

1 ENGROSSED HOUSE
2 BILL NO. 1062

By: McCullough, Roberts (Sean),
Ritze, Bennett, Christian
and Cockroft of the House

3
4 and

5 Sykes of the Senate
6
7

8 An Act relating to school security; creating the
9 Special Reserve School Resource Officer Act; amending
10 21 O.S. 2011, Sections 1277 and 1280.1, as amended by
11 Sections 6 and 8, Chapter 259, O.S.L. 2012 (21 O.S.
12 Supp. 2012, Sections 1277 and 1280.1), which relate
13 to carrying firearms on certain property; allowing
14 certain persons to carry handguns on school property;
15 authorizing boards of education to allow for
16 participation in special reserve school resource
17 officer academies; construing provision; making
18 participation voluntary; providing for payment of
19 academy training expenses; authorizing certain
20 persons to carry handgun on school property;
21 providing for statewide peace officer certification;
22 providing immunity from civil and criminal liability;
23 stating powers and duties of the Council on Law
24 Enforcement Education and Training; defining term;
providing for codification; and providing for
noncodification.

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 of
10 a school district that authorizes the carrying of a handgun into the
11 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
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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 Passed the House of Representatives the 12th day of March, 2013.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2013.

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Presiding Officer of the Senate

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