

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB408

			Of the printed Bill
Page	<u>4</u>	Section	<u>2</u>
		Lines	<u>7</u>
			Of the Engrossed Bill

By inserting new Sections 2 through 5 to read as follows:

(see attached)

and by renumbering the subsequent section of the bill.

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Mark McCullough

Adopted: _____

Reading Clerk

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

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

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

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

20 B. Participation in the special reserve school resource officer
21 academy by school personnel shall be voluntary and shall not in any
22 way be considered a requirement for continued employment with the
23 school district. The board of education of a school district shall
24 have the final authority to determine and select the school

1 personnel who will attend the special reserve school resource
2 officer academy as authorized in the provisions of this act.

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

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

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

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

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

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

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

20 3. Establish minimum curriculum requirements for special
21 reserve school resource officers which shall include firearms
22 training and education and shall, at a minimum, include one hundred
23 twenty (120) hours of instruction; and
24

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

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

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

13 Section 1277.

14 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

4 4. Any elementary or secondary school;

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

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

8 7. Any other place specifically prohibited by law.

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

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

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

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

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

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

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

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

20 D. Any person violating the provisions of subsection A of this
21 section shall, upon conviction, be guilty of a misdemeanor
22 punishable by a fine not to exceed Two Hundred Fifty Dollars
23 (\$250.00). Any person convicted of violating the provisions of
24 subsection A of this section may be liable for an administrative

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

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

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

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

21 3. Any property authorized by the written consent of the
22 college or university president or technology center school
23 administrator, provided the written consent is carried with the
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1 handgun and the valid handgun license while on college, university,
2 or technology center school property.

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

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

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

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

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

12 Section 1280.1

13 POSSESSION OF FIREARM ON SCHOOL PROPERTY

14 A. It shall be unlawful for any person to have in his or her
15 possession on any public or private school property or while in any
16 school bus or vehicle used by any school for transportation of
17 students or teachers any firearm or weapon designated in Section
18 1272 of this title, except as provided in subsection C of this
19 section or as otherwise authorized by law.

20 B. "School property" means any publicly or privately owned
21 property held for purposes of elementary, or secondary ~~or~~
22 ~~vocational-technical~~ education, and shall not include property owned
23 by public school districts or private educational entities where
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1 such property is leased or rented to an individual or corporation
2 and used for purposes other than educational.

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

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

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

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

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

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

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