

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 277

By: Stephens

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2021, Section 1280.1, which relates to possession of firearm on school property; modifying term; removing certain qualifier; clarifying language; declaring certain individuals as individually licensed and verified as it relates to the federal Gun-Free School Zones Act; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1280.1, is amended to read as follows:

Section 1280.1.

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

20 2. A ~~gun~~ firearm or knife stored hidden from view in a locked
21 privately owned motor vehicle and for the purpose of self-defense or
22 used for the purposes of participating in the ~~Oklahoma~~ Department of
23 Wildlife Conservation certified hunter training education course or
24 any other hunting, fishing, safety or firearms training courses, or

1 a recognized firearms sports event, team shooting program or
2 competition, or living history reenactment, provided the course or
3 event is approved by the principal or chief administrator of the
4 school where the course or event is offered, and provided the
5 firearm or weapon is properly displayed or stored as required by law
6 pending participation in the course, event, program or competition;

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

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

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

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

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

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

1 b. hold a valid reserve peace officer certification as
2 provided for in Section 3311 of Title 70 of the
3 Oklahoma Statutes,

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

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

12 E. Considering the right to keep and bear arms provided in
13 Article II, Section 26 of the Oklahoma Constitution, any person who
14 is not precluded from lawfully owning and possessing a firearm
15 pursuant to state and federal law shall be considered to be
16 individually authorized by the State of Oklahoma within the meaning
17 of the provisions regarding individual licensure and verification
18 pursuant to the federal Gun-Free School Zones Act.

19 SECTION 2. This act shall become effective November 1, 2023.

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