

1 STATE OF OKLAHOMA

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

3 SENATE BILL 767

By: Bullard

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5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,
8 Section 1277, as last amended by Section 1, Chapter
9 235, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1277),
10 which relates to the unlawful carrying of firearms on
11 certain property; updating statutory reference;
12 authorizing handgun licensees to carry on school
13 property under certain circumstances; amending 21
14 O.S. 2011, Section 1280.1, as last amended by Section
15 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp. 2020,
16 Section 1280.1), which relates to the possession of
17 firearms on school property; updating statutory
18 reference; authorizing handgun licensees to carry on
19 school property under certain circumstances; amending
20 Section 3, Chapter 310, O.S.L. 2015 (70 O.S. Supp.
21 2020, Section 5-149.2), which relates to the
22 authorization of certain persons to carry handguns on
23 school property; authorizing school boards to adopt
24 policies related to the carrying of handguns on
25 school property; stating qualifications for
26 designated personnel; authorizing boards of education
27 to designate school personnel to attend certain
28 training programs; clarifying immunity from liability
29 provision; updating statutory language; and providing
30 an effective date.

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

32 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
33 last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp.
34 2020, Section 1277), is amended to read as follows:
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1 Section 1277.

2 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

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

22 6. Any other place specifically prohibited by law.
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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 has demonstrated
12 proficiency in handgun training and campus-specific active shooter
13 training as determined by the appropriate law enforcement agency
14 having jurisdiction in that school district. The local law
15 enforcement agency having jurisdiction in a school district shall
16 require annual training for staff authorized to carry pursuant to
17 this paragraph.

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

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

22 1. A public trust created pursuant to the provisions of Section
23 176 of Title 60 of the Oklahoma Statutes; or

24 2. A nonprofit entity,

1 an individual shall be allowed to carry a concealed handgun but not
2 openly carry a handgun on the property.

3 F. Any person violating the provisions of paragraph 2 or 3 of
4 subsection A of this section shall, upon conviction, be guilty of a
5 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
6 Dollars (\$250.00). A person violating any other provision of
7 subsection A of this section may be denied entrance onto the
8 property or removed from the property. If the person refuses to
9 leave the property and a peace officer is summoned, the person may
10 be issued a citation for an amount not to exceed Two Hundred Fifty
11 Dollars (\$250.00).

12 G. No person in possession of a valid handgun license issued
13 pursuant to the provisions of the Oklahoma Self-Defense Act or who
14 is carrying or in possession of a firearm as otherwise permitted by
15 law or who is carrying or in possession of a machete, blackjack,
16 loaded cane, hand chain or metal knuckles shall be authorized to
17 carry the firearm, machete, blackjack, loaded cane, hand chain or
18 metal knuckles into or upon any college, university or technology
19 center school property, except as provided in this subsection. For
20 purposes of this subsection, the following property shall not be
21 construed to be college, university or technology center school
22 property:

23 1. Any property set aside for the use or parking of any motor
24 vehicle, whether attended or unattended, provided the firearm,

1 machete, blackjack, loaded cane, hand chain or metal knuckles are
2 carried or stored as required by law and the firearm, machete,
3 blackjack, loaded cane, hand chain or metal knuckles are not removed
4 from the motor vehicle without the prior consent of the college or
5 university president or technology center school administrator while
6 the vehicle is on any college, university or technology center
7 school property;

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

11 3. Any property authorized by the written consent of the
12 college or university president or technology center school
13 administrator, provided the written consent is carried with the
14 firearm, machete, blackjack, loaded cane, hand chain or metal
15 knuckles and the valid handgun license while on college, university
16 or technology center school property.

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

3 Nothing contained in any provision of this subsection shall be
4 construed to authorize or allow any college, university or
5 technology center school to establish any policy or rule that has
6 the effect of prohibiting any person in lawful possession of a
7 handgun license or any person in lawful possession of a firearm,
8 machete, blackjack, loaded cane, hand chain or metal knuckles from
9 possession of a firearm, machete, blackjack, loaded cane, hand chain
10 or metal knuckles in places described in paragraphs 1, 2 and 3 of
11 this subsection. Nothing contained in any provision of this
12 subsection shall be construed to limit the authority of any college,
13 university or technology center school in this state from taking
14 administrative action against any student for any violation of any
15 provision of this subsection.

16 H. The provisions of this section shall not apply to the
17 following:

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

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

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

5 4. Elected officials of a county, who are in possession of a
6 valid handgun license issued pursuant to the provisions of the
7 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
8 in the performance of their duties within the courthouses of the
9 county in which he or she was elected. The provisions of this
10 paragraph shall not allow the elected county official to carry the
11 handgun into a courtroom;

12 5. The sheriff of any county may authorize certain employees of
13 the county, who possess a valid handgun license issued pursuant to
14 the provisions of the Oklahoma Self-Defense Act, to carry a
15 concealed handgun when acting in the course and scope of employment
16 within the courthouses in the county in which the person is
17 employed. Nothing in the Oklahoma Self-Defense Act shall prohibit
18 the sheriff from requiring additional instruction or training before
19 receiving authorization to carry a concealed handgun within the
20 courthouse. The provisions of this paragraph and of paragraph 6 of
21 this subsection shall not allow the county employee to carry the
22 handgun into a courtroom, sheriff's office, adult or juvenile jail
23 or any other prisoner detention area; and
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1 6. The board of county commissioners of any county may
2 authorize certain employees of the county, who possess a valid
3 handgun license issued pursuant to the provisions of the Oklahoma
4 Self-Defense Act, to carry a concealed handgun when acting in the
5 course and scope of employment on county annex facilities or grounds
6 surrounding the county courthouse.

7 I. For the purposes of this section, "motor vehicle" means any
8 automobile, truck, minivan, sports utility vehicle or motorcycle as
9 defined in Section 1-135 of Title 47 of the Oklahoma Statutes,
10 equipped with a locked accessory container within or affixed to the
11 motorcycle.

12 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, as
13 last amended by Section 2, Chapter 310, O.S.L. 2015 (21 O.S. Supp.
14 2020, Section 1280.1), is amended to read as follows:

15 Section 1280.1

16 POSSESSION OF FIREARM ON SCHOOL PROPERTY

17 A. It shall be unlawful for any person to have in his or her
18 possession on any public or private school property or while in any
19 school bus or vehicle used by any school for transportation of
20 students or teachers any firearm or weapon designated in Section
21 1272 of this title, except as provided in subsection C of this
22 section or as otherwise authorized by law.

23 B. For purposes of this section:

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

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

10 3. "Motor vehicle" means any automobile, truck, minivan or
11 sports utility vehicle.

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

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

20 2. A gun or knife used for the purposes of participating in the
21 Oklahoma Department of Wildlife Conservation certified hunter
22 training education course or any other hunting, fishing, safety or
23 firearms training courses, or a recognized firearms sports event,
24 team shooting program or competition, or living history reenactment,

1 provided the course or event is approved by the principal or chief
2 administrator of the school where the course or event is offered,
3 and provided the weapon is properly displayed or stored as required
4 by law pending participation in the course, event, program or
5 competition;

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

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

23 5. A gun, knife, bayonet or other weapon in the possession of a
24 member of a veterans group, the national guard, active military, the

1 Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to
2 participate in a ceremony, assembly or educational program approved
3 by the principal or chief administrator of a school or school
4 district where the ceremony, assembly or educational program is
5 being held; provided, however, the gun or other weapon that uses
6 projectiles is not loaded and is inoperable at all times while on
7 school property;

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

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

- 18 a. possess a valid armed security guard license as
19 provided for in ~~Section 1750.1 et seq. of Title 59 of~~
20 ~~the Oklahoma Statutes~~ the Oklahoma Security Guard and
21 Private Investigator Act, or
- 22 b. hold a valid reserve peace officer certification as
23 provided for in Section 3311 of Title 70 of the
24 Oklahoma Statutes, or

1 c. possess a valid handgun license issued pursuant to the
2 provisions of the Oklahoma Self-Defense Act and has
3 demonstrated proficiency in handgun training and
4 campus-specific active shooter training as determined
5 by the appropriate law enforcement agency having
6 jurisdiction in that school district,

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

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 to the Oklahoma Self-Defense Act to attend an specifically

1 designated by the board of education, provided such personnel

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

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

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

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

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

19 ~~E.~~ F. Any school personnel who have successfully completed
20 ~~either~~ armed security guard training, reserve peace officer
21 certification training or handgun license training and while acting
22 in good faith shall be immune from civil and criminal liability for
23 any injury resulting from the carrying of a handgun onto public
24 school property as provided for in this ~~act~~ section. Any board of

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

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

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

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