

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1036

By: Smalley

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5  
6 AS INTRODUCED

7 An Act relating to school personnel; amending 21 O.S.  
8 2011, Section 1280.1, as last amended by Section 2,  
9 Chapter 310, O.S.L. 2015 (21 O.S. Supp. 2015, Section  
10 1280.1), which relates to possession of firearms on  
11 school property; modifying designating authority;  
12 amending Section 3, Chapter 310, O.S.L. 2015 (70 O.S.  
13 Supp. 2015, Section 5-149.2), which relates to  
14 handgun licenses for school personnel; modifying  
15 designating authority; directing names of certain  
16 designated school personnel to be kept confidential;  
17 exempting certain names from certain act; providing  
18 an effective date; and declaring an emergency.

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

20 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1280.1, as  
21 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.  
22 2015, Section 1280.1), is amended to read as follows:

23 Section 1280.1.

24 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

1 1272 of this title, except as provided in subsection C of this  
2 section or as otherwise authorized by law.

3 B. For purposes of this section:

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

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

13 3. "Motor vehicle" means any automobile, truck, minivan or  
14 sports utility vehicle.

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

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

23 2. A gun or knife used for the purposes of participating in the  
24 Oklahoma Department of Wildlife Conservation certified hunter

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

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

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

1 policy. The provisions of this paragraph shall not apply to claims  
2 pursuant to the Workers' Compensation Code;

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

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

19 7. A handgun carried onto public school property by school  
20 personnel who have been designated by the ~~board of education~~ school  
21 district superintendent, provided such personnel either:

22 a. possess a valid armed security guard license as  
23 provided for in Section 1750.1 et seq. of Title 59 of  
24 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.        AMENDATORY        Section 3, Chapter 310, O.S.L.  
13 2015 (70 O.S. Supp. 2015, Section 5-149.2), is amended to read as  
14 follows:

15           Section 5-149.2. A. ~~The board of education of a~~ A school  
16 district superintendent may, ~~through a majority vote of the board,~~  
17 designate school personnel who have been issued a handgun license  
18 pursuant to the Oklahoma Self-Defense Act to attend an armed  
19 security guard training program, as provided for in Section 1750.5  
20 of Title 59 of the Oklahoma Statutes, or a reserve peace officer  
21 certification program, as provided for in Section 3311 of Title 70  
22 of the Oklahoma Statutes, provided and developed by the Council on  
23 Law Enforcement Education and Training (CLEET). Nothing in this  
24 section shall be construed to prohibit or limit the board of

1 education of a school district from requiring ongoing education and  
2 training.

3 B. Participation in either the armed security guard training  
4 program or the reserve peace officer certification program shall be  
5 voluntary and shall not in any way be considered a requirement for  
6 continued employment with the school district. The ~~board of~~  
7 ~~education of a~~ school district superintendent shall have the final  
8 authority to determine and designate the school personnel who will  
9 be authorized to obtain and use an armed security guard license or  
10 reserve peace officer certification in conjunction with their  
11 employment as school personnel.

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

16 D. When carrying a firearm pursuant to the provisions of this  
17 act, the person shall at all times carry the firearm on his or her  
18 person or the firearm shall be stored in a locked and secure  
19 location.

20 E. Any school personnel who have successfully completed either  
21 training and while acting in good faith shall be immune from civil  
22 and criminal liability for any injury resulting from the carrying of  
23 a handgun onto public school property as provided for in this act.  
24 Any board of education of a school district or participating local

1 law enforcement agency shall be immune from civil and criminal  
2 liability for any injury resulting from any act committed by school  
3 personnel who are designated to carry a concealed handgun on public  
4 school property pursuant to the provisions of this act.

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

8 G. The names of school personnel who have been designated to  
9 carry a firearm pursuant to this section shall be kept confidential  
10 and shall be exempt from the Oklahoma Open Records Act.

11 SECTION 3. This act shall become effective July 1, 2016.

12 SECTION 4. It being immediately necessary for the preservation  
13 of the public peace, health and safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

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