

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 838

By: Bullard

AS INTRODUCED

An Act relating to firearms; amending 21 O.S. 2021, Sections 1277 and 1280.1, which relate to the unlawful carry of firearms on certain property and possession of firearms on school property; updating statutory reference; authorizing school personnel with a handgun license to carry on public school property under certain circumstances; providing for biannual training; providing for continuing education and training; amending 70 O.S. 2021, Section 5-149.2, which relates to the authorization of certain persons to carry handguns on public school property; authorizing school boards to adopt policies related to the carrying of handguns on public school property by school personnel; stating qualifications for designated school personnel; providing for continuing education and training; authorizing boards of education to designate school personnel to attend certain training programs; clarifying immunity from liability provisions; providing an effective date; and declaring an emergency.

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

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

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

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

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

21 7. Any property set aside by a county, city, town, public trust
22 with a county, city or town as a beneficiary, or state governmental
23 authority for an event that is secured with minimum-security
24 provisions. For purposes of this paragraph, a minimum-security
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1 provision consists of a location that is secured utilizing the
2 following:

- 3 a. a metallic-style security fence that is at least eight
4 (8) feet in height that encompasses the property and
5 is secured in such a way as to deter unauthorized
6 entry,
- 7 b. controlled access points staffed by a uniformed,
8 commissioned peace officer, and
- 9 c. a metal detector whereby persons walk or otherwise
10 travel with their property through or by the metal
11 detector.

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

- 14 1. Any property set aside for the use or parking of any
15 vehicle, whether attended or unattended, by a city, town, county,
16 state or federal governmental authority;
- 17 2. Any property set aside for the use or parking of any
18 vehicle, whether attended or unattended, which is open to the
19 public, or by any entity engaged in gambling authorized by law;
- 20 3. Any property adjacent to a structure, building or office
21 space in which concealed or unconcealed weapons are prohibited by
22 the provisions of this section;
- 23 4. Any property designated by a city, town, county or state
24 governmental authority as a park, recreational area, wildlife

1 refuge, wildlife management area or fairgrounds; provided, nothing
2 in this paragraph shall be construed to authorize any entry by a
3 person in possession of a concealed or unconcealed firearm into any
4 structure, building, office space or event which is specifically
5 prohibited by the provisions of subsection A of this section;

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

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

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

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

18 D. Notwithstanding paragraph 3 of subsection A of this section,
19 a board of education of a school district may adopt a policy
20 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
21 authorize the carrying of a concealed handgun onto school property
22 by school personnel specifically designated by the board of
23 education, provided such personnel either:
24

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

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

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

8 b. Has successfully completed twenty-four (24) hours of
9 training, to include a minimum of four (4) hours of
10 weapon retention training certified by the Council on
11 Law Enforcement Education and Training (CLEET), and

12 c. Has demonstrated proficiency in handgun training and
13 campus-specific active shooter training as determined
14 by the law enforcement agency having jurisdiction in
15 that public school district.

16 In addition to continuing education requirements for personnel
17 authorized by the board of education to carry a concealed firearm
18 onto public school property as a licensed armed security guard or
19 reserve peace officer, personnel authorized to carry pursuant to the
20 provisions of this subsection shall be required to obtain biannual
21 training to include, but not be limited to, four (4) hours of CLEET-
22 certified weapon retention training, four (4) hours of campus-
23 specific active shooter training as determined by the appropriate
24 law enforcement agency having jurisdiction in that public school

1 district, and any other training as deemed necessary by the
2 appropriate law enforcement agency having jurisdiction in that
3 public school district. Training required may be provided by the
4 appropriate law enforcement agency having jurisdiction in that
5 public school district or by a privately contracted company that
6 offers the appropriate training.

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

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

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

15 1. A public trust created pursuant to the provisions of Section
16 176 of Title 60 of the Oklahoma Statutes; or

17 2. A nonprofit entity,
18 an individual shall be allowed to carry a concealed handgun but not
19 openly carry a handgun on the property.

20 F. Any person violating the provisions of paragraph 2 or 3 of
21 subsection A of this section shall, upon conviction, be guilty of a
22 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
23 Dollars (\$250.00). A person violating any other provision of
24 subsection A of this section may be denied entrance onto the

1 property or removed from the property. If the person refuses to
2 leave the property and a peace officer is summoned, the person may
3 be issued a citation for an amount not to exceed Two Hundred Fifty
4 Dollars (\$250.00).

5 G. No person in possession of a valid handgun license issued
6 pursuant to the provisions of the Oklahoma Self-Defense Act or who
7 is carrying or in possession of a firearm as otherwise permitted by
8 law or who is carrying or in possession of a machete, blackjack,
9 loaded cane, hand chain or metal knuckles shall be authorized to
10 carry the firearm, machete, blackjack, loaded cane, hand chain or
11 metal knuckles into or upon any college, university or technology
12 center school property, except as provided in this subsection. For
13 purposes of this subsection, the following property shall not be
14 construed to be college, university or technology center school
15 property:

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

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

4 3. Any property authorized by the written consent of the
5 college or university president or technology center school
6 administrator, provided the written consent is carried with the
7 firearm, machete, blackjack, loaded cane, hand chain or metal
8 knuckles and the valid handgun license while on college, university
9 or technology center school property.

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

19 Nothing contained in any provision of this subsection shall be
20 construed to authorize or allow any college, university or
21 technology center school to establish any policy or rule that has
22 the effect of prohibiting any person in lawful possession of a
23 handgun license or any person in lawful possession of a firearm,
24 machete, blackjack, loaded cane, hand chain or metal knuckles from

1 possession of a firearm, machete, blackjack, loaded cane, hand chain
2 or metal knuckles in places described in paragraphs 1, 2 and 3 of
3 this subsection. Nothing contained in any provision of this
4 subsection shall be construed to limit the authority of any college,
5 university or technology center school in this state from taking
6 administrative action against any student for any violation of any
7 provision of this subsection.

8 H. The provisions of this section shall not apply to the
9 following:

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

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

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

20 4. Elected officials of a county, who are in possession of a
21 valid handgun license issued pursuant to the provisions of the
22 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
23 in the performance of his or her duties within the courthouses of
24 the county in which he or she was elected. The provisions of this

1 paragraph shall not allow the elected county official to carry the
2 handgun into a courtroom;

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

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

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

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

5 Section 1280.1.

6 POSSESSION OF FIREARM ON SCHOOL PROPERTY

7 A. It shall be unlawful for any person to have in his or her
8 possession on any public or private school property or while in any
9 school bus or vehicle used by any school for transportation of
10 students or teachers any firearm or weapon designated in Section
11 1272 of this title, except as provided in subsection C of this
12 section or as otherwise authorized by law.

13 B. For purposes of this section:

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

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

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

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

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

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

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

22 4. A concealed or unconcealed weapon carried onto private
23 school property or in any school bus or vehicle used by any private
24 school for transportation of students or teachers by a person who is
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1 licensed pursuant to the Oklahoma Self-Defense Act, provided a
2 policy has been adopted by the governing entity of the private
3 school that authorizes the possession of a weapon on private school
4 property or in any school bus or vehicle used by a private school.
5 Except for acts of gross negligence or willful or wanton misconduct,
6 a governing entity of a private school that adopts a policy which
7 authorizes the possession of a weapon on private school property, a
8 school bus or vehicle used by the private school shall be immune
9 from liability for any injuries arising from the adoption of the
10 policy. The provisions of this paragraph shall not apply to claims
11 pursuant to the Workers' Compensation Code;

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

21 6. A handgun carried in a motor vehicle pursuant to a valid
22 handgun license authorized by the Oklahoma Self-Defense Act onto
23 property set aside by a public or private elementary or secondary
24 school for the use or parking of any vehicle; provided, however,

1 ~~said~~ the handgun shall be stored and hidden from view in a locked
2 motor vehicle when the motor vehicle is left unattended on school
3 property; and

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

- 7 a. possess a valid armed security guard license as
8 provided for in ~~Section 1750.1 et seq. of Title 59 of~~
9 ~~the Oklahoma Statutes~~ the Oklahoma Security Guard and
10 Private Investigator Act, or
- 11 b. hold a valid reserve peace officer certification as
12 provided for in Section 3311 of Title 70 of the
13 Oklahoma Statutes, or
- 14 c. (1) possesses a valid handgun license issued pursuant
15 to the provisions of the Oklahoma Self-Defense
16 Act,
- 17 (2) has successfully completed twenty-four (24) hours
18 of training, including a minimum of four (4)
19 hours of weapon retention training certified by
20 the Council on Law Enforcement Education and
21 Training (CLEET), and
- 22 (3) has demonstrated proficiency in handgun training
23 and campus-specific active shooter training as
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1 determined by the law enforcement agency having
2 jurisdiction in that public school district,
3 if a policy has been adopted by the board of education of the public
4 school district that authorizes the carrying of a concealed handgun
5 onto public school property by such personnel. Ongoing continuing
6 education and training shall be required of any person authorized by
7 the board of education to carry a handgun pursuant to the provisions
8 and requirements provided in subsection D of Section 1277 of this
9 title. Nothing in this subsection shall be construed to restrict
10 authority granted elsewhere in law to carry firearms.

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

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

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

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

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

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

5 b. Has successfully completed twenty-four (24) hours of
6 training, including a minimum of four (4) hours of
7 weapon retention training certified by the Council on
8 Law Enforcement Education and Training (CLEET), and

9 c. Has demonstrated proficiency in handgun training and
10 campus-specific active shooter training as determined
11 by the appropriate law enforcement agency having
12 jurisdiction in that public school district.

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

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

3 ~~B.~~ C. Participation in either the armed security guard training
4 program ~~or~~, the reserve peace officer certification program or
5 training to carry a handgun as provided in paragraph 3 of subsection
6 A of this section, shall be voluntary and shall not in any way be
7 considered a requirement for continued employment with the public
8 school district. The board of education of a public school district
9 shall have the final authority to determine and designate the school
10 personnel who will be authorized to obtain and use an armed security
11 guard license ~~or~~, reserve peace officer certification or participate
12 with a handgun license and required training components in
13 conjunction with ~~their~~ his or her employment as school personnel.

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

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

23 ~~E.~~ F. Any public school personnel who have successfully
24 completed ~~either~~ armed security guard training, reserve peace

1 officer certification training or handgun license training as
2 provided in paragraph 3 of subsection A of this section and while
3 acting in ~~good faith~~ a reasonable and prudent manner shall not be
4 ~~immune from~~ subject to civil and criminal liability for any injury
5 resulting from the carrying of a handgun onto public school property
6 as provided for in this ~~act~~ section. Any board of education of a
7 public school district or participating local law enforcement agency
8 shall not be ~~immune from~~ subject to civil and criminal liability for
9 any injury resulting from any act committed by school personnel who
10 are designated to carry a concealed handgun on public school
11 property pursuant to the provisions of this ~~act~~ section.

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

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

17 SECTION 5. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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