in this section:

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

16 2. "Weapon" means a stun gun, pellet gun, air soft gun, BB gun,
17 knife, razor, martial arts device, explosive device, materials for
18 making an explosive device, electronic or chemical mace, and tear
19 gas;

20 3. "Look-alike weapon" means a toy gun, non-working replica of
21 a weapon, war souvenir or any object which could reasonably be
22 mistaken for an actual weapon, regardless of whether it is
23 manufactured for that purpose;

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1 4. "Dangerous object" means any object or device that could be
2 used or construed to be a weapon carried for offensive or defensive
3 purposes and capable of producing death or bodily harm or the fear
4 of death or bodily harm, or any device or instrument which in the
5 manner it is used or intended to be used is calculated or likely to
6 produce death or bodily harm or the fear of death or bodily harm.

7 C. This section shall not apply to the following:

8 1. Weapons under the control of law enforcement personnel;

9 2. Look-alike weapons or real weapons that are registered and
10 handled in a legal manner for the purpose of education as authorized
11 by the principal; and

12 3. Normal school supplies including, but not limited to,
13 pencils, scissors, or compasses unless used with intent to threaten
14 bodily harm.

15 D. Weapons, look-alike weapons, or dangerous objects
16 confiscated from a student shall be reported to law enforcement
17 authorities and to parents or legal guardians. In addition to any
18 other disciplinary measures pursuant to Section 24-101.3 of Title 70
19 of the Oklahoma Statutes, or otherwise provided by law, disciplinary
20 measures shall include immediate suspension from school and all
21 related activities or functions and referral to the Board of
22 Education for possible expulsion from school and all related
23 activities or functions.

1 E. Any person violating the provisions of this section shall,
2 upon conviction, be guilty of a misdemeanor punishable by a fine not
3 to exceed Five Hundred Dollars (\$500.00), or imprisonment in the
4 county jail not to exceed one (1) year, or an order of community
5 service not to exceed sixty (60) hours, or by fine, imprisonment and
6 community service.

7 SECTION 2. This act shall become effective November 1, 2011.

8 Passed the Senate the 8th day of March, 2011.

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Presiding Officer of the Senate

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12 Passed the House of Representatives the ____ day of _____,
13 2011.

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Presiding Officer of the House
of Representatives

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