

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3192

By: Coody

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to firearms; amending 21 O.S. 2011,
10 Sections 1277, as last amended by Section 1, Chapter
11 165, O.S.L. 2017 and 1280.1, as last amended by
12 Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
13 2017, Sections 1277 and 1280.1), which relate to the
14 unlawful carry of firearms in certain places and on
15 school property; authorizing the board of education
16 of a school district to designate personnel with
17 handgun license to carry on school property; amending
18 Section 3, Chapter 310, O.S.L. 2015 (70 O.S. Supp.
19 2017, Section 5-149.2), which relates to
20 authorization to carry handguns on school property;
21 clarifying authority of boards of education to
22 designate who may carry handguns on public school
23 property and participate in training programs;
24 expanding scope of immunity clause to include handgun
 licensees; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
last amended by Section 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp.
2017, Section 1277), is amended to read as follows:

Section 1277.

1 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

9 2. Any courthouse, courtroom, prison, jail, detention facility
10 or any facility used to process, hold or house arrested persons,
11 prisoners or persons alleged delinquent or adjudicated delinquent,
12 except as provided in Section 21 of Title 57 of the Oklahoma
13 Statutes;

14 3. Any public or private elementary or public or private
15 secondary school, except as provided in subsections C and D of this
16 section;

17 4. Any publicly owned or operated sports arena or venue during
18 a professional sporting event, unless allowed by the event holder;

19 5. Any place where gambling is authorized by law, unless
20 allowed by the property owner; and

21 6. Any other place specifically prohibited by law.

22 B. For purposes of subsection A of this section, the prohibited
23 place does not include and specifically excludes the following
24 property:

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

4 2. Any property set aside for the use or parking of any
5 vehicle, whether attended or unattended, which is open to the
6 public, or by any entity engaged in gambling authorized by law;

7 3. Any property adjacent to a structure, building or office
8 space in which concealed or unconcealed weapons are prohibited by
9 the provisions of this section;

10 4. Any property designated by a city, town, county or state
11 governmental authority as a park, recreational area, or fairgrounds;
12 provided, nothing in this paragraph shall be construed to authorize
13 any entry by a person in possession of a concealed or unconcealed
14 handgun into any structure, building or office space which is
15 specifically prohibited by the provisions of subsection A of this
16 section; and

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

22 Nothing contained in any provision of this subsection or
23 subsection C of this section shall be construed to authorize or
24 allow any person in control of any place described in subsection A

1 of this section to establish any policy or rule that has the effect
2 of prohibiting any person in lawful possession of a handgun license
3 from possession of a handgun allowable under such license in places
4 described in this subsection.

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

20 D. Notwithstanding paragraph 3 of subsection A of this section,
21 a board of education of a school district may adopt a policy
22 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
23 authorize the carrying of a handgun onto school property by school
24

1 personnel specifically designated by the board of education,
2 provided such personnel either:

3 1. Possess a valid armed security guard license as provided for
4 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; ~~or~~

5 2. Hold a valid reserve peace officer certification as provided
6 for in Section 3311 of Title 70 of the Oklahoma Statutes; or

7 3. Possess a valid handgun license issued pursuant to the
8 provisions of the Oklahoma Self-Defense Act.

9 Nothing in this subsection shall be construed to restrict authority
10 granted elsewhere in law to carry firearms.

11 E. Any person violating the provisions of paragraph 2 or 3 of
12 subsection A of this section shall, upon conviction, be guilty of a
13 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
14 Dollars (\$250.00). A person violating any other provision of
15 subsection A of this section may be denied entrance onto the
16 property or removed from the property. If the person refuses to
17 leave the property and a peace officer is summoned, the person may
18 be issued a citation for an amount not to exceed Two Hundred Fifty
19 Dollars (\$250.00).

20 F. No person in possession of a valid handgun license issued
21 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
22 authorized to carry the handgun into or upon any college, university
23 or technology center school property, except as provided in this
24 subsection. For purposes of this subsection, the following property

1 shall not be construed as prohibited for persons having a valid
2 handgun license:

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

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

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

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

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

14 G. The provisions of this section shall not apply to the
15 following:

16 1. Any peace officer or any person authorized by law to carry a
17 pistol in the course of employment;

18 2. District judges, associate district judges and special
19 district judges, who are in possession of a valid handgun license
20 issued pursuant to the provisions of the Oklahoma Self-Defense Act
21 and whose names appear on a list maintained by the Administrative
22 Director of the Courts, when acting in the course and scope of
23 employment within the courthouses of this state;

1 3. Private investigators with a firearms authorization when
2 acting in the course and scope of employment; and

3 4. Elected officials of a county, who are in possession of a
4 valid handgun license issued pursuant to the provisions of the
5 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
6 in the performance of their duties within the courthouses of the
7 county in which he or she was elected. The provisions of this
8 paragraph shall not allow the elected county official to carry the
9 handgun into a courtroom.

10 H. For the purposes of this section, "motor vehicle" means any
11 automobile, truck, minivan or sports utility vehicle.

12 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, as
13 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
14 2017, Section 1280.1), is amended to read as follows:

15 Section 1280.1

16 POSSESSION OF FIREARM ON SCHOOL PROPERTY

17 A. It shall be unlawful for any person to have in his or her
18 possession on any public or private school property or while in any
19 school bus or vehicle used by any school for transportation of
20 students or teachers any firearm or weapon designated in Section
21 1272 of this title, except as provided in subsection C of this
22 section or as otherwise authorized by law.

23 B. For purposes of this section:
24

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

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

10 3. "Motor vehicle" means any automobile, truck, minivan or
11 sports utility vehicle.

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

14 1. A gun or knife designed for hunting or fishing purposes kept
15 in a privately owned vehicle and properly displayed or stored as
16 required by law, provided such vehicle containing said gun or knife
17 is driven onto school property only to transport a student to and
18 from school and such vehicle does not remain unattended on school
19 property;

20 2. A gun or knife used for the purposes of participating in the
21 Oklahoma Department of Wildlife Conservation certified hunter
22 training education course or any other hunting, fishing, safety or
23 firearms training courses, or a recognized firearms sports event,
24 team shooting program or competition, or living history reenactment,

1 provided the course or event is approved by the principal or chief
2 administrator of the school where the course or event is offered,
3 and provided the weapon is properly displayed or stored as required
4 by law pending participation in the course, event, program or
5 competition;

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

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

23 5. A gun, knife, bayonet or other weapon in the possession of a
24 member of a veterans group, the national guard, active military, the

1 Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to
2 participate in a ceremony, assembly or educational program approved
3 by the principal or chief administrator of a school or school
4 district where the ceremony, assembly or educational program is
5 being held; provided, however, the gun or other weapon that uses
6 projectiles is not loaded and is inoperable at all times while on
7 school property;

8 6. A handgun carried in a motor vehicle pursuant to a valid
9 handgun license authorized by the Oklahoma Self-Defense Act onto
10 property set aside by a public or private elementary or secondary
11 school for the use or parking of any vehicle; provided, however,
12 said handgun shall be stored and hidden from view in a locked motor
13 vehicle when the motor vehicle is left unattended on school
14 property; and

15 7. A handgun carried onto public school property by school
16 personnel who have been designated by the board of education,
17 provided such personnel either:

18 a. possess a valid armed security guard license as
19 provided for in Section 1750.1 et seq. of Title 59 of
20 the Oklahoma Statutes, ~~or~~

21 b. hold a valid reserve peace officer certification as
22 provided for in Section 3311 of Title 70 of the
23 Oklahoma Statutes, or

1 c. possess a valid handgun license issued pursuant to the
2 provisions of the Oklahoma Self-Defense Act,

3 if a policy has been adopted by the board of education of the school
4 district that authorizes the carrying of a handgun onto public
5 school property by such personnel. Nothing in this subsection shall
6 be construed to restrict authority granted elsewhere in law to carry
7 firearms.

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

11 SECTION 3. AMENDATORY Section 3, Chapter 310, O.S.L.
12 2015 (70 O.S. Supp. 2017, Section 5-149.2), is amended to read as
13 follows:

14 Section 5-149.2 A. The board of education of a school district
15 ~~may, through a majority vote of the board, designate~~ adopt a policy
16 to authorize the carrying of a handgun onto school property by
17 school personnel who have been issued a handgun license pursuant to
18 ~~the Oklahoma Self-Defense Act to attend an~~ specifically designated
19 by the board of education, provided such personnel either:

20 1. Possess a valid armed security guard license as provided for
21 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes;

22 2. Hold a valid reserve peace officer certification as provided
23 for in Section 3311 of Title 70 of the Oklahoma Statutes; or
24

1 3. Possess a valid handgun license issued pursuant to the
2 provisions of the Oklahoma Self-Defense Act.

3 B. The board of education of a school district may, through a
4 majority vote of the board, designate school personnel to attend an
5 armed security guard training program, as provided for in Section
6 1750.5 of Title 59 of the Oklahoma Statutes, or a reserve peace
7 officer certification program, as provided for in Section 3311 of
8 Title 70 of the Oklahoma Statutes, provided and developed by the
9 Council on Law Enforcement Education and Training (CLEET). Nothing
10 in this section shall be construed to prohibit or limit the board of
11 education of a school district from requiring ongoing education and
12 training.

13 ~~B.~~ C. Participation in either the armed security guard training
14 program or the reserve peace officer certification program shall be
15 voluntary and shall not in any way be considered a requirement for
16 continued employment with the school district. The board of
17 education of a school district shall have the final authority to
18 determine and designate the school personnel who will be authorized
19 to obtain and use an armed security guard license ~~or~~, reserve peace
20 officer certification or handgun license in conjunction with their
21 employment as school personnel.

22 ~~C.~~ D. The board of education of a school district that
23 authorizes school personnel to participate in either the armed
24 security guard program or the reserve peace officer program may pay

1 all necessary training, meal and lodging expenses associated with
2 the training.

3 ~~D.~~ E. When carrying a firearm pursuant to the provisions of
4 this act, the person shall at all times carry the firearm on his or
5 her person or the firearm shall be stored in a locked and secure
6 location.

7 ~~E.~~ F. Any school personnel who have successfully completed
8 ~~either armed security guard training, reserve peace officer~~
9 certification training or handgun license training and while acting
10 in good faith shall be immune from civil and criminal liability for
11 any injury resulting from the carrying of a handgun onto public
12 school property as provided for in this act. Any board of education
13 of a school district or participating local law enforcement agency
14 shall be immune from civil and criminal liability for any injury
15 resulting from any act committed by school personnel who are
16 designated to carry a concealed handgun on public school property
17 pursuant to the provisions of this act.

18 ~~F.~~ G. In order to carry out the provisions of this section, the
19 board of education of a school district is authorized to enter into
20 a memorandum of understanding with local law enforcement entities.

21 SECTION 4. This act shall become effective November 1, 2018.

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23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03/01/2018 -
24 DO PASS, As Amended.