

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 1036 By: Smalley of the Senate

3 and  
4 Coody (Jeff) of the House  
5

6  
7 An Act relating to school personnel; amending Section  
8 3, Chapter 310, O.S.L. 2015 (70 O.S. Supp. 2015,  
9 Section 5-149.2), which relates to handgun licenses  
10 for school personnel; modifying designating  
11 authority; directing names of certain designated  
12 school personnel to be kept confidential; exempting  
13 certain names from certain act; providing an  
14 effective date; and declaring an emergency.

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16 AUTHOR: Add the following House Coauthor: Kern

17 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill  
18 and insert

19 "An Act relating to school personnel; amending 51  
20 O.S. 2011, Section 24A.28, as amended by Section 1,  
21 Chapter 14, O.S.L. 2013 (51 O.S. Supp. 2015, Section  
22 24A.28), which relates to the Oklahoma Open Records  
23 Act; exempting certain names from disclosure;  
24 providing an effective date; and declaring an  
emergency.

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

1 SECTION 1. AMENDATORY 51 O.S. 2011, Section 24A.28, as  
2 amended by Section 1, Chapter 14, O.S.L. 2013 (51 O.S. Supp. 2015,  
3 Section 24A.28), is amended to read as follows:

4 Section 24A.28 A. The following information may be kept  
5 confidential:

6 1. Investigative evidence of a plan or scheme to commit an act  
7 of terrorism;

8 2. Assessments of the vulnerability of government facilities or  
9 public improvements to an act of terrorism and work papers directly  
10 related to preparing the assessment of vulnerability;

11 3. Records including details for deterrence or prevention of or  
12 protection from an act or threat of an act of terrorism;

13 4. Records including details for response or remediation after  
14 an act of terrorism;

15 5. Information technology of a public body or public official  
16 but only if the information specifically identifies:

17 a. design or functional schematics that demonstrate  
18 the relationship or connections between devices  
19 or systems,

20 b. system configuration information,

21 c. security monitoring and response equipment  
22 placement and configuration,

23 d. specific location or placement of systems,  
24 components or devices,

- e. system identification numbers, names, or connecting circuits,
- f. business continuity and disaster planning, or response plans, or
- g. investigative information directly related to security penetrations or denial of services;

6. Investigation evidence of an act of terrorism that has already been committed;

7. Records received, maintained or generated by the Oklahoma Office of Homeland Security which include confidential private business information or an individual's private records;

8. Records received by the Oklahoma Office of Homeland Security from the United States Department of Homeland Security or records maintained or generated by the Oklahoma Office of Homeland Security involving the United States Department of Homeland Security; ~~and~~

9. Records received, maintained or generated by the Department of Environmental Quality that contain information regarding sources of radiation in quantities determined by the United States Nuclear Regulatory Commission to be significant to public health and safety, by whomever possessed, whether in transit or at fixed sites, when the information could reasonably be expected to have an adverse effect on the health and safety of the public by increasing the likelihood of theft, diversion or sabotage of the radiation sources

1 or facilities. The information may include but is not limited to  
2 information:

- 3 a. from or relating to radioactive material licensees  
4 identifying the exact location of the radioactive  
5 material,
- 6 b. describing how the radioactive material is secured  
7 from unauthorized removal or access when it is in  
8 storage,
- 9 c. describing the control and maintenance of constant  
10 surveillance of the radioactive material when it is  
11 not in storage,
- 12 d. describing specific policies and procedures for  
13 actions to physically protect the radioactive  
14 material,
- 15 e. identifying possession limits or actual inventories of  
16 radionuclides,
- 17 f. containing or describing assessments or analyses that  
18 could reveal vulnerabilities,
- 19 g. identifying specific locations of safety and security  
20 equipment,
- 21 h. describing emergency planning, emergency response and  
22 fire protection, and

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1 i. containing or describing other information that could  
2 reasonably be expected to be useful to persons with  
3 malevolent intent; and

4 10. The names of school district personnel who have been  
5 designated to carry a firearm pursuant to Section 5-149.2 of Title  
6 70 of the Oklahoma Statutes.

7 B. The following information shall not be kept confidential:

8 1. Records related to federal grants administered by the  
9 Oklahoma Office of Homeland Security or the Department of  
10 Environmental Quality;

11 2. Records related to the receipt and expenditure of public  
12 funds; or

13 3. Records related to the financial performance or financial  
14 administration of the Oklahoma Office of Homeland Security or the  
15 Department of Environmental Quality.

16 C. For the purposes of this section, the term "terrorism" means  
17 any act encompassed by the definitions set forth in Section 1268.1  
18 of Title 21 of the Oklahoma Statutes.

19 D. 1. Public educational institutions may keep confidential  
20 campus security plans. An institution or agency may in its  
21 discretion release information contained in or related to the campus  
22 security plan in order to design or implement the plan.

23 2. Nothing in this subsection shall preclude an institution or  
24 agency within The Oklahoma State System of Higher Education from

1 collecting and releasing information relating to campus crime  
2 statistics and campus security policies as is required pursuant to  
3 the Jeanne Clery Disclosure of Campus Security Policy and Campus  
4 Crime Statistics Act, 20 U.S.C. 1092(f).

5 3. For purposes of this subsection, "campus security plan"  
6 shall include, but is not limited to, prevention and response  
7 procedures to and notification procedures for perceived or actual  
8 security threats and incidents on or impacting the campus.

9 SECTION 2. This act shall become effective July 1, 2016.

10 SECTION 3. It being immediately necessary for the preservation  
11 of the public peace, health and safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval."

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16 Passed the House of Representatives the 4th day of April, 2016.

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Presiding Officer of the House of  
Representatives

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22 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2016.

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Presiding Officer of the Senate

1 ENGROSSED SENATE  
2 BILL NO. 1036

By: Smalley of the Senate

3 and

4 Coody (Jeff) of the House

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6 An Act relating to school personnel; amending Section  
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13 effective date; and declaring an emergency.

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

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SECTION 4. AMENDATORY Section 3, Chapter 310, O.S.L.

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2015 (70 O.S. Supp. 2015, Section 5-149.2), is amended to read as

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follows:

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Section 5-149.2. A. The board of education of a school

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district may, through a majority vote of the board, authorize the

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school district superintendent to designate school personnel who

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have been issued a handgun license pursuant to the Oklahoma Self-

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Defense Act to attend an armed security guard training program, as

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provided for in Section 1750.5 of Title 59 of the Oklahoma Statutes,

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or a reserve peace officer certification program, as provided for in

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Section 3311 of Title 70 of the Oklahoma Statutes, provided and

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developed by the Council on Law Enforcement Education and Training

1 (CLEET). Nothing in this section shall be construed to prohibit or  
2 limit the board of education of a school district from requiring  
3 ongoing education and training.

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

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

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

21 E. Any school personnel who have successfully completed either  
22 training and while acting in good faith shall be immune from civil  
23 and criminal liability for any injury resulting from the carrying of  
24 a handgun onto public school property as provided for in this act.

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

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

9 G. The names of school personnel who have been designated to  
10 carry a firearm pursuant to this section shall be kept confidential  
11 and shall be exempt from the Oklahoma Open Records Act.

12 SECTION 5. This act shall become effective July 1, 2016.

13 SECTION 6. It being immediately necessary for the preservation  
14 of the public peace, health and safety, an emergency is hereby  
15 declared to exist, by reason whereof this act shall take effect and  
16 be in full force from and after its passage and approval.

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