

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 1062

By: McCullough

COMMITTEE SUBSTITUTE

An Act relating to school security; 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 reserve deputy academies; making participation voluntary; providing for payment of academy training expenses; authorizing certain persons to carry handgun on school property; providing immunity from civil and criminal liability; defining terms; providing for codification; and providing an effective date.

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

SECTION 1. 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

1 Self-Defense Act to carry any concealed or unconcealed handgun into
2 any of the following places:

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

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

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

12 4. Any elementary or secondary school;

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

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

15 and

16 7. Any other place specifically prohibited by law.

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

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

23 2. Any property set aside for the use or parking of any
24 vehicle, whether attended or unattended, by any entity offering any

1 professional sporting event which is open to the public for
2 admission, or by any entity engaged in pari-mutuel wagering
3 authorized by law;

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

7 4. Any property designated by a city, town, county, or state,
8 governmental authority as a park, recreational area, or fairgrounds;
9 provided, nothing in this paragraph shall be construed to authorize
10 any entry by a person in possession of a concealed or unconcealed
11 handgun into any structure, building, or office space which is
12 specifically prohibited by the provisions of subsection A of this
13 section.

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

21 C. Notwithstanding paragraph 4 of subsection A of this section,
22 a handgun may be carried into any elementary or secondary school by
23 a teacher or administrator who has successfully completed a basic
24 police course academy for reserve deputies as provided in Section 3

1 of this act; provided, a policy has been adopted by the board of
2 education of a school district that authorizes the carrying of a
3 handgun into the elementary or secondary school.

4 D. Any person violating the provisions of subsection A of this
5 section shall, upon conviction, be guilty of a misdemeanor
6 punishable by a fine not to exceed Two Hundred Fifty Dollars
7 (\$250.00). Any person convicted of violating the provisions of
8 subsection A of this section may be liable for an administrative
9 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and
10 determination by the Oklahoma State Bureau of Investigation that the
11 person is in violation of the provisions of subsection A of this
12 section.

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

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

1 the vehicle is on any college, university, or technology center
2 school property;

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

5 3. Any property authorized by the written consent of the
6 college or university president or technology center school
7 administrator, provided the written consent is carried with the
8 handgun and the valid handgun license while on college, university,
9 or technology center school property.

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

19 Nothing contained in any provision of this subsection shall be
20 construed to authorize or allow any college, university, or
21 technology center school to establish any policy or rule that has
22 the effect of prohibiting any person in lawful possession of a
23 handgun license from possession of a handgun allowable under such
24 license in places described in paragraphs 1, 2 and 3 of this

1 subsection. Nothing contained in any provision of this subsection
2 shall be construed to limit the authority of any college or
3 university in this state from taking administrative action against
4 any student for any violation of any provision of this subsection.

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

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

19 Section 1280.1

20 POSSESSION OF FIREARM ON SCHOOL PROPERTY

21 A. It shall be unlawful for any person to have in his or her
22 possession on any public or private school property or while in any
23 school bus or vehicle used by any school for transportation of
24 students or teachers any firearm or weapon designated in Section

1 1272 of this title, except as provided in subsection C of this
2 section or as otherwise authorized by law.

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

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

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

18 2. A gun or knife used for the purposes of participating in the
19 Oklahoma Department of Wildlife Conservation certified hunter
20 training education course or any other hunting, fishing, safety or
21 firearms training courses, or a recognized firearms sports event,
22 team shooting program or competition, or living history reenactment,
23 provided the course or event is approved by the principal or chief
24 administrator of the school where the course or event is offered,

1 and provided the weapon is properly displayed or stored as required
2 by law pending participation in the course, event, program or
3 competition; ~~and~~

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

7 4. A handgun carried onto school property by a teacher or
8 administrator who has successfully completed a basic police course
9 academy for reserve deputies as provided in Section 3 of this act;
10 provided, a policy has been adopted by the board of education of a
11 school district that authorizes the carrying of a handgun onto
12 school property.

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

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

4 A. The board of education of a school district may, through a
5 majority vote of the board, allow any teacher or administrator who
6 volunteers to attend a basic police course academy for reserve
7 deputies provided by the Council on Law Enforcement Education and
8 Training.

9 B. Participation in the reserve deputy academy by a teacher or
10 administrator shall be voluntary and shall not in any way be
11 considered a requirement for continued employment with the school
12 district.

13 C. The board of education of a school district that authorizes
14 teachers or administrators to participate in a reserve deputy
15 academy shall pay all necessary training, meal and lodging expenses
16 associated with the reserve deputy academy.

17 D. Participation in the reserve deputy academy by a teacher or
18 administrator shall occur only during the summer or when school is
19 not in session.

20 E. Upon successful completion of the basic police course
21 academy for reserve deputies, the teacher or administrator shall
22 have the authority to carry a concealed handgun onto school property
23 subject to and in compliance with the policies established by the
24 board of education of the school district.

1 F. Any teacher or administrator who has successfully completed
2 the basic police course academy for reserve deputies and while
3 acting in good faith shall be immune from civil and criminal
4 liability for any injury resulting from the carrying of a handgun
5 onto school property as provided for in subsection E of this
6 section.

7 G. As used in this section:

8 1. "Administrator" means a duly certified person who devotes a
9 majority of time to service as a superintendent, elementary
10 superintendent, principal, supervisor, vice-principal or in any
11 other administrative or supervisory capacity in the school district;
12 and

13 2. "Teacher" means a duly certified or licensed person who is
14 employed to serve as a counselor, librarian or school nurse or in
15 any instructional capacity.

16 SECTION 4. This act shall become effective November 1, 2013.

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