

1 **SENATE FLOOR VERSION**

2 February 22, 2021

3 **AS AMENDED**

4 SENATE BILL NO. 767

5 By: Bullard and Bergstrom of  
6 the Senate

7 and

8 Roberts (Sean) and McDugle  
9 of the House

10 **[ firearms on school property - handgun licensees -  
11 training programs - effective date ]**

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

13 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as  
14 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.  
15 2020, Section 1277), is amended to read as follows:

16 Section 1277.

17 UNLAWFUL CARRY IN CERTAIN PLACES

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

22 1. Any structure, building, or office space which is owned or  
23 leased by a city, town, county, state or federal governmental  
24 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; and

13           6. Any other place specifically prohibited by law.

14           B. For purposes of subsection A of this section, the prohibited  
15 place does not include and specifically excludes the following  
16 property:

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

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

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

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

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

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 be immune from liability for any injuries arising from  
11 the adoption of the policy. The provisions of this subsection shall  
12 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 specifically designated by the board of education,  
19 provided such personnel 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~~ the  
22 Oklahoma Security Guard and Private Investigator Act; ~~or~~

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

1       3. Possess a valid handgun license issued pursuant to the  
2 provisions of the Oklahoma Self-Defense Act and has demonstrated  
3 proficiency in handgun training and campus-specific active shooter  
4 training as determined by the appropriate law enforcement agency  
5 having jurisdiction in that school district. The local law  
6 enforcement agency having jurisdiction in a school district shall  
7 require annual training for staff authorized to carry pursuant to  
8 this paragraph.

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

11       E. In any municipal zoo or park of any size that is owned,  
12 leased, operated or managed by:

13       1. A public trust created pursuant to the provisions of Section  
14 176 of Title 60 of the Oklahoma Statutes; or

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

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

1 be issued a citation for an amount not to exceed Two Hundred Fifty  
2 Dollars (\$250.00).

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

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

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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 their duties within the courthouses of the  
24 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 courthouses in the county in which the person is  
8 employed. Nothing in the Oklahoma Self-Defense Act shall prohibit  
9 the sheriff from requiring additional instruction or training before  
10 receiving authorization to carry a concealed handgun within the  
11 courthouse. The provisions of this paragraph and of paragraph 6 of  
12 this subsection shall not allow the county employee to carry the  
13 handgun into a courtroom, sheriff's office, adult or juvenile jail  
14 or any 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 as  
23 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. 2011, Section 1280.1, as  
4 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.  
5 2020, Section 1280.1), is amended to read as follows:

6 Section 1280.1

7 POSSESSION OF FIREARM ON SCHOOL PROPERTY

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

14 B. For purposes of this section:

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

20 2. "Private school" means a school that offers a course of  
21 instruction for students in one or more grades from prekindergarten  
22 through grade twelve and is not operated by a governmental entity;  
23 and  
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1           3. "Motor vehicle" means any automobile, truck, minivan or  
2 sports utility vehicle.

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

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

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

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

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

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

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

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

- 11           a. possess a valid armed security guard license as  
12           provided for in ~~Section 1750.1 et seq. of Title 59 of~~  
13           ~~the Oklahoma Statutes~~ the Oklahoma Security Guard and  
14           Private Investigator Act, or
- 15           b. hold a valid reserve peace officer certification as  
16           provided for in Section 3311 of Title 70 of the  
17           Oklahoma Statutes, or
- 18           c. possess a valid handgun license issued pursuant to the  
19           provisions of the Oklahoma Self-Defense Act and has  
20           demonstrated proficiency in handgun training and  
21           campus-specific active shooter training as determined  
22           by the appropriate law enforcement agency having  
23           jurisdiction in that school district,

1 if a policy has been adopted by the board of education of the school  
2 district that authorizes the carrying of a handgun onto public  
3 school property by such personnel. Nothing in this subsection shall  
4 be construed to restrict authority granted elsewhere in law to carry  
5 firearms. The local law enforcement agency having jurisdiction in a  
6 school district shall require annual training for staff authorized  
7 to carry pursuant to subparagraph c of this paragraph.

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

11 SECTION 3. AMENDATORY Section 3, Chapter 310, O.S.L.  
12 2015 (70 O.S. Supp. 2020, Section 5-149.2), is amended to read as  
13 follows:

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

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

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

1       3. Possess a valid handgun license issued pursuant to the  
2 provisions of the Oklahoma Self-Defense Act and have demonstrated  
3 proficiency in handgun training and campus-specific active shooter  
4 training as determined by the appropriate law enforcement agency  
5 having jurisdiction in that school district. The local law  
6 enforcement agency having jurisdiction in a school district shall  
7 require annual training for staff authorized to carry pursuant to  
8 this paragraph.

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

19       ~~B.~~ C. Participation in either the armed security guard training  
20 program or the reserve peace officer certification program shall be  
21 voluntary and shall not in any way be considered a requirement for  
22 continued employment with the school district. The board of  
23 education of a school district shall have the final authority to  
24 determine and designate the school personnel who will be authorized

1 to obtain and use an armed security guard license ~~or~~, reserve peace  
2 officer certification or handgun license in conjunction with ~~their~~  
3 his or her employment as school personnel.

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

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

13 ~~E.~~ F. Any school personnel who have successfully completed  
14 ~~either~~ armed security guard training, reserve peace officer  
15 certification training or handgun license training and while acting  
16 in good faith shall be immune from civil and criminal liability for  
17 any injury resulting from the carrying of a handgun onto public  
18 school property as provided for in this ~~act~~ section. Any board of  
19 education of a school district or participating local law  
20 enforcement agency shall be immune from civil and criminal liability  
21 for any injury resulting from any act committed by school personnel  
22 who are designated to carry a concealed handgun on public school  
23 property pursuant to the provisions of this ~~act~~ section.

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1        ~~F.~~ G. In order to carry out the provisions of this section, the  
2 board of education of a school district is authorized to enter into  
3 a memorandum of understanding with local law enforcement entities.

4        SECTION 4. This act shall become effective November 1, 2021.

5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
6 February 22, 2021 - DO PASS AS AMENDED  
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