An Act relating to firearms; amending 21 O.S. 2011, Section 1277, as last amended by Section 2 of Enrolled House Bill No. 2597 of the 1st Session of the 57th Oklahoma Legislature, which relates to the unlawful carrying of firearms on certain property; updating statutory reference; authorizing handgun licensees to carry on school property under certain circumstances; amending 21 O.S. 2011, Section 1280.1, as last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp. 2018, Section 1280.1), which relates to the possession of firearms on school property; updating statutory reference; authorizing handgun licensees to carry on school property under certain circumstances; amending Section 3, Chapter 310, O.S.L. 2015 (70 O.S. Supp. 2018, Section 5-149.2), which relates to the authorization of certain persons to carry handguns on school property; authorizing school boards to adopt policies related to the carrying of handguns on school property; stating qualifications for designated personnel; authorizing boards of education to designate school personnel to attend certain training programs; clarifying immunity from liability provision; 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 2 of Enrolled House Bill No. 2597 of the 1st
Session of the 57th Oklahoma Legislature, is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

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

6. Any other place specifically prohibited by law.
B. For purposes of subsection A of this section, the prohibited place does not include and specifically excludes the following property:

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

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

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

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

5. Any property set aside by a public or private elementary or secondary school for the use or parking of any vehicle, whether attended or unattended; provided, however, the firearm shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property.
Nothing contained in any provision of this subsection or subsection C of this section shall be construed to authorize or allow any person in control of any place described in subsection A of this section to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license or otherwise in lawful possession of a firearm from carrying or possessing the firearm on the property described in this subsection.

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

D. Notwithstanding paragraph 3 of subsection A of this section, a board of education of a school district may adopt a policy
pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to authorize the carrying of a handgun onto school property by school personnel specifically designated by the board of education, provided such personnel either:

1. Possess a valid armed security guard license as provided for in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes the Oklahoma Security Guard and Private Investigator Act; or

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

3. Possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and meet other requirements authorized by the board of education.

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

E. Any person violating the provisions of paragraph 2 or 3 of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars ($250.00). A person violating any other provision of subsection A of this section may be denied entrance onto the property or removed from the property. If the person refuses to leave the property and a peace officer is summoned, the person may be issued a citation for an amount not to exceed Two Hundred Fifty Dollars ($250.00).
F. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act or who is carrying or in possession of a firearm as otherwise permitted by law or who is carrying or in possession of a machete, blackjack, loaded cane, hand chain or metal knuckles shall be authorized to carry the firearm, machete, blackjack, loaded cane, hand chain or metal knuckles into or upon any college, university or technology center school property, except as provided in this subsection. For purposes of this subsection, the following property shall not be construed to be college, university or technology center school property:

1. Any property set aside for the use or parking of any vehicle, whether attended or unattended, provided the firearm, machete, blackjack, loaded cane, hand chain or metal knuckles is carried or stored as required by law and the firearm, machete, blackjack, loaded cane, hand chain or metal knuckles is not removed from the vehicle without the prior consent of the college or university president or technology center school administrator while the vehicle is on any college, university or technology center school property;

2. Any property authorized for possession or use of firearms, machetes, blackjacks, loaded canes, hand chains or metal knuckles by college, university or technology center school policy; and
3. Any property authorized by the written consent of the college or university president or technology center school administrator, provided the written consent is carried with the firearm, machete, blackjack, loaded cane, hand chain or metal knuckles and the valid handgun license while on college, university or technology center school property.

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

Nothing contained in any provision of this subsection shall be construed to authorize or allow any college, university or technology center school to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license or any person in lawful possession of a firearm, machete, blackjack, loaded cane, hand chain or metal knuckles from possession of a firearm, machete, blackjack, loaded cane, hand chain or metal knuckles in places described in paragraphs 1, 2 and 3 of this subsection. Nothing contained in any provision of this
subsection shall be construed to limit the authority of any college, university or technology center school in this state from taking administrative action against any student for any violation of any provision of this subsection.

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

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

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

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

4. Elected officials of a county, who are in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, may carry a concealed handgun when acting in the performance of their duties within the courthouses of the county in which he or she was elected. The provisions of this paragraph shall not allow the elected county official to carry the handgun into a courtroom;
5. The sheriff of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment within the courthouses in the county in which the person is employed. Nothing in this act shall prohibit the sheriff from requiring additional instruction or training before receiving authorization to carry a concealed handgun within the courthouse. The provisions of this paragraph and of paragraph 6 of this subsection shall not allow the county employee to carry the handgun into a courtroom, sheriff's office, adult or juvenile jail or any other prisoner detention area; and

6. The board of county commissioners of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment on county annex facilities or grounds surrounding the county courthouse.

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

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, as last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp. 2018, Section 1280.1), is amended to read as follows:

Section 1280.1
POSSSESSION OF FIREARM ON SCHOOL PROPERTY

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

B. For purposes of this section:

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

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

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

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

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

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

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

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

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

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

6. A handgun carried in a motor vehicle pursuant to a valid
handgun license authorized by the Oklahoma Self-Defense Act onto
property set aside by a public or private elementary or secondary
school for the use or parking of any vehicle; provided, however,
said handgun shall be stored and hidden from view in a locked motor
vehicle when the motor vehicle is left unattended on school
property; and
7. A handgun carried onto public school property by school personnel who have been designated by the board of education, provided such personnel either:
   a. possess a valid armed security guard license as provided for in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes the Oklahoma Security Guard and Private Investigator Act, or
   b. hold a valid reserve peace officer certification as provided for in Section 3311 of Title 70 of the Oklahoma Statutes, or
   c. possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and meet other requirements authorized by the board of education, if a policy has been adopted by the board of education of the school district that authorizes the carrying of a handgun onto public school property by such personnel. Nothing in this subsection shall be construed to restrict authority granted elsewhere in law to carry firearms.

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

ENGR. H. B. NO. 2336
SECTION 3. AMENDATORY Section 3, Chapter 310, O.S.L. 2015 (70 O.S. Supp. 2018, Section 5-149.2), is amended to read as follows:

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

1. Possess a valid armed security guard license as provided for in the Oklahoma Security Guard and Private Investigator Act;

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

3. Possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and meet other requirements authorized by the board of education.

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

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

C. The board of education of a school district that
authorizes school personnel to participate in either the armed
security guard program or the reserve peace officer program may pay
all necessary training, meal and lodging expenses associated with
the training.

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

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

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

SECTION 4. This act shall become effective November 1, 2019.
Passed the House of Representatives the 13th day of March, 2019.

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Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of __________, 2019.

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Presiding Officer of the Senate