ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 408 By: Paddack and Shortey of the Senate

and

Thomsen of the House

An Act relating to the Council on Law Enforcement and Education and Training (CLEET); amending 70 O.S. 2011, Section 3311.4, as amended by Section 1, Chapter 85, O.S.L. 2012 (70 O.S. Supp. 2012, Section 3311.4), which relates to certain law enforcement training; modifying training requirements for certain inactive officers; authorizing the Director of CLEET to waive certain requirements under certain circumstances; and providing an effective date.

AUTHORS: Add the following House Coauthors: Ritze, Roberts (Sean), McCullough and Bennett

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill and insert

"An Act relating to training by the Council on Law Enforcement and Education and Training (CLEET); amending 70 O.S. 2011, Section 3311.4, as amended by Section 1, Chapter 85, O.S.L. 2012 (70 O.S. Supp. 2012, Section 3311.4), which relates to certain law enforcement training; modifying training requirements for certain inactive officers; authorizing the Director of CLEET to waive certain requirements under certain circumstances; authorizing boards of education to allow for participation in special reserve school resource

officer academies; construing provision; making participation voluntary; providing for payment of academy training expenses; authorizing certain persons to carry handgun on school property; providing for statewide peace officer certification; providing immunity from civil and criminal liability; stating powers and duties of the Council on Law Enforcement Education and Training; defining term; amending 21 O.S. 2011, Sections 1277 and 1280.1, as amended by Sections 6 and 8, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012, Sections 1277 and 1280.1), which relate to carrying firearms on certain property; allowing certain persons to carry handguns on school property; providing for codification; providing for noncodification; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311.4, as amended by Section 1, Chapter 85, O.S.L. 2012 (70 O.S. Supp. 2012, Section 3311.4), is amended to read as follows:

Section 3311.4 A. Beginning January 1, 2008, and annually thereafter, every active full-time peace officer, certified by the Council on Law Enforcement Education and Training (CLEET) pursuant to Section 3311 of this title, shall attend and complete a minimum of twenty-five (25) hours of continuing law enforcement training accredited or provided by CLEET which shall include a mandatory two (2) hours on mental health issues. CLEET shall promulgate rules to enforce the provisions of this section and shall enter into contracts and agreements for the payment of classroom space, training, food, and lodging expenses as may be necessary for law

enforcement officers attending such training in accordance with subsection B of Section 3311 of this title. Such training and seminars shall be conducted in all areas of this state at technology center schools, institutions of higher education, or other approved sites.

B. Every inactive full-time peace officer, certified by CLEET, shall be exempt from these requirements during the inactive status. Upon ~~re-entry~~ reentry to full-time active status, the peace officer shall be required to comply with subsection A of this section. If a full-time certified peace officer has been inactive for five (5) or more years, the officer must complete ~~one hundred (100) hours of~~ refresher training as prescribed by CLEET and which shall include a minimum of four (4) hours of mental health education and training, within one (1) year of employment. If a certified reserve officer has been inactive for five (5) or more years, the certified reserve officer shall complete a legal update as prescribed by CLEET. The Director of CLEET may waive these requirements based on review of all records of employment and training.

C. Every tribal officer who is commissioned by an Oklahoma law enforcement agency pursuant to a cross-deputization agreement with the State of Oklahoma or any political subdivision of the State of Oklahoma pursuant to the provisions of Section 1221 of Title 74 of the Oklahoma Statutes shall comply with the provisions of this section.

D. Any active full-time certified peace officer, or CLEET-certified cross-deputized tribal officer who fails to meet the annual training requirements specified in this section, shall be subject to having the certification of the peace officer suspended, after the peace officer and the employer have been given written notice of noncompliance and a reasonable time, as defined by the Council, to comply with the provisions of this section. A peace officer shall not be employed in the capacity of a peace officer during any period of suspension. The suspension period shall be for a period of time until the officer files a statement attesting to full compliance with the provisions of this section. Suspension of peace officer certification shall be reported to the District Attorney for the jurisdiction in which the officer is employed, the liability insurance company of the law enforcement agency that employed the peace officer, the chief elected official of the governing body of the law enforcement agency and the chief law enforcement officer of the law enforcement agency. Any officer whose certification is suspended pursuant to this section may request a hearing with CLEET. Such hearings shall be governed by the Administrative Procedures Act except that the affected officer has the burden to show CLEET why CLEET should not have the certification of the officer suspended.

SECTION 2. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Sections 2 through 5 of this act shall be known and may be cited as the "Special Reserve School Resource Officer Act".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-149 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The board of education of a school district may, through a majority vote of the board, allow any school personnel who has been issued a handgun license pursuant to the Oklahoma Self-Defense Act and who volunteers to attend a special reserve school resource officer academy provided and developed by the Council on Law Enforcement Education and Training (CLEET). The special reserve school resource officer academy shall be conducted and governed by CLEET and shall include a minimum of one hundred twenty (120) hours of education and training. Nothing in this section shall be construed to prohibit or limit the board of education of a school district from requiring additional hours of special reserve school resource officer education and training.

B. Participation in the special reserve school resource officer academy by school personnel shall be voluntary and shall not in any way be considered a requirement for continued employment with the school district. The board of education of a school district shall have the final authority to determine and select the school personnel who will attend the special reserve school resource officer academy as authorized in the provisions of this act.

C. The board of education of a school district that authorizes school personnel to participate in a special reserve school resource officer academy shall pay all necessary training, meal and lodging expenses associated with the special reserve school resource officer academy.

D. Upon successful completion of the special reserve school resource officer academy, school personnel shall have statewide peace officer certification while performing his or her official duties as an employee of the school district and shall have the authority to carry a concealed handgun anywhere in the state including school property subject to and in compliance with the policies established by the board of education of the school district. When not performing official duties as an employee of the school district, the special reserve school resource officer shall not have statewide peace officer certification status. When carrying a handgun pursuant to the provisions of this act, the person shall at all times carry the handgun in a concealed manner and shall be required to have the handgun loaded with frangible ammunition. The board of education of a school district may establish a policy that requires handguns carried by special reserve school resource officers on school property to be placed in a locked firearms repository for purposes of storage and safekeeping.

E. Any school personnel who has successfully completed the special reserve school resource officer academy and while acting in

good faith shall be immune from civil and criminal liability for any injury resulting from the carrying of a handgun onto school property as provided for in subsection D of this section. Any board of education of a school district or participating local law enforcement agency shall be immune from civil and criminal liability for any injury resulting from any act committed by school personnel who have been authorized to carry a concealed handgun on school property, pursuant to the provisions of this act.

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

G. CLEET shall have the following powers and duties:

1. Promulgate policies and procedures to carry out the provisions of the Special Reserve School Resource Officer Act;

2. Establish and enforce standards governing the training and education of school personnel pursuant to the Special Reserve School Resource Officer Act;

3. Establish minimum curriculum requirements for special reserve school resource officers which shall include firearms training and education and shall, at a minimum, include one hundred twenty (120) hours of instruction; and

4. Establish minimum curriculum requirements for annual, mandatory continuing education and training for special reserve

school resource officers which shall, at a minimum, include eight (8) hours of instruction.

H. As used in this section, "school personnel" means a duly certified or licensed person who is employed by a school district to serve as an administrator, superintendent, principal, supervisor, vice-principal, teacher, counselor, librarian, school bus driver, school nurse or in any other instructional capacity.

SECTION 4. AMENDATORY 21 O.S. 2011, Section 1277, as amended by Section 6, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012, Section 1277), is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

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

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

2. Any meeting of any city, town, county, state or federal officials, school board members, legislative members, or any other elected or appointed officials;

3. Any prison, jail, detention facility or any facility used to process, hold, or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent;

4. Any elementary or secondary school;

5. Any sports arena during a professional sporting event;

6. Any place where pari-mutuel wagering is authorized by law; and

7. Any other place specifically prohibited by law.

B. For purposes of paragraphs 1, 2, 3, 5 and 6 of subsection A of this section, the prohibited place does not include and specifically excludes the following property:

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

2. Any property set aside for the use or parking of any vehicle, whether attended or unattended, by any entity offering any professional sporting event which is open to the public for admission, or by any entity engaged in pari-mutuel wagering authorized by law;

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

4. Any property designated by a city, town, county, or state, governmental authority as a park, recreational area, or fairgrounds;

provided, nothing in this paragraph shall be construed to authorize any entry by a person in possession of a concealed or unconcealed handgun into any structure, building, or office space which is specifically prohibited by the provisions of subsection A of this section.

Nothing contained in any provision of this subsection shall be construed to authorize or allow any person in control of any place described in paragraph 1, 2, 3, 5 or 6 of subsection A of this section to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license from possession of a handgun allowable under such license in places described in paragraph 1, 2, 3 or 4 of this subsection.

C. Notwithstanding paragraph 4 of subsection A of this section, a handgun may be carried into any elementary or secondary school by school personnel who have successfully completed a special reserve school resource officer academy as provided in Section 3 of this act, provided a policy has been adopted by the board of education of a school district that authorizes the carrying of a handgun into the elementary or secondary school.

D. Any person violating the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars ($250.00). Any person convicted of violating the provisions of subsection A of this section may be liable for an administrative

fine of Two Hundred Fifty Dollars ($250.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of subsection A of this section.

~~D.~~ E. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act shall be authorized to carry the handgun into or upon any college, university, or technology center school property, except as provided in this subsection. For purposes of this subsection, the following property shall not be construed as prohibited for persons having a valid handgun license:

1. Any property set aside for the use or parking of any vehicle, whether attended or unattended, provided the handgun is carried or stored as required by law and the handgun is not removed from the vehicle without the prior consent of the college or university president or technology center school administrator while the vehicle is on any college, university, or technology center school property;

2. Any property authorized for possession or use of handguns by college, university, or technology center school policy; and

3. Any property authorized by the written consent of the college or university president or technology center school administrator, provided the written consent is carried with the

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

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

Nothing contained in any provision of this subsection shall be construed to authorize or allow any college, university, or technology center school to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license from possession of a handgun allowable under such license in places described in paragraphs 1, 2 and 3 of this subsection. Nothing contained in any provision of this subsection shall be construed to limit the authority of any college or university in this state from taking administrative action against any student for any violation of any provision of this subsection.

~~E.~~ F. The provisions of this section shall not apply to any peace officer or to any person authorized by law to carry a pistol in the course of employment. District judges, associate district

judges and special district judges, who are in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose names appear on a list maintained by the Administrative Director of the Courts, shall be exempt from this section when acting in the course and scope of employment within the courthouses of this state. Private investigators with a firearms authorization shall be exempt from this section when acting in the course and scope of employment.

SECTION 5. AMENDATORY 21 O.S. 2011, Section 1280.1, as amended by Section 8, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012, Section 1280.1), is amended to read as follows:

Section 1280.1

POSSESSION OF FIREARM ON SCHOOL PROPERTY

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

B. "School property" means any publicly or privately owned property held for purposes of elementary~~,~~ or secondary ~~or vocational-technical~~ education, and shall not include property owned by public school districts or private educational entities where

such property is leased or rented to an individual or corporation and used for purposes other than educational.

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

1. A gun or knife designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law, or a handgun carried in a vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act, provided such vehicle containing said gun or knife is driven onto school property only to transport a student to and from school and such vehicle does not remain unattended on school property;

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

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

4. A handgun carried onto school property by school personnel who have successfully completed a special reserve school resource officer academy as provided in Section 3 of this act, provided a policy has been adopted by the board of education of a school district that authorizes the carrying of a handgun onto school property.

D. Any person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Five Thousand Dollars ($5,000.00), and imprisonment in the custody of the Department of Corrections for not more than two (2) years. Any person convicted of violating the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license permanently revoked and shall be liable for an administrative fine of One Hundred Dollars ($100.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

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."

Passed the House of Representatives the 25th day of April, 2013.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2013.

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Presiding Officer of the Senate