

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1634

By: Staires and **Davis**

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8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to schools; amending 70 O.S. 2021,  
10                   Section 24-102, which relates to student searches;  
11                   updating statutory language and references; allowing  
12                   for search of shoes and hand and head coverings; of  
13                   students; providing an exception for religious head  
14                   coverings; and providing an effective date.

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

16                   SECTION 1.           AMENDATORY           70 O.S. 2021, Section 24-102, is  
17 amended to read as follows:

18                   Section 24-102. A. The superintendent, principal, teacher, or  
19 security personnel of any public school in the State of Oklahoma,  
20 upon reasonable suspicion, shall have the authority to detain and  
21 search or authorize the search, of any pupil or property in the  
22 possession of the pupil when ~~said~~ the pupil is on any school  
23 premises, or while in transit under the authority of the school, or  
24 while attending any function sponsored or authorized by the school,

1 for dangerous weapons, controlled dangerous substances, as defined  
2 in the Uniform Controlled Dangerous Substances Act, ~~intoxicating~~  
3 alcoholic beverages, low-point beer, as defined ~~by Section 163.2 of~~  
4 ~~Title 37 of the Oklahoma Statutes~~ in the Oklahoma Alcoholic Beverage  
5 Control Act, or for missing or stolen property if ~~said~~ the property  
6 ~~be~~ is reasonably suspected to have been taken from a pupil, a school  
7 employee or the school during school activities. The search shall  
8 be conducted by a person of the same sex as the person being  
9 searched and shall be witnessed by at least one other authorized  
10 person, said person to be of the same sex if practicable.

11 B. The extent of any search conducted pursuant to this section  
12 shall be reasonably related to the objective of the search and not  
13 excessively intrusive in light of the age and sex of the student and  
14 the nature of the infraction. In no event shall a strip search of a  
15 student be allowed. No student's clothing, except cold weather  
16 outerwear, shoes, and hand and head coverings, except religious head  
17 coverings, shall be removed prior to or during the conduct of any  
18 warrantless search.

19 C. The superintendent, principal, teacher, or security  
20 personnel searching or authorizing the search shall have authority  
21 to detain the pupil to be searched and to preserve any dangerous  
22 weapons, controlled dangerous substances, ~~intoxicating~~ alcoholic  
23 beverages, low-point beer, or missing or stolen property that might  
24 be in the pupil's possession including the authority to authorize

1 any other persons they deem necessary to restrain such pupil or to  
2 preserve any dangerous weapons, controlled dangerous substances,  
3 ~~intoxicating~~ alcoholic beverages, ~~low point beer~~, or missing or  
4 stolen property. Students found to be in possession of such an item  
5 shall be subject to the provisions of Section 24-101.3 of this  
6 title.

7 D. Pupils shall not have any reasonable expectation of privacy  
8 towards school administrators or teachers in the contents of a  
9 school locker, desk, or other school property. School personnel  
10 shall have access to school lockers, desks, and other school  
11 property in order to properly supervise the welfare of pupils.  
12 School lockers, desks, and other areas of school facilities may be  
13 opened and examined by school officials at any time and no reason  
14 shall be necessary for such search. Schools shall inform pupils in  
15 the student discipline code that they have no reasonable expectation  
16 of privacy rights towards school officials in school lockers, desks,  
17 or other school property.

18 SECTION 2. This act shall become effective November 1, 2023.

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20 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/16/2023  
21 - DO PASS, As Amended and Coauthored.

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