

1 **SENATE FLOOR VERSION**

2 March 2, 2023

3 **AS AMENDED**

4 SENATE BILL NO. 838

By: Bullard of the Senate

and

McDugle of the House

6
7 **[firearms - unlawful carry - possession - school**
8 **property - handgun license - training - continuing**
9 **education - authorization - policies - school**
10 **personnel - qualifications - immunity - effective**
11 **date -**

emergency]

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

13 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1277, is
14 amended to read as follows:

15 Section 1277.

16 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

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

13 6. Any other place specifically prohibited by law; and

14 7. Any property set aside by a county, city, town, public trust
15 with a county, city or town as a beneficiary, or state governmental
16 authority for an event that is secured with minimum-security
17 provisions. For purposes of this paragraph, a minimum-security
18 provision consists of a location that is secured utilizing the
19 following:

20 a. a metallic-style security fence that is at least eight
21 (8) feet in height that encompasses the property and
22 is secured in such a way as to deter unauthorized
23 entry,

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1 b. controlled access points staffed by a uniformed,
2 commissioned peace officer, and

3 c. a metal detector whereby persons walk or otherwise
4 travel with their property through or by the metal
5 detector.

6 B. It shall be lawful for a person to carry a concealed or
7 unconcealed firearm on the following properties:

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

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

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

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

1 5. Any property set aside by a public or private elementary or
2 secondary school for the use or parking of any vehicle, whether
3 attended or unattended; provided, however, the firearm shall be
4 stored and hidden from view in a locked motor vehicle when the motor
5 vehicle is left unattended on school property; and

6 6. Any public property set aside temporarily by a county, city,
7 town, public trust with a county, city or town as a beneficiary, or
8 state governmental authority for the holder of an event permit that
9 is without minimum-security provisions, as such term is defined in
10 paragraph 7 of subsection A of this section; provided, the carry of
11 firearms within said permitted event area shall be limited to
12 concealed carry of a handgun unless otherwise authorized by the
13 holder of the event permit.

14 Nothing contained in any provision of this subsection or
15 subsection C of this section shall be construed to authorize or
16 allow any person in control of any place described in subsection A
17 of this section to establish any policy or rule that has the effect
18 of prohibiting any person in lawful possession of a handgun license
19 or otherwise in lawful possession of a firearm from carrying or
20 possessing the firearm on the property described in this subsection.

21 C. A concealed or unconcealed weapon may be carried onto
22 private school property or in any school bus or vehicle used by any
23 private school for transportation of students or teachers by a
24 person who is licensed pursuant to the Oklahoma Self-Defense Act,

1 provided a policy has been adopted by the governing entity of the
2 private school that authorizes the carrying and possession of a
3 weapon on private school property or in any school bus or vehicle
4 used by a private school. Except for acts of gross negligence or
5 willful or wanton misconduct, a governing entity of a private school
6 that adopts a policy which authorizes the possession of a weapon on
7 private school property, a school bus or vehicle used by the private
8 school shall not be subject to liability for any injuries arising
9 from the adoption of the policy. The provisions of this subsection
10 shall not apply to claims pursuant to the Administrative Workers'
11 Compensation Act.

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

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

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

23 3. a. Possesses a valid handgun license issued pursuant to
24 the provisions of the Oklahoma Self-Defense Act,

- 1 b. Has successfully completed twenty-four (24) hours of
2 training, to include a minimum of four (4) hours of
3 weapon retention training certified by the Council on
4 Law Enforcement Education and Training (CLEET), and
5 c. Has demonstrated proficiency in handgun training and
6 campus-specific active shooter training as determined
7 by the law enforcement agency having jurisdiction in
8 that public school district.

9 In addition to continuing education requirements for personnel
10 authorized by the board of education to carry a concealed firearm
11 onto public school property as a licensed armed security guard or
12 reserve peace officer, personnel authorized to carry pursuant to the
13 provisions of this subsection shall be required to obtain biannual
14 training to include, but not be limited to, four (4) hours of CLEET-
15 certified weapon retention training, four (4) hours of campus-
16 specific active shooter training as determined by the appropriate
17 law enforcement agency having jurisdiction in that public school
18 district, and any other training as deemed necessary by the
19 appropriate law enforcement agency having jurisdiction in that
20 public school district. Training required may be provided by the
21 appropriate law enforcement agency having jurisdiction in that
22 public school district or by a privately contracted company that
23 offers the appropriate training.

1 Authorization to carry pursuant to this subsection shall require
2 the authorized personnel to maintain the concealed firearm on their
3 person at all times while on the school property.

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

6 E. Notwithstanding the provisions of subsection A of this
7 section, on any property designated as a municipal zoo or park of
8 any size that is owned, leased, operated or managed by:

9 1. A public trust created pursuant to the provisions of Section
10 176 of Title 60 of the Oklahoma Statutes; or

11 2. A nonprofit entity,
12 an individual shall be allowed to carry a concealed handgun but not
13 openly carry a handgun on the property.

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

23 G. No person in possession of a valid handgun license issued
24 pursuant to the provisions of the Oklahoma Self-Defense Act or who

1 is carrying or in possession of a firearm as otherwise permitted by
2 law or who is carrying or in possession of a machete, blackjack,
3 loaded cane, hand chain or metal knuckles shall be authorized to
4 carry the firearm, machete, blackjack, loaded cane, hand chain or
5 metal knuckles into or upon any college, university or technology
6 center school property, except as provided in this subsection. For
7 purposes of this subsection, the following property shall not be
8 construed to be college, university or technology center school
9 property:

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

19 2. Any property authorized for possession or use of firearms,
20 machetes, blackjacks, loaded canes, hand chains or metal knuckles by
21 college, university or technology center school policy; and

22 3. Any property authorized by the written consent of the
23 college or university president or technology center school
24 administrator, provided the written consent is carried with the

1 firearm, machete, blackjack, loaded cane, hand chain or metal
2 knuckles and the valid handgun license while on college, university
3 or technology center school property.

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

13 Nothing contained in any provision of this subsection shall be
14 construed to authorize or allow any college, university or
15 technology center school to establish any policy or rule that has
16 the effect of prohibiting any person in lawful possession of a
17 handgun license or any person in lawful possession of a firearm,
18 machete, blackjack, loaded cane, hand chain or metal knuckles from
19 possession of a firearm, machete, blackjack, loaded cane, hand chain
20 or metal knuckles in places described in paragraphs 1, 2 and 3 of
21 this subsection. Nothing contained in any provision of this
22 subsection shall be construed to limit the authority of any college,
23 university or technology center school in this state from taking

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1 administrative action against any student for any violation of any
2 provision of this subsection.

3 H. The provisions of this section shall not apply to the
4 following:

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

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

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

15 4. Elected officials of a county, who are in possession of a
16 valid handgun license issued pursuant to the provisions of the
17 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
18 in the performance of his or her duties within the courthouses of
19 the county in which he or she was elected. The provisions of this
20 paragraph shall not allow the elected county official to carry the
21 handgun into a courtroom;

22 5. The sheriff of any county may authorize certain employees of
23 the county, who possess a valid handgun license issued pursuant to
24 the provisions of the Oklahoma Self-Defense Act, to carry a

1 concealed handgun when acting in the course and scope of employment
2 within the courthouse in the county in which the person is employed.
3 Nothing in the Oklahoma Self-Defense Act shall prohibit the sheriff
4 from requiring additional instruction or training before granting
5 authorization to carry a concealed handgun within the courthouse.
6 The provisions of this paragraph and of paragraph 6 of this
7 subsection shall not allow the county employee to carry the handgun
8 into a courtroom, sheriff's office, adult or juvenile jail or any
9 other prisoner detention area; and

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

16 I. For the purposes of this section, "motor vehicle" means any
17 automobile, truck, minivan, sports utility vehicle, or motorcycle,
18 as defined in Section 1-135 of Title 47 of the Oklahoma Statutes,
19 equipped with a locked accessory container within or affixed to the
20 motorcycle.

21 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1280.1, is
22 amended to read as follows:

23 Section 1280.1.

24 POSSESSION OF FIREARM ON SCHOOL PROPERTY

1 A. It shall be unlawful for any person to have in his or her
2 possession on any public or private school property or while in any
3 school bus or vehicle used by any school for transportation of
4 students or teachers any firearm or weapon designated in Section
5 1272 of this title, except as provided in subsection C of this
6 section or as otherwise authorized by law.

7 B. For purposes of this section:

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

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

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

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

21 1. A gun or knife designed for hunting or fishing purposes kept
22 in a privately owned vehicle and properly displayed or stored as
23 required by law, provided such vehicle containing ~~said~~ the gun or
24 knife is driven onto school property only to transport a student to

1 and from school and such vehicle does not remain unattended on
2 school property;

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

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

16 4. A concealed or unconcealed weapon carried onto private
17 school property or in any school bus or vehicle used by any private
18 school for transportation of students or teachers by a person who is
19 licensed pursuant to the Oklahoma Self-Defense Act, provided a
20 policy has been adopted by the governing entity of the private
21 school that authorizes the possession of a weapon on private school
22 property or in any school bus or vehicle used by a private school.
23 Except for acts of gross negligence or willful or wanton misconduct,
24 a governing entity of a private school that adopts a policy which

1 authorizes the possession of a weapon on private school property, a
2 school bus or vehicle used by the private school shall be immune
3 from liability for any injuries arising from the adoption of the
4 policy. The provisions of this paragraph shall not apply to claims
5 pursuant to the Workers' Compensation Code;

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

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

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

1 a. possess a valid armed security guard license as
2 provided for in ~~Section 1750.1 et seq. of Title 59 of~~
3 ~~the Oklahoma Statutes~~ the Oklahoma Security Guard and
4 Private Investigator Act, or

5 b. hold a valid reserve peace officer certification as
6 provided for in Section 3311 of Title 70 of the
7 Oklahoma Statutes, or

8 c. (1) possesses a valid handgun license issued pursuant
9 to the provisions of the Oklahoma Self-Defense
10 Act,

11 (2) has successfully completed twenty-four (24) hours
12 of training, including a minimum of four (4)
13 hours of weapon retention training certified by
14 the Council on Law Enforcement Education and
15 Training (CLEET), and

16 (3) has demonstrated proficiency in handgun training
17 and campus-specific active shooter training as
18 determined by the law enforcement agency having
19 jurisdiction in that public school district,

20 if a policy has been adopted by the board of education of the public
21 school district that authorizes the carrying of a concealed handgun
22 onto public school property by such personnel. Ongoing continuing
23 education and training shall be required of any person authorized by
24 the board of education to carry a handgun pursuant to the provisions

1 and requirements provided in subsection D of Section 1277 of this
2 title. Nothing in this subsection shall be construed to restrict
3 authority granted elsewhere in law to carry firearms.

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

7 SECTION 3. AMENDATORY 70 O.S. 2021, Section 5-149.2, is
8 amended to read as follows:

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

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

18 2. Hold a valid reserve peace officer certification as provided
19 for in Section 3311 of this title; or

20 3. a. Possess a valid handgun license issued pursuant to the
21 provisions of the Oklahoma Self-Defense Act,

22 b. Has successfully completed twenty-four (24) hours of
23 training, including a minimum of four (4) hours of
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1 weapon retention training certified by the Council on
2 Law Enforcement Education and Training (CLEET), and
3 c. Has demonstrated proficiency in handgun training and
4 campus-specific active shooter training as determined
5 by the appropriate law enforcement agency having
6 jurisdiction in that public school district.

7 Ongoing continuing education and training shall be required of
8 any person authorized by the board of education to carry a concealed
9 handgun pursuant to the provisions and requirements provided in
10 subsection D of Section 1277 of Title 21 of the Oklahoma Statutes.

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

20 ~~B.~~ C. Participation in either the armed security guard training
21 program ~~or~~, the reserve peace officer certification program or
22 training to carry a handgun as provided in paragraph 3 of subsection
23 A of this section, shall be voluntary and shall not in any way be
24 considered a requirement for continued employment with the public

1 school district. The board of education of a public school district
2 shall have the final authority to determine and designate the school
3 personnel who will be authorized to obtain and use an armed security
4 guard license ~~or~~, reserve peace officer certification or participate
5 with a handgun license and required training components in
6 conjunction with ~~their~~ his or her employment as school personnel.

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

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

16 ~~E.~~ F. Any public school personnel who have successfully
17 completed ~~either~~ armed security guard training, reserve peace
18 officer certification training or handgun license training as
19 provided in paragraph 3 of subsection A of this section and while
20 acting in ~~good faith~~ a reasonable and prudent manner shall not be
21 ~~immune from~~ subject to civil and criminal liability for any injury
22 resulting from the carrying of a handgun onto public school property
23 as provided for in this ~~act~~ section. Any board of education of a
24 public school district or participating local law enforcement agency

1 shall not be ~~immune from~~ subject to civil and criminal liability for
2 any injury resulting from any act committed by school personnel who
3 are designated to carry a concealed handgun on public school
4 property pursuant to the provisions of this ~~act~~ section.

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

9 SECTION 4. This act shall become effective July 1, 2023.

10 SECTION 5. It being immediately necessary for the preservation
11 of the public peace, health or 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.

14 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
15 March 2, 2023 - DO PASS AS AMENDED
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