

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2014

By: Coody (Jeff), Cockroft,
Kern, Jordan, Montgomery,
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Lepak, Joyner, McCullough,
Brumbaugh, Sherrer, Roberts
(Sean) and Pfeiffer of the
House

and

Barrington of the Senate

COMMITTEE SUBSTITUTE

An Act relating to school security; creating the
Special Reserve School Resource Officer Act; amending
21 O.S. 2011, Sections 1277 and 1280.1, as last
amended by Sections 1 and 2, Chapter 325, O.S.L. 2014
(21 O.S. Supp. 2014, Sections 1277 and 1280.1), which
relate to carrying firearms on certain property;
allowing certain persons to carry handguns on public
school property; authorizing boards of education to
allow for participation in special reserve school
resource officer academies; construing provision;
making participation voluntary; providing for payment
of academy training expenses; authorizing certain
persons to carry handgun on public school property;
providing for limited 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.

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

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

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

6 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
7 last amended by Section 1, Chapter 325, O.S.L. 2014 (21 O.S. Supp.
8 2014, Section 1277), is amended to read as follows:

9 Section 1277.

10 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

21 3. Any public or private elementary or public or private
22 secondary school, except as provided in subsection C of this
23 section;

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

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

3 6. Any other place specifically prohibited by law.

4 B. For purposes of paragraphs 1, 2, 3, 4 and 5 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;

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; and

1 5. Any property set aside by a public or private elementary or
2 secondary school for the use or parking of any vehicle, whether
3 attended or unattended; provided, however, said handgun shall be
4 stored and hidden from view in a locked motor vehicle when the motor
5 vehicle is left unattended on school property.

6 Nothing contained in any provision of this subsection or
7 subsection C of this section shall be construed to authorize or
8 allow any person in control of any place described in paragraph 1,
9 2, 3, 4 or 5 of subsection A of this section to establish any policy
10 or rule that has the effect of prohibiting any person in lawful
11 possession of a handgun license from possession of a handgun
12 allowable under such license in places described in paragraph 1, 2,
13 3, 4 or 5 of this subsection.

14 C. A concealed or unconcealed weapon may be carried onto
15 private school property or in any school bus or vehicle used by any
16 private school for transportation of students or teachers by a
17 person who is licensed pursuant to the Oklahoma Self-Defense Act,
18 provided a policy has been adopted by the governing entity of the
19 private school that authorizes the carrying and possession of a
20 weapon on private school property or in any school bus or vehicle
21 used by a private school. Except for acts of gross negligence or
22 willful or wanton misconduct, a governing entity of a private school
23 that adopts a policy which authorizes the possession of a weapon on
24 private school property, a school bus or vehicle used by the private

1 school shall be immune from liability for any injuries arising from
2 the adoption of the policy. The provisions of this subsection shall
3 not apply to claims pursuant to the Workers' Compensation Code.

4 D. Notwithstanding paragraph 3 of subsection A of this section,
5 a handgun may be carried into any public elementary or public
6 secondary school by school personnel who have successfully completed
7 a special reserve school resource officer academy, as provided in
8 Section 4 of this act, if a policy has been adopted by the board of
9 education of the school district that authorizes the carrying of a
10 handgun into the public elementary or public secondary school by
11 such personnel.

12 E. 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).

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

23 1. Any property set aside for the use or parking of any
24 vehicle, whether attended or unattended, provided the handgun is

1 carried or stored as required by law and the handgun is not removed
2 from the vehicle without the prior consent of the college or
3 university president or technology center school administrator while
4 the vehicle is on any college, university, or technology center
5 school property;

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

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

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

22 Nothing contained in any provision of this subsection shall be
23 construed to authorize or allow any college, university, or
24 technology center school to establish any policy or rule that has

1 the effect of prohibiting any person in lawful possession of a
2 handgun license from possession of a handgun allowable under such
3 license in places described in paragraphs 1, 2 and 3 of this
4 subsection. Nothing contained in any provision of this subsection
5 shall be construed to limit the authority of any college, university
6 or technology center school in this state from taking administrative
7 action against any student for any violation of any provision of
8 this subsection.

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

20 ~~G.~~ H. For the purposes of this section, "motor vehicle" means
21 any automobile, truck, minivan or sports utility vehicle.

22 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1280.1, as
23 last amended by Section 2, Chapter 325, O.S.L. 2014 (21 O.S. Supp.
24 2014, Section 1280.1), is amended to read as follows:

1 Section 1280.1

2 POSSESSION OF FIREARM ON SCHOOL PROPERTY

3 A. It shall be unlawful for any person to have in his or her
4 possession on any public or private school property or while in any
5 school bus or vehicle used by any school for transportation of
6 students or teachers any firearm or weapon designated in Section
7 1272 of this title, except as provided in subsection C of this
8 section or as otherwise authorized by law.

9 B. For purposes of this section:

10 1. "School property" means any publicly owned property held for
11 purposes of elementary, secondary or vocational-technical education,
12 and shall not include property owned by public school districts or
13 where such property is leased or rented to an individual or
14 corporation and used for purposes other than educational;

15 2. "Private school" means a school that offers a course of
16 instruction for students in one or more grades from prekindergarten
17 through grade twelve and is not operated by a governmental entity;
18 and

19 3. "Motor vehicle" means any automobile, truck, minivan or
20 sports utility vehicle.

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, provided such vehicle containing said gun or knife
2 is driven onto school property only to transport a student to and
3 from school and such vehicle does not remain unattended on school
4 property;

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

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

18 4. A concealed or unconcealed weapon carried onto private
19 school property or in any school bus or vehicle used by any private
20 school for transportation of students or teachers by a person who is
21 licensed pursuant to the Oklahoma Self-Defense Act, provided a
22 policy has been adopted by the governing entity of the private
23 school that authorizes the possession of a weapon on private school
24 property or in any school bus or vehicle used by a private school.

1 Except for acts of gross negligence or willful or wanton misconduct,
2 a governing entity of a private school that adopts a policy which
3 authorizes the possession of a weapon on private school property, a
4 school bus or vehicle used by the private school shall be immune
5 from liability for any injuries arising from the adoption of the
6 policy. The provisions of this paragraph shall not apply to claims
7 pursuant to the Workers' Compensation Code;

8 5. A gun, knife, bayonet or other weapon in the possession of a
9 member of a veterans group, the national guard, active military, the
10 Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to
11 participate in a ceremony, assembly or educational program approved
12 by the principal or chief administrator of a school or school
13 district where the ceremony, assembly or educational program is
14 being held; provided, however, the gun or other weapon that uses
15 projectiles is not loaded and is inoperable at all times while on
16 school property; ~~and~~

17 6. A handgun carried in a motor vehicle pursuant to a valid
18 handgun license authorized by the Oklahoma Self-Defense Act onto
19 property set aside by a public or private elementary or secondary
20 school for the use or parking of any vehicle; provided, however,
21 said handgun shall be stored and hidden from view in a locked motor
22 vehicle when the motor vehicle is left unattended on school
23 property; and
24

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

7 D. Any person violating the provisions of this section shall,
8 upon conviction, be guilty of a misdemeanor punishable by a fine of
9 not to exceed Two Hundred Fifty Dollars (\$250.00).

10 SECTION 4. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 5-149.2 of Title 70, unless
12 there is created a duplication in numbering, reads as follows:

13 A. The board of education of a school district may, through a
14 majority vote of the board, allow school personnel who have been
15 issued a handgun license pursuant to the Oklahoma Self-Defense Act
16 to attend a special reserve school resource officer academy provided
17 and developed by the Council on Law Enforcement Education and
18 Training (CLEET). The special reserve school resource officer
19 academy shall be conducted and governed by CLEET and shall include
20 fifty (50) hours of education and training. Nothing in this section
21 shall be construed to prohibit or limit the board of education of a
22 school district from requiring ongoing education and training.

23 B. Participation in the special reserve school resource officer
24 academy by school personnel shall be voluntary and shall not in any

1 way be considered a requirement for continued employment with the
2 school district. The board of education of a school district shall
3 have the final authority to determine and select the school
4 personnel who will attend the special reserve school resource
5 officer academy as authorized in the provisions of this act.

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

11 D. Upon successful completion of the special reserve school
12 resource officer academy, school personnel shall have limited
13 statewide peace officer certification while performing his or her
14 official duties as an employee of the school district and shall have
15 the authority to carry a concealed handgun anywhere in the state
16 including public school property subject to and in compliance with
17 the policies established by the board of education of the school
18 district. When not performing official duties as an employee of the
19 school district, the special reserve school resource officer shall
20 not have limited statewide peace officer certification status. When
21 carrying a firearm pursuant to the provisions of this act, the
22 person shall at all times carry the firearm on his or her person or
23 the firearm shall be stored in a locked and secure location.
24

1 E. Any school personnel who have 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 public school
5 property as provided for in subsection D of this section. Any board
6 of 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 are authorized to carry a concealed handgun on public 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 include fifty (50) hours of
23 instruction; and
24

1 4. Establish minimum curriculum requirements for continuing
2 education and training for special reserve school resource officers.

3 H. As used in this section, "school personnel" means duly
4 certified or licensed persons employed by a school district to serve
5 as administrators, superintendents, principals, supervisors, vice-
6 principals, teachers, counselors, librarians, school bus drivers,
7 school nurses or in any other instructional capacity.

8 I. As used in this section, "limited statewide peace officer
9 certification" means having the authority of peace officers
10 regarding detention, arrest, use of force, and use of weapons, but
11 shall not have peace officer authority for the purposes of:

- 12 1. Use of emergency vehicles;
- 13 2. Obtaining and executing warrants;
- 14 3. Issuing traffic citations;
- 15 4. Transporting prisoners;
- 16 5. Serving civil process;
- 17 6. Enforcing municipal ordinances;
- 18 7. Taking persons in need of treatment, as defined by statute,
19 into custody; and
- 20 8. Authorizing medical treatment, except as allowed by statute
21 or the Oklahoma State Department of Education.

22 CLEET may define other limitations by rule.

23 SECTION 5. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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