

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1062 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Mark McCullough

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 1062

By: McCullough

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to school security; creating the Special Reserve School Resource Officer Act; 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; 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; providing for codification; providing for noncodification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Special Reserve School Resource Officer Act".

1       SECTION 2.       AMENDATORY       21 O.S. 2011, Section 1277, as  
2 amended by Section 6, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,  
3 Section 1277), is amended to read as follows:

4       Section 1277.

5                   UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

19       4. Any elementary or secondary school;

20       5. Any sports arena during a professional sporting event;

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

22 and

23       7. Any other place specifically prohibited by law.  
24

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

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

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

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

15 4. Any property designated by a city, town, county, or state,  
16 governmental authority as a park, recreational area, or fairgrounds;  
17 provided, nothing in this paragraph shall be construed to authorize  
18 any entry by a person in possession of a concealed or unconcealed  
19 handgun into any structure, building, or office space which is  
20 specifically prohibited by the provisions of subsection A of this  
21 section.

22 Nothing contained in any provision of this subsection shall be  
23 construed to authorize or allow any person in control of any place  
24 described in paragraph 1, 2, 3, 5 or 6 of subsection A of this

1 section to establish any policy or rule that has the effect of  
2 prohibiting any person in lawful possession of a handgun license  
3 from possession of a handgun allowable under such license in places  
4 described in paragraph 1, 2, 3 or 4 of this subsection.

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

12 D. Any person violating the provisions of subsection A of this  
13 section shall, upon conviction, be guilty of a misdemeanor  
14 punishable by a fine not to exceed Two Hundred Fifty Dollars  
15 (\$250.00). Any person convicted of violating the provisions of  
16 subsection A of this section may be liable for an administrative  
17 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and  
18 determination by the Oklahoma State Bureau of Investigation that the  
19 person is in violation of the provisions of subsection A of this  
20 section.

21 ~~D.~~ E. No person in possession of a valid handgun license issued  
22 pursuant to the provisions of the Oklahoma Self-Defense Act shall be  
23 authorized to carry the handgun into or upon any college,  
24 university, or technology center school property, except as provided

1 in this subsection. For purposes of this subsection, the following  
2 property shall not be construed as prohibited for persons having a  
3 valid handgun license:

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

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

13 3. Any property authorized by the written consent of the  
14 college or university president or technology center school  
15 administrator, provided the written consent is carried with the  
16 handgun and the valid handgun license while on college, university,  
17 or technology center school property.

18 The college, university, or technology center school may notify  
19 the Oklahoma State Bureau of Investigation within ten (10) days of a  
20 violation of any provision of this subsection by a licensee. Upon  
21 receipt of a written notification of violation, the Bureau shall  
22 give a reasonable notice to the licensee and hold a hearing. At the  
23 hearing upon a determination that the licensee has violated any  
24 provision of this subsection, the licensee may be subject to an

1 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may  
2 have the handgun license suspended for three (3) months.

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

13 ~~E.~~ F. The provisions of this section shall not apply to any  
14 peace officer or to any person authorized by law to carry a pistol  
15 in the course of employment. District judges, associate district  
16 judges and special district judges, who are in possession of a valid  
17 handgun license issued pursuant to the provisions of the Oklahoma  
18 Self-Defense Act and whose names appear on a list maintained by the  
19 Administrative Director of the Courts, shall be exempt from this  
20 section when acting in the course and scope of employment within the  
21 courthouses of this state. Private investigators with a firearms  
22 authorization shall be exempt from this section when acting in the  
23 course and scope of employment.

1       SECTION 3.       AMENDATORY       21 O.S. 2011, Section 1280.1, as  
2 amended by Section 8, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,  
3 Section 1280.1), is amended to read as follows:

4       Section 1280.1

5               POSSESSION OF FIREARM ON SCHOOL PROPERTY

6       A. It shall be unlawful for any person to have in his or her  
7 possession on any public or private school property or while in any  
8 school bus or vehicle used by any school for transportation of  
9 students or teachers any firearm or weapon designated in Section  
10 1272 of this title, except as provided in subsection C of this  
11 section or as otherwise authorized by law.

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

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

20       1. A gun or knife designed for hunting or fishing purposes kept  
21 in a privately owned vehicle and properly displayed or stored as  
22 required by law, or a handgun carried in a vehicle pursuant to a  
23 valid handgun license authorized by the Oklahoma Self-Defense Act,  
24 provided such vehicle containing said gun or knife is driven onto



1 school property only to transport a student to and from school and  
2 such vehicle does not remain unattended on 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; ~~and~~

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 their duties and responsibilities; or

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

22 D. Any person violating the provisions of this section shall,  
23 upon conviction, be guilty of a felony punishable by a fine not to  
24 exceed Five Thousand Dollars (\$5,000.00), and imprisonment in the

1 custody of the Department of Corrections for not more than two (2)  
2 years. Any person convicted of violating the provisions of this  
3 section after having been issued a handgun license pursuant to the  
4 provisions of the Oklahoma Self-Defense Act shall have the license  
5 permanently revoked and shall be liable for an administrative fine  
6 of One Hundred Dollars (\$100.00) upon a hearing and determination by  
7 the Oklahoma State Bureau of Investigation that the person is in  
8 violation of the provisions of this section.

9 SECTION 4. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 5-149 of Title 70, unless there  
11 is created a duplication in numbering, reads as follows:

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

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

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

13       D. Upon successful completion of the special reserve school  
14 resource officer academy, school personnel shall have statewide  
15 peace officer certification while performing his or her official  
16 duties as an employee of the school district and shall have the  
17 authority to carry a concealed handgun anywhere in the state  
18 including school property subject to and in compliance with the  
19 policies established by the board of education of the school  
20 district. When not performing official duties as an employee of the  
21 school district, the special reserve school resource officer shall  
22 not have statewide peace officer certification status. When  
23 carrying a firearm pursuant to the provisions of this act, the  
24 person shall at all times carry the firearm in a concealed manner

1 and shall be required to have the firearm loaded with frangible  
2 ammunition.

3 E. Any school personnel who has successfully completed the  
4 special reserve school resource officer academy and while acting in  
5 good faith shall be immune from civil and criminal liability for any  
6 injury resulting from the carrying of a handgun onto school property  
7 as provided for in subsection D of this section. Any board of  
8 education of a school district or participating local law  
9 enforcement agency shall be immune from civil and criminal liability  
10 for any injury resulting from any act committed by school personnel  
11 who have been authorized to carry a concealed handgun on school  
12 property, pursuant to the provisions of this act.

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

16 G. CLEET shall have the following powers and duties:

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

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

22 3. Establish minimum curriculum requirements for special  
23 reserve school resource officers which shall include firearms  
24

1 training and education and shall, at a minimum, include one hundred  
2 twenty (120) hours of instruction; and

3 4. Establish minimum curriculum requirements for annual,  
4 mandatory continuing education and training for special reserve  
5 school resource officers which shall, at a minimum, include eight  
6 (8) hours of instruction.

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

12 SECTION 5. It being immediately necessary for the preservation  
13 of the public peace, health and safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

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17 54-1-7018 GRS 02/21/13

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