

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1062

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

and

Sykes of the Senate

10 COMMITTEE SUBSTITUTE

11 An Act relating to school security; creating the
12 Special Reserve School Resource Officer Act; amending
13 21 O.S. 2011, Sections 1277 and 1280.1, as amended by
14 Sections 6 and 8, Chapter 259, O.S.L. 2012 (21 O.S.
15 Supp. 2012, Sections 1277 and 1280.1), which relate
16 to carrying firearms on certain property; allowing
17 certain persons to carry handguns on school property;
18 authorizing boards of education to allow for
19 participation in special reserve school resource
20 officer academies; construing provision; making
21 participation voluntary; providing for payment of
22 academy training expenses; authorizing certain
23 persons to carry handgun on school property;
24 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:

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

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

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

8 Section 1277.

9 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

23 4. Any elementary or secondary school;

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

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

3 and

4 7. Any other place specifically prohibited by law.

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

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

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

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

19 4. Any property designated by a city, town, county, or state,
20 governmental authority as a park, recreational area, or fairgrounds;
21 provided, nothing in this paragraph shall be construed to authorize
22 any entry by a person in possession of a concealed or unconcealed
23 handgun into any structure, building, or office space which is

1 specifically prohibited by the provisions of subsection A of this
2 section.

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

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

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

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

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

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

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

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

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

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

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

11 Section 1280.1

12 POSSESSION OF FIREARM ON SCHOOL PROPERTY

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

19 B. "School property" means any publicly or privately owned
20 property held for purposes of elementary, or secondary ~~or~~
21 ~~vocational-technical~~ education, and shall not include property owned
22 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
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1 3. Weapons in the possession of any peace officer or other
2 person authorized by law to possess a weapon in the performance of
3 their duties and responsibilities; or

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

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

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

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

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

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

3 D. Upon successful completion of the special reserve school
4 resource officer academy, school personnel shall have statewide
5 peace officer certification while performing his or her official
6 duties as an employee of the school district and shall have the
7 authority to carry a concealed handgun anywhere in the state
8 including school property subject to and in compliance with the
9 policies established by the board of education of the school
10 district. When not performing official duties as an employee of the
11 school district, the special reserve school resource officer shall
12 not have statewide peace officer certification status. When
13 carrying a firearm pursuant to the provisions of this act, the
14 person shall at all times carry the firearm in a concealed manner
15 and shall be required to have the firearm loaded with frangible
16 ammunition.

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

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

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

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

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

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

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

21 H. As used in this section, "school personnel" means a duly
22 certified or licensed person who is employed by a school district to
23 serve as an administrator, superintendent, principal, supervisor,

1 vice-principal, teacher, counselor, librarian, school bus driver,
2 school nurse or in any other instructional capacity.

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

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8 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/28/2013 -
9 DO PASS, As Amended and Coauthored.

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