

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 767, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Bullard

Bullard-BG-FS-Req#1935
3/4/2021 12:50 PM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 767

6 By: Bullard and Bergstrom of
7 the Senate

8 and

9 Roberts (Sean) and McDugle
10 of the House

11 FLOOR SUBSTITUTE

12 An Act relating to firearms; amending 21 O.S. 2011,
13 Section 1277, as last amended by Section 1, Chapter
14 235, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1277),
15 which relates to the unlawful carrying of firearms on
16 certain property; updating statutory reference;
17 authorizing handgun licensees to carry on school
18 property under certain circumstances; amending 21
19 O.S. 2011, Section 1280.1, as last amended by Section
20 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp. 2020,
21 Section 1280.1), which relates to the possession of
22 firearms on school property; updating statutory
23 reference; authorizing handgun licensees to carry on
24 school property under certain circumstances; amending
Section 3, Chapter 310, O.S.L. 2015 (70 O.S. Supp.
2020, Section 5-149.2), which relates to the
authorization of certain persons to carry handguns on
school property; 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; updating statutory language; and declaring
an emergency.

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

2 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
3 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.
4 2020, Section 1277), is amended to read as follows:

5 Section 1277.

6 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

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

3 6. Any other place specifically prohibited by law.

4 B. For purposes of subsection A of this section, the prohibited
5 place does not include and specifically excludes the following
6 property:

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

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

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

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

23 5. Any property set aside by a public or private elementary or
24 secondary school for the use or parking of any vehicle, whether

1 attended or unattended; provided, however, the firearm shall be
2 stored and hidden from view in a locked motor vehicle when the motor
3 vehicle is left unattended on school property.

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

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

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1 not apply to claims pursuant to the Administrative Workers'
2 Compensation Act.

3 D. Notwithstanding paragraph 3 of subsection A of this section,
4 a board of education of a school district may adopt a policy
5 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
6 authorize the carrying of a handgun onto school property by school
7 personnel specifically designated by the board of education,
8 provided such personnel either:

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

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. a. Possess a valid handgun license issued pursuant to the
15 provisions of the Oklahoma Self-Defense Act, and
16 b. Has successfully completed four (4) hours of weapon
17 retention training certified by the Council on Law
18 Enforcement Education and Training (CLEET), and
19 c. Has demonstrated proficiency in handgun training and
20 campus-specific active shooter training as determined
21 by the appropriate law enforcement agency having
22 jurisdiction in that school district.

23 In addition to continuing education requirements for personnel
24 authorized by the board of education to carry a firearm onto school

1 property as a licensed armed security guard or reserve peace
2 officer, personnel authorized to carry pursuant to the provisions of
3 this subsection shall be required to obtain biannual training to
4 include, but not be limited to:

5 Four (4) hours of CLEET certified weapon retention training,
6 Four (4) hours of campus-specific active shooter training as
7 determined by the appropriate law enforcement agency having
8 jurisdiction in that school district, and

9 Any other training as deemed necessary by the appropriate law
10 enforcement agency having jurisdiction in that school district.

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

13 E. In any municipal zoo or park of any size that is owned,
14 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 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
24

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. (1) possess a valid handgun license issued pursuant
19 to the provisions of the Oklahoma Self-Defense
20 Act, and

21 (2) has successfully completed four (4) hours of
22 weapon retention training certified by the
23 Council on Law Enforcement Education and Training
24 (CLEET), and

1 (3) has demonstrated proficiency in handgun training
2 and campus-specific active shooter training as
3 determined by the appropriate law enforcement
4 agency having jurisdiction in that school
5 district,

6 if a policy has been adopted by the board of education of the school
7 district that authorizes the carrying of a handgun onto public
8 school property by such personnel. Ongoing continuing education and
9 training shall be required of any person authorized by the board of
10 education to carry a handgun pursuant to the provisions and
11 requirements provided in Section 1 of this act.

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

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

17 SECTION 3. AMENDATORY Section 3, Chapter 310, O.S.L.
18 2015 (70 O.S. Supp. 2020, Section 5-149.2), is amended to read as
19 follows:

20 Section 5-149.2. A. The board of education of a school
21 district may, ~~through a majority vote of the board, designate~~ adopt
22 a policy to authorize the carrying of a handgun onto school property
23 by school personnel who have been issued a handgun license pursuant
24

1 ~~to the Oklahoma Self-Defense Act to attend an~~ specifically
2 designated by the board of education provided such personnel either:

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

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

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

9 b. Has successfully completed four (4) hours of weapon
10 retention training certified by the Council on Law

11 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 appropriate law enforcement agency having
15 jurisdiction in that school district.

16 Ongoing continuing education and training shall be required of
17 any person authorized by the board of education to carry a handgun
18 pursuant to the provisions and requirements provided in Section 1 of
19 this act.

20 B. The board of education of a school district may designate
21 school personnel to complete an armed security guard training
22 program, as provided for in Section 1750.5 of Title 59 of the
23 Oklahoma Statutes, or a reserve peace officer certification program,
24 as provided for in Section 3311 of Title 70 of the Oklahoma Statutes

1 this title, provided and developed by the Council on Law Enforcement
2 Education and Training (CLEET). Nothing in this section shall be
3 construed to prohibit or limit the board of education of a school
4 district from requiring ongoing education and training.

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

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

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

1 ~~E.~~ F. Any school personnel who have successfully completed
2 ~~either~~ armed security guard training, reserve peace officer
3 certification training or handgun license and training, as provided
4 in subsection A of this section and while acting in ~~good faith~~ a
5 reasonable and prudent manner shall be immune from civil and
6 criminal liability for any injury resulting from the carrying of a
7 handgun onto public school property as provided for in this ~~act~~
8 section. Any board of education of a school district or
9 participating local law enforcement agency shall be immune from
10 civil and criminal liability for any injury resulting from any act
11 committed by school personnel who are designated to carry a
12 concealed handgun on public school property pursuant to the
13 provisions of this ~~act~~ section.

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

17 SECTION 4. 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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