

1 ENGROSSED HOUSE  
2 BILL NO. 2336

By: Roberts (Sean) of the House

3 and

4 Bullard of the Senate

5  
6  
7 An Act relating to firearms; amending 21 O.S. 2011,  
8 Section 1277, as last amended by Section 2 of  
9 Enrolled House Bill No. 2597 of the 1st Session of  
10 the 57th Oklahoma Legislature, which relates to the  
11 unlawful carrying of firearms on certain property;  
12 updating statutory reference; authorizing handgun  
13 licensees to carry on school property under certain  
14 circumstances; amending 21 O.S. 2011, Section 1280.1,  
15 as last amended by Section 2, Chapter 310, O.S.L.  
16 2015 (21 O.S. Supp. 2018, Section 1280.1), which  
17 relates to the possession of firearms on school  
18 property; updating statutory reference; authorizing  
19 handgun licensees to carry on school property under  
20 certain circumstances; amending Section 3, Chapter  
21 310, O.S.L. 2015 (70 O.S. Supp. 2018, Section 5-  
22 149.2), which relates to the authorization of certain  
23 persons to carry handguns on school property;  
24 authorizing school boards to adopt policies related  
to the carrying of handguns on school property;  
stating qualifications for designated personnel;  
authorizing boards of education to designate school  
personnel to attend certain training programs;  
clarifying immunity from liability provision; and  
providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as  
last amended by Section 2 of Enrolled House Bill No. 2597 of the 1st

1 Session of the 57th Oklahoma Legislature, is amended to read as  
2 follows:

3 Section 1277.

4 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

17 3. Any public or private elementary or public or private  
18 secondary school, except as provided in subsections C and D of this  
19 section;

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

22 5. Any place where gambling is authorized by law, unless  
23 allowed by the property owner; and

24 6. Any other place specifically prohibited by law.

1 B. For purposes of subsection A of this section, the prohibited  
2 place does not include and specifically excludes the following  
3 property:

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

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

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

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

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

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

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

23        D. Notwithstanding paragraph 3 of subsection A of this section,  
24 a board of education of a school district may adopt a policy

1 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to  
2 authorize the carrying of a handgun onto school property by school  
3 personnel specifically designated by the board of education,  
4 provided such personnel either:

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

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

10 3. Possess a valid handgun license issued pursuant to the  
11 provisions of the Oklahoma Self-Defense Act and meet other  
12 requirements authorized by the board of education.

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

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

24

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

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

21 2. Any property authorized for possession or use of firearms,  
22 machetes, blackjacks, loaded canes, hand chains or metal knuckles by  
23 college, university or technology center school policy; and  
24

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

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

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

1 subsection shall be construed to limit the authority of any college,  
2 university or technology center school in this state from taking  
3 administrative action against any student for any violation of any  
4 provision of this subsection.

5 G. The provisions of this section shall not apply to the  
6 following:

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

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

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

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

24



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

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

19           H. For the purposes of this section, "motor vehicle" means any  
20 automobile, truck, minivan or sports utility vehicle.

21           SECTION 2.           AMENDATORY           21 O.S. 2011, Section 1280.1, as  
22 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.  
23 2018, Section 1280.1), is amended to read as follows:

24           Section 1280.1

1 POSSESSION OF FIREARM ON SCHOOL PROPERTY

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

8 B. For purposes of this section:

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

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

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

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

22 1. A gun or knife designed for hunting or fishing purposes kept  
23 in a privately owned vehicle and properly displayed or stored as  
24 required by law, provided such vehicle containing said gun or knife

1 is driven onto school property only to transport a student to and  
2 from school and such vehicle does not remain unattended on school  
3 property;

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

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

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

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

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

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

23  
24

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

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

8 b. hold a valid reserve peace officer certification as  
9 provided for in Section 3311 of Title 70 of the  
10 Oklahoma Statutes, or

11 c. possess a valid handgun license issued pursuant to the  
12 provisions of the Oklahoma Self-Defense Act and meet  
13 other requirements authorized by the board of  
14 education,

15 if a policy has been adopted by the board of education of the school  
16 district that authorizes the carrying of a handgun onto public  
17 school property by such personnel. Nothing in this subsection shall  
18 be construed to restrict authority granted elsewhere in law to carry  
19 firearms.

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

1 SECTION 3. AMENDATORY Section 3, Chapter 310, O.S.L.  
2 2015 (70 O.S. Supp. 2018, Section 5-149.2), is amended to read as  
3 follows:

4 Section 5-149.2 A. The board of education of a school district  
5 ~~may, through a majority vote of the board, designate~~ adopt a policy  
6 to authorize the carrying of a handgun onto school property by  
7 school personnel who have been issued a handgun license pursuant to  
8 the Oklahoma Self-Defense Act to attend an specifically designated  
9 by the board of education, provided such personnel either:

- 10 1. Possess a valid armed security guard license as provided for  
11 in the Oklahoma Security Guard and Private Investigator Act;
- 12 2. Hold a valid reserve peace officer certification as provided  
13 for in Section 3311 of Title 70 of the Oklahoma Statutes; or
- 14 3. Possess a valid handgun license issued pursuant to the  
15 provisions of the Oklahoma Self-Defense Act and meet other  
16 requirements authorized by the board of education.

17 B. The board of education of a school district may, through a  
18 majority vote of the board, designate school personnel to attend an  
19 armed security guard training program, as provided for in Section  
20 1750.5 of Title 59 of the Oklahoma Statutes, or a reserve peace  
21 officer certification program, as provided for in Section 3311 of  
22 Title 70 of the Oklahoma Statutes, provided and developed by the  
23 Council on Law Enforcement Education and Training (CLEET). Nothing  
24 in this 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.~~ C. 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 shall have the final authority to  
8 determine and designate the school personnel who will be authorized  
9 to obtain and use an armed security guard license ~~or~~, reserve peace  
10 officer certification or handgun license in conjunction with ~~their~~  
11 his or her employment as school personnel.

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

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

21 ~~E.~~ F. Any school personnel who have successfully completed  
22 ~~either~~ armed security guard training, reserve peace officer  
23 certification training or handgun license training and while acting  
24 in good faith shall be immune from civil and criminal liability for

