

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1767

By: Garvin

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5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2021,
8 Section 1277, which relates to unlawful carry;
9 authorizing school district board of education to
10 designate certain individuals to carry on school
11 property under certain circumstances; amending 70
12 O.S. 2021, Section 5-149.2, which relates to handgun
13 licenses for school personnel; authorizing school
14 district board of education to designate certain
15 individuals to carry on school property under certain
16 circumstances; updating statutory language; and
17 providing an effective date.

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

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

23 Section 1277.

24 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

9 3. Any public or private elementary or public or private
10 secondary school, except as provided in subsections C and D of this
11 section;

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

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

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

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

- 23 a. a metallic-style security fence that is at least eight
24 (8) feet in height that encompasses the property and

1 is secured in such a way as to deter unauthorized
2 entry,

3 b. controlled access points staffed by a uniformed,
4 commissioned peace officer, and

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

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

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

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

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

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

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

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

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

23 C. A concealed or unconcealed weapon may be carried onto
24 private school property or in any school bus or vehicle used by any

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

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

- 20 1. Possess a valid armed security guard license as provided for
21 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; ~~or~~
- 22 2. Hold a valid reserve peace officer certification as provided
23 for in Section 3311 of Title 70 of the Oklahoma Statutes; or

1 3. Meet other qualifications as determined by the board of
2 education.

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

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

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

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

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

22 G. No person in possession of a valid handgun license issued
23 pursuant to the provisions of the Oklahoma Self-Defense Act or who
24 is carrying or in possession of a firearm as otherwise permitted by

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

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

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

21 3. Any property authorized by the written consent of the
22 college or university president or technology center school
23 administrator, provided the written consent is carried with the
24 firearm, machete, blackjack, loaded cane, hand chain or metal
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1 knuckles and the valid handgun license while on college, university
2 or technology center school property.

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

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

1 H. The provisions of this section shall not apply to the
2 following:

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

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

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

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

20 5. The sheriff of any county may authorize certain employees of
21 the county, who possess a valid handgun license issued pursuant to
22 the provisions of the Oklahoma Self-Defense Act, to carry a
23 concealed handgun when acting in the course and scope of employment
24 within the courthouse in the county in which the person is employed.

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

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

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

19 SECTION 2. AMENDATORY 70 O.S. 2021, Section 5-149.2, is
20 amended to read as follows:

21 Section 5-149.2. A. The board of education of a school
22 district may, through a majority vote of the board, designate school
23 personnel or other individuals as provided for in Section 1277 of
24 Title 21 of the Oklahoma Statutes who have been issued a handgun

1 license pursuant to the Oklahoma Self-Defense Act to attend an armed
2 security guard training program, as provided for in Section 1750.5
3 of Title 59 of the Oklahoma Statutes, or a reserve peace officer
4 certification program, as provided for in Section 3311 of Title 70
5 of the Oklahoma Statutes, provided and developed by the Council on
6 Law Enforcement Education and Training (CLEET). Nothing in this
7 section shall be construed to prohibit or limit the board of
8 education of a school district from requiring ongoing education and
9 training.

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

19 C. The board of education of a school district that authorizes
20 school personnel or other individuals to participate in either the
21 armed security guard program or the reserve peace officer program
22 may pay all necessary training, meal, and lodging expenses
23 associated with the training.

1 D. When carrying a firearm pursuant to the provisions of this
2 act, the person shall at all times carry the firearm on his or her
3 person or the firearm shall be stored in a locked and secure
4 location.

5 E. Any school personnel or other individuals approved by the
6 board of education who have successfully completed either training
7 and while acting in good faith shall be immune from civil and
8 criminal liability for any injury resulting from the carrying of a
9 handgun onto public school property as provided for in this act.
10 Any board of education of a school district or participating local
11 law enforcement agency shall be immune from civil and criminal
12 liability for any injury resulting from any act committed by school
13 personnel or other individuals who are designated to carry a
14 concealed handgun on public school property pursuant to the
15 provisions of this act.

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

19 SECTION 3. This act shall become effective November 1, 2024.
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