

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:

UNDERLINED language denotes Amendments to present Statutes.

BOLD FACE CAPITALIZED language denotes Committee Amendments.

Strike-thru language denotes deletion from present Statutes. Req. No. 7423

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;

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

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

3 7. Any other place specifically prohibited by law.

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

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

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

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

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

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

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

15 D. Any person violating the provisions of subsection A of this
16 section shall, upon conviction, be guilty of a misdemeanor
17 punishable by a fine not to exceed Two Hundred Fifty Dollars
18 (\$250.00). Any person convicted of violating the provisions of
19 subsection A of this section may be liable for an administrative
20 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and
21 determination by the Oklahoma State Bureau of Investigation that the
22 person is in violation of the provisions of subsection A of this
23 section.
24

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

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

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

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

22 The college, university, or technology center school may notify
23 the Oklahoma State Bureau of Investigation within ten (10) days of a
24 violation of any provision of this subsection by a licensee. Upon

1 receipt of a written notification of violation, the Bureau shall
2 give a reasonable notice to the licensee and hold a hearing. At the
3 hearing upon a determination that the licensee has violated any
4 provision of this subsection, the licensee may be subject to an
5 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
6 have the handgun license suspended for three (3) months.

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

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

1 courthouses of this state. Private investigators with a firearms
2 authorization shall be exempt from this section when acting in the
3 course and scope of employment.

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

7 Section 1280.1

8 POSSESSION OF FIREARM ON SCHOOL PROPERTY

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

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

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

23 1. A gun or knife designed for hunting or fishing purposes kept
24 in a privately owned vehicle and properly displayed or stored as

1 required by law, or a handgun carried in a vehicle pursuant to a
2 valid handgun license authorized by the Oklahoma Self-Defense Act,
3 provided such vehicle containing said gun or knife is driven onto
4 school property only to transport a student to and from school and
5 such vehicle does not remain unattended on school property;

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

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

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

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

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

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

1 district from requiring additional hours of special reserve school
2 resource officer education and training.

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

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

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

1 carrying a firearm pursuant to the provisions of this act, the
2 person shall at all times carry the firearm in a concealed manner
3 and shall be required to have the firearm loaded with frangible
4 ammunition.

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

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

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

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

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

24

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

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

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

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

18
19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/28/2013 -
20 DO PASS, As Amended and Coauthored.