

1
2
3 **SENATE FLOOR VERSION**

4 April 9, 2015

5 COMMITTEE SUBSTITUTE
6 FOR ENGROSSED
7 HOUSE BILL NO. 2014

8 By: Coody (Jeff), Cockroft,
9 Kern, Jordan, Montgomery,
10 Murphey, Lockhart, Derby,
11 Murdock, Enns, Bennett,
12 Wood, Walker, Nollan, Coody
13 (Ann), Fisher, Cooksey,
14 Wright, Faught, Ownbey,
15 Lepak, Joyner, McCullough,
16 Brumbaugh, Sherrer, Roberts
17 (Sean), and Pfeiffer of the
18 House

19 and

20 Barrington and Brecheen of
21 the Senate

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

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

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

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

7 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
8 last amended by Section 1, Chapter 325, O.S.L. 2014 (21 O.S. Supp.
9 2014, Section 1277), is amended to read as follows:

10 Section 1277.

11 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

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

3 and

4 6. Any other place specifically prohibited by law.

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

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
24

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

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

8 Nothing contained in any provision of this subsection or
9 subsection C of this section shall be construed to authorize or
10 allow any person in control of any place described in paragraph 1,
11 2, 3, 4 or 5 of subsection A of this section to establish any policy
12 or rule that has the effect of prohibiting any person in lawful
13 possession of a handgun license from possession of a handgun
14 allowable under such license in places described in paragraph 1, 2,
15 3, 4 or 5 of this subsection.

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

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

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

14 E. Any person violating the provisions of subsection A of this
15 section shall, upon conviction, be guilty of a misdemeanor
16 punishable by a fine not to exceed Two Hundred Fifty Dollars
17 (\$250.00).

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

1 1. Any property set aside for the use or parking of any
2 vehicle, whether attended or unattended, provided the handgun is
3 carried or stored as required by law and the handgun is not removed
4 from the vehicle without the prior consent of the college or
5 university president or technology center school administrator while
6 the vehicle is on any college, university, or technology center
7 school property;

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

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

15 The college, university, or technology center school may notify
16 the Oklahoma State Bureau of Investigation within ten (10) days of a
17 violation of any provision of this subsection by a licensee. Upon
18 receipt of a written notification of violation, the Bureau shall
19 give a reasonable notice to the licensee and hold a hearing. At the
20 hearing, upon a determination that the licensee has violated any
21 provision of this subsection, the licensee may be subject to an
22 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
23 have the handgun license suspended for three (3) months.
24

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

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

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

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

4 Section 1280.1

5 POSSESSION OF FIREARM ON SCHOOL PROPERTY

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

12 B. For purposes of this section:

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

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

22 3. "Motor vehicle" means any automobile, truck, minivan or
23 sports utility vehicle.
24

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

3 1. A gun or knife designed for hunting or fishing purposes kept
4 in a privately owned vehicle and properly displayed or stored as
5 required by law, provided such vehicle containing said gun or knife
6 is driven onto school property only to transport a student to and
7 from school and such vehicle does not remain unattended on school
8 property;

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

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

22 4. A concealed or unconcealed weapon carried onto private
23 school property or in any school bus or vehicle used by any private
24 school for transportation of students or teachers by a person who is

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

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

21 6. A handgun carried in a motor vehicle pursuant to a valid
22 handgun license authorized by the Oklahoma Self-Defense Act onto
23 property set aside by a public or private elementary or secondary
24 school for the use or parking of any vehicle; provided, however,

1 said handgun shall be stored and hidden from view in a locked motor
2 vehicle when the motor vehicle is left unattended on school
3 property; and

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

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

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

16 A. The board of education of a school district may, through a
17 majority vote of the board, allow school personnel who have been
18 issued a handgun license pursuant to the Oklahoma Self-Defense Act
19 to attend a special reserve school resource officer academy provided
20 and developed by the Council on Law Enforcement Education and
21 Training (CLEET). The special reserve school resource officer
22 academy shall be conducted and governed by CLEET and shall include
23 fifty (50) hours of education and training. Nothing in this section
24

1 shall be construed to prohibit or limit the board of education of a
2 school district from requiring ongoing 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 may 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 limited
17 statewide peace officer certification while performing his or her
18 official duties as an employee of the school district and shall have
19 the authority to carry a concealed handgun anywhere in the state
20 including public school property subject to and in compliance with
21 the 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 limited 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 on his or her person or
3 the firearm shall be stored in a locked and secure location.

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

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

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

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

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

23 3. Establish minimum curriculum requirements for special
24 reserve school resource officers which shall include firearms

1 training and education and shall include fifty (50) hours of
2 instruction; and

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

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

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

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

24 CLEET may define other limitations by rule.

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

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
April 9, 2015 - DO PASS AS AMENDED