

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2014

 By: Coody (Jeff), Cockroft and
 Kern

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9 COMMITTEE SUBSTITUTE

10 An Act relating to school security; creating the
11 Special Reserve School Resource Officer Act; amending
12 21 O.S. 2011, Sections 1277 and 1280.1, as last
13 amended by Sections 1 and 2, Chapter 325, O.S.L. 2014
14 (21 O.S. Supp. 2014, Sections 1277 and 1280.1), which
15 relate to carrying firearms on certain property;
16 allowing certain persons to carry handguns on public
17 school property; authorizing boards of education to
18 allow for participation in special reserve school
19 resource officer academies; construing provision;
20 making participation voluntary; providing for payment
21 of academy training expenses; authorizing certain
22 persons to carry handgun on public school property;
23 providing for statewide peace officer certification;
24 providing immunity from civil and criminal liability;
25 stating powers and duties of the Council on Law
26 Enforcement Education and Training; defining term;
27 providing for codification; providing for
28 noncodification; and declaring an emergency.

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

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

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

3 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
4 last amended by Section 1, Chapter 325, O.S.L. 2014 (21 O.S. Supp.
5 2014, Section 1277), is amended to read as follows:

6 Section 1277.

7 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

18 3. Any public or private elementary or public or private
19 secondary school, except as provided in subsection C of this
20 section;

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

22 5. Any place where pari-mutuel wagering is authorized by law;

23 and

24 6. Any other place specifically prohibited by law.

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

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; and

22 5. Any property set aside by a public or private elementary or
23 secondary school for the use or parking of any vehicle, whether
24 attended or unattended; provided, however, said handgun shall be

1 stored and hidden from view in a locked motor vehicle when the motor
2 vehicle is left unattended on school property.

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

11 C. A concealed or unconcealed weapon may be carried onto
12 private school property or in any school bus or vehicle used by any
13 private school for transportation of students or teachers by a
14 person who is licensed pursuant to the Oklahoma Self-Defense Act,
15 provided a policy has been adopted by the governing entity of the
16 private school that authorizes the carrying and possession of a
17 weapon on private school property or in any school bus or vehicle
18 used by a private school. Except for acts of gross negligence or
19 willful or wanton misconduct, a governing entity of a private school
20 that adopts a policy which authorizes the possession of a weapon on
21 private school property, a school bus or vehicle used by the private
22 school shall be immune from liability for any injuries arising from
23 the adoption of the policy. The provisions of this subsection shall
24 not apply to claims pursuant to the Workers' Compensation Code.

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

8 E. Any person violating the provisions of subsection A of this
9 section shall, upon conviction, be guilty of a misdemeanor
10 punishable by a fine not to exceed Two Hundred Fifty Dollars
11 (\$250.00).

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

19 1. Any property set aside for the use or parking of any
20 vehicle, whether attended or unattended, provided the handgun is
21 carried or stored as required by law and the handgun is not removed
22 from the vehicle without the prior consent of the college or
23 university president or technology center school administrator while
24

1 the vehicle is on any college, university, or technology center
2 school property;

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

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

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

19 Nothing contained in any provision of this subsection shall be
20 construed to authorize or allow any college, university, or
21 technology center school to establish any policy or rule that has
22 the effect of prohibiting any person in lawful possession of a
23 handgun license from possession of a handgun allowable under such
24 license in places described in paragraphs 1, 2 and 3 of this

1 subsection. Nothing contained in any provision of this subsection
2 shall be construed to limit the authority of any college, university
3 or technology center school in this state from taking administrative
4 action against any student for any violation of any provision of
5 this subsection.

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

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

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

22 Section 1280.1

23 POSSESSION OF FIREARM ON SCHOOL PROPERTY
24

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

7 B. For purposes of this section:

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

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

17 3. "Motor vehicle" means any automobile, truck, minivan or
18 sports utility vehicle.

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

21 1. A gun or knife designed for hunting or fishing purposes kept
22 in a privately owned vehicle and properly displayed or stored as
23 required by law, provided such vehicle containing said gun or knife
24 is driven onto school property only to transport a student to and

1 from school and such vehicle does not remain unattended on school
2 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;

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 his or her duties and responsibilities;

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

1 authorizes the possession of a weapon on private school property, a
2 school bus or vehicle used by the private school shall be immune
3 from liability for any injuries arising from the adoption of the
4 policy. The provisions of this paragraph shall not apply to claims
5 pursuant to the Workers' Compensation Code;

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

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

22 7. A handgun carried onto public school property by school
23 personnel who have successfully completed a special reserve school
24 resource officer academy as provided in Section 4 of this act,

1 provided a policy has been adopted by the board of education of a
2 school district that authorizes the carrying of a handgun onto
3 public school property.

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

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

10 A. The board of education of a school district may, through a
11 majority vote of the board, allow school personnel who have been
12 issued a handgun license pursuant to the Oklahoma Self-Defense Act
13 to attend a special reserve school resource officer academy provided
14 and developed by the Council on Law Enforcement Education and
15 Training (CLEET). The special reserve school resource officer
16 academy shall be conducted and governed by CLEET and shall include
17 forty (40) hours of education and training. Nothing in this section
18 shall be construed to prohibit or limit the board of education of a
19 school district from requiring ongoing 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 may 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 public school property subject to and in compliance with
14 the 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 firearm pursuant to the provisions of this act, the
19 person shall at all times carry the firearm on his or her person or
20 the firearm shall be stored in a locked and secure location.

21 E. Any school personnel who have successfully completed the
22 special reserve school resource officer academy and while acting in
23 good faith shall be immune from civil and criminal liability for any
24 injury resulting from the carrying of a handgun onto public school

1 property as provided for in subsection D of this section. Any board
2 of education of a school district or participating local law
3 enforcement agency shall be immune from civil and criminal liability
4 for any injury resulting from any act committed by school personnel
5 who are authorized to carry a concealed handgun on public school
6 property, pursuant to the provisions of this act.

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

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

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

13 2. Establish and enforce standards governing the training and
14 education of school personnel pursuant to the Special Reserve School
15 Resource Officer Act;

16 3. Establish minimum curriculum requirements for special
17 reserve school resource officers which shall include firearms
18 training and education and shall include forty (40) hours of
19 instruction; and

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

22 H. As used in this section, "school personnel" means duly
23 certified or licensed persons employed by a school district to serve
24 as administrators, superintendents, principals, supervisors, vice-

1 principals, teachers, counselors, librarians, school bus drivers,
2 school nurses 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 COMMON EDUCATION, dated 02/17/2015
9 - DO PASS, As Amended and Coauthored.
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