

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 100

By: Pemberton, Garvin, Weaver,
Bullard, Pederson, and
Rogers of the Senate

6 and

7 Lowe (Dick), Maynard,
8 Provenzano, Dollens,
Wallace, Randleman, Ford,
9 McDugle, West (Tammy),
Hasenbeck, Baker, Sterling,
10 Boles, Waldron, Schreiber,
and Wolfley of the House

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13 CONFERENCE COMMITTEE SUBSTITUTE

14 An Act relating to school security; amending 51 O.S.
15 2021, Section 24A.28, which relates to the Oklahoma
Open Records Act; allowing information related to
16 certain assessments to be kept confidential;
requiring school districts to undergo certain
17 assessment by certain date; requiring assessment to
include certain recommendations; providing certain
18 exemption; directing school districts in certain
coordination to conduct re-assessments; amending 74
19 O.S. 2021, Section 51.2b, as amended by Section 5,
Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2022, Section
20 51.2b), which relates to the Oklahoma School Security
Grant Program Act; providing eligibility criteria for
21 grant awards; directing annual report to include
certain information; providing for codification;
22 providing an effective date; and declaring an
emergency.

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

2 SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.28, is
3 amended to read as follows:

4 Section 24A.28. A. The following information may be kept
5 confidential:

6 1. Investigative evidence of a plan or scheme to commit an act
7 of terrorism;

8 2. Assessments of the vulnerability of government facilities or
9 public improvements to an act of terrorism and work papers directly
10 related to preparing the assessment of vulnerability;

11 3. Records including details for deterrence or prevention of or
12 protection from an act or threat of an act of terrorism;

13 4. Records including details for response or remediation after
14 an act of terrorism;

15 5. Information technology of a public body or public official
16 but only if the information specifically identifies:

17 a. design or functional schematics that demonstrate the
18 relationship or connections between devices or
19 systems,

20 b. system configuration information,

21 c. security monitoring and response equipment placement
22 and configuration,

23 d. specific location or placement of systems, components,
24 or devices,

- e. system identification numbers, names, or connecting circuits,
- f. business continuity and disaster planning, or response plans, or
- g. investigative information directly related to security penetrations or denial of services;

6. Investigation evidence of an act of terrorism that has already been committed;

7. Records received, maintained, or generated by the Oklahoma Office of Homeland Security which include confidential private business information or an individual's private records;

8. Records received by the Oklahoma Office of Homeland Security from the United States Department of Homeland Security or records maintained or generated by the Oklahoma Office of Homeland Security involving the United States Department of Homeland Security;

9. Records received, maintained, or generated by the Department of Environmental Quality that contain information regarding sources of radiation in quantities determined by the United States Nuclear Regulatory Commission to be significant to public health and safety, by whomever possessed, whether in transit or at fixed sites, when the information could reasonably be expected to have an adverse effect on the health and safety of the public by increasing the likelihood of theft, diversion, or sabotage of the radiation sources

1 or facilities. The information may include but is not limited to
2 information:

- 3 a. from or relating to radioactive material licensees
4 identifying the exact location of the radioactive
5 material,
- 6 b. describing how the radioactive material is secured
7 from unauthorized removal or access when it is in
8 storage,
- 9 c. describing the control and maintenance of constant
10 surveillance of the radioactive material when it is
11 not in storage,
- 12 d. describing specific policies and procedures for
13 actions to physically protect the radioactive
14 material,
- 15 e. identifying possession limits or actual inventories of
16 radionuclides,
- 17 f. containing or describing assessments or analyses that
18 could reveal vulnerabilities,
- 19 g. identifying specific locations of safety and security
20 equipment,
- 21 h. describing emergency planning, emergency response and
22 fire protection, and

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1 i. containing or describing other information that could
2 reasonably be expected to be useful to persons with
3 malevolent intent;

4 10. The names of school district personnel who have been
5 designated to carry a firearm pursuant to Section 5-149.2 of Title
6 70 of the Oklahoma Statutes;

7 11. Information technology of the State Election Board or a
8 county election board which is determined jointly by the Secretary
9 of the State Election Board and the State Chief Information Officer
10 to be technology that could reasonably be expected to be useful to
11 persons with intent to interfere with the conduct of an election,
12 voter registration, or other election processes; ~~and~~

13 12. Records received, maintained, or generated by the Oklahoma
14 Municipal Power Authority established pursuant to Section 24-101 et
15 seq. of Title 11 of the Oklahoma Statutes and in its role as an
16 electric utility regulated by the federal government, related to
17 security plans and procedures including, but not limited to,
18 cybersecurity matters; and

19 13. Risk and vulnerability assessments of school districts
20 conducted pursuant to Section 2 of this act including
21 recommendations to increase security on school district property and
22 work papers directly related to preparation of the risk and
23 vulnerability assessments.

24 B. The following information shall not be kept confidential:

1 1. Records related to federal grants administered by the
2 Oklahoma Office of Homeland Security or the Department of
3 Environmental Quality;

4 2. Records related to the receipt and expenditure of public
5 funds; or

6 3. Records related to the financial performance or financial
7 administration of the Oklahoma Office of Homeland Security or the
8 Department of Environmental Quality.

9 C. For the purposes of this section, the term "terrorism" means
10 any act encompassed by the definitions set forth in Section 1268.1
11 of Title 21 of the Oklahoma Statutes.

12 D. 1. Public educational institutions may keep confidential
13 campus security plans. An institution or agency may in its
14 discretion release information contained in or related to the campus
15 security plan in order to design or implement the plan.

16 2. Nothing in this subsection shall preclude an institution or
17 agency within The Oklahoma State System of Higher Education from
18 collecting and releasing information relating to campus crime
19 statistics and campus security policies as is required pursuant to
20 the Jeanne Clery Disclosure of Campus Security Policy and Campus
21 Crime Statistics Act, 20 U.S.C. 1092(f).

22 3. For purposes of this subsection, "campus security plan"
23 shall include, but is not limited to, prevention and response
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1 procedures to and notification procedures for perceived or actual
2 security threats and incidents on or impacting the campus.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 5-148.1 of Title 70, unless
5 there is created a duplication in numbering, reads as follows:

6 A. Except as provided for in subsection B of this section, by
7 July 1, 2026, each school district in this state shall undergo a
8 risk and vulnerability assessment conducted by the Oklahoma School
9 Security Institute or a nationally qualified risk and vulnerability
10 assessor. The assessment shall include recommendations to increase
11 security on school district property.

12 B. A school district that completed a risk and vulnerability
13 assessment conducted by the Oklahoma School Security Institute or a
14 nationally qualified risk and vulnerability assessor in the two (2)
15 years prior to the effective date of this act shall be exempt from
16 the provisions of subsection A of this section.

17 C. After an initial risk and vulnerability assessment is
18 conducted, school districts shall conduct re-assessments every five
19 (5) years.

20 SECTION 3. AMENDATORY 74 O.S. 2021, Section 51.2b, as
21 amended by Section 5, Chapter 302, O.S.L. 2022 (74 O.S. Supp. 2022,
22 Section 51.2b), is amended to read as follows:

23 Section 51.2b. A. This section shall be known and may be cited
24 as the "Oklahoma School Security Grant Program Act".

1 B. The Oklahoma Department of Emergency Management shall
2 solicit proposals for and make grants for the enhancement of campus
3 security at institutions of higher learning, technology center
4 schools, public schools, and private schools.

5 C. The goals and objectives of the Oklahoma School Security
6 Grant Program are to:

7 1. Increase the awareness of the public and educational
8 institutions of the risks, threats, and vulnerabilities of school
9 campuses as well as mitigation strategies;

10 2. Incentivize participation in school security training
11 programs designed to assess campus risks, threats, and
12 vulnerabilities;

13 3. Provide assistance to institutions of higher learning,
14 technology center schools, public schools, and private schools
15 initiating or implementing school security plans, programs, and
16 activities; and

17 4. Build upon the success of the pilot Education Grant Program
18 established by the Oklahoma Office of Homeland Security.

19 D. The Department shall determine grant project criteria and
20 establish a process for the consideration of proposals. The
21 proposals shall be considered on a statewide competitive basis among
22 peer institutions. To be eligible for an Oklahoma School Security
23 Grant Program award, an institution of higher learning, technology
24 center school, public school, or private school shall:

1 1. Complete a risk and vulnerability assessment conducted by
2 the Oklahoma School Security Institute or a nationally qualified
3 risk and vulnerability assessor; and

4 2. Agree to expend grant funds on items recommended by the risk
5 and vulnerability assessment and/or to provide de-escalation and
6 behavioral threat assessment and management training to employees.

7 Recommended items eligible for grant fund expenditures may include,
8 but shall not be limited to, physical security enhancements such as
9 cameras, gates, lighting, locks, doors, windows, security
10 geofencing, and ballistic storm shelters.

11 E. On or before January 1, 2010, and each year thereafter, the
12 Department shall prepare an annual report on the Oklahoma School
13 Security Grant Program and submit the report to the Governor, the
14 President Pro Tempore of the Senate, and the Speaker of the House of
15 Representatives. The report shall include a list of the recipients
16 of Oklahoma School Security Grant Program awards and information on
17 how grant funds were used during the previous year.

18 SECTION 4. This act shall become effective July 1, 2023.

19 SECTION 5. It being immediately necessary for the preservation
20 of the public peace, health, or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

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