

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 821

By: Dahm

AS INTRODUCED

An Act relating to gun-free schools; amending 21 O.S. 2021, Section 1280.1, which relates to possession of firearms on school property; removing prohibition of guns on school property; making it unlawful to have certain designation; 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~~ It shall be unlawful for any public school property or private school to be designated as a "gun-free school".

1 B. For purposes of this section:

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

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

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

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

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

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

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

7 ~~3. Weapons in the possession of any peace officer or other~~
8 ~~person authorized by law to possess a weapon in the performance of~~
9 ~~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 be immune~~
21 ~~from liability for any injuries arising from the adoption of the~~
22 ~~policy. The provisions of this paragraph shall not apply to claims~~
23 ~~pursuant to the Workers' Compensation Code;~~

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

10 ~~6. A handgun carried in a motor vehicle pursuant to a valid~~
11 ~~handgun license authorized by the Oklahoma Self-Defense Act onto~~
12 ~~property set aside by a public or private elementary or secondary~~
13 ~~school for the use or parking of any vehicle; provided, however,~~
14 ~~said handgun shall be stored and hidden from view in a locked motor~~
15 ~~vehicle when the motor vehicle is left unattended on school~~
16 ~~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 SECTION 2. This act shall become effective November 1, 2023.

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