

1 **SENATE FLOOR VERSION**

2 March 2, 2023

3 **AS AMENDED**

4 SENATE BILL NO. 838

By: Bullard of the Senate

and

McDugle of the House

6  
7 **[ firearms - unlawful carry - possession - school**  
8 **property - handgun license - training - continuing**  
9 **education - authorization - policies - school**  
10 **personnel - qualifications - immunity - effective**  
11 **date -**

**emergency ]**

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

13 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1277, is  
14 amended to read as follows:

15 Section 1277.

16 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

13           6. Any other place specifically prohibited by law; and

14           7. Any property set aside by a county, city, town, public trust  
15 with a county, city or town as a beneficiary, or state governmental  
16 authority for an event that is secured with minimum-security  
17 provisions. For purposes of this paragraph, a minimum-security  
18 provision consists of a location that is secured utilizing the  
19 following:

20           a. a metallic-style security fence that is at least eight  
21 (8) feet in height that encompasses the property and  
22 is secured in such a way as to deter unauthorized  
23 entry,

24

1           b.    controlled access points staffed by a uniformed,  
2                    commissioned peace officer, and

3           c.    a metal detector whereby persons walk or otherwise  
4                    travel with their property through or by the metal  
5                    detector.

6           B.    It shall be lawful for a person to carry a concealed or  
7   unconcealed firearm on the following properties:

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

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

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

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

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

6           6. Any public property set aside temporarily by a county, city,  
7 town, public trust with a county, city or town as a beneficiary, or  
8 state governmental authority for the holder of an event permit that  
9 is without minimum-security provisions, as such term is defined in  
10 paragraph 7 of subsection A of this section; provided, the carry of  
11 firearms within said permitted event area shall be limited to  
12 concealed carry of a handgun unless otherwise authorized by the  
13 holder of the event permit.

14           Nothing contained in any provision of this subsection or  
15 subsection C of this section shall be construed to authorize or  
16 allow any person in control of any place described in subsection A  
17 of this section to establish any policy or rule that has the effect  
18 of prohibiting any person in lawful possession of a handgun license  
19 or otherwise in lawful possession of a firearm from carrying or  
20 possessing the firearm on the property described in this subsection.

21           C. A concealed or unconcealed weapon may be carried onto  
22 private school property or in any school bus or vehicle used by any  
23 private school for transportation of students or teachers by a  
24 person who is licensed pursuant to the Oklahoma Self-Defense Act,

1 provided a policy has been adopted by the governing entity of the  
2 private school that authorizes the carrying and possession of a  
3 weapon on private school property or in any school bus or vehicle  
4 used by a private school. Except for acts of gross negligence or  
5 willful or wanton misconduct, a governing entity of a private school  
6 that adopts a policy which authorizes the possession of a weapon on  
7 private school property, a school bus or vehicle used by the private  
8 school shall not be subject to liability for any injuries arising  
9 from the adoption of the policy. The provisions of this subsection  
10 shall not apply to claims pursuant to the Administrative Workers'  
11 Compensation Act.

12 D. Notwithstanding paragraph 3 of subsection A of this section,  
13 a board of education of a school district may adopt a policy  
14 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to  
15 authorize the carrying of a concealed handgun onto school property  
16 by school personnel specifically designated by the board of  
17 education, provided such personnel either:

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

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

23 3. a. Possesses a valid handgun license issued pursuant to  
24 the provisions of the Oklahoma Self-Defense Act,

- 1           b. Has successfully completed twenty-four (24) hours of  
2           training, to include a minimum of four (4) hours of  
3           weapon retention training certified by the Council on  
4           Law Enforcement Education and Training (CLEET), and  
5           c. Has demonstrated proficiency in handgun training and  
6           campus-specific active shooter training as determined  
7           by the law enforcement agency having jurisdiction in  
8           that public school district.

9           In addition to continuing education requirements for personnel  
10          authorized by the board of education to carry a concealed firearm  
11          onto public school property as a licensed armed security guard or  
12          reserve peace officer, personnel authorized to carry pursuant to the  
13          provisions of this subsection shall be required to obtain biannual  
14          training to include, but not be limited to, four (4) hours of CLEET-  
15          certified weapon retention training, four (4) hours of campus-  
16          specific active shooter training as determined by the appropriate  
17          law enforcement agency having jurisdiction in that public school  
18          district, and any other training as deemed necessary by the  
19          appropriate law enforcement agency having jurisdiction in that  
20          public school district. Training required may be provided by the  
21          appropriate law enforcement agency having jurisdiction in that  
22          public school district or by a privately contracted company that  
23          offers the appropriate training.

1 Authorization to carry pursuant to this subsection shall require  
2 the authorized personnel to maintain the concealed firearm on their  
3 person at all times while on the school property.

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

6 E. Notwithstanding the provisions of subsection A of this  
7 section, on any property designated as a municipal zoo or park of  
8 any size that is owned, leased, operated or managed by:

9 1. A public trust created pursuant to the provisions of Section  
10 176 of Title 60 of the Oklahoma Statutes; or

11 2. A nonprofit entity,  
12 an individual shall be allowed to carry a concealed handgun but not  
13 openly carry a handgun on the property.

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

23 G. No person in possession of a valid handgun license issued  
24 pursuant to the provisions of the Oklahoma Self-Defense Act or who

1 is carrying or in possession of a firearm as otherwise permitted by  
2 law or who is carrying or in possession of a machete, blackjack,  
3 loaded cane, hand chain or metal knuckles shall be authorized to  
4 carry the firearm, machete, blackjack, loaded cane, hand chain or  
5 metal knuckles into or upon any college, university or technology  
6 center school property, except as provided in this subsection. For  
7 purposes of this subsection, the following property shall not be  
8 construed to be college, university or technology center school  
9 property:

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

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

22 3. Any property authorized by the written consent of the  
23 college or university president or technology center school  
24 administrator, provided the written consent is carried with the



1 firearm, machete, blackjack, loaded cane, hand chain or metal  
2 knuckles and the valid handgun license while on college, university  
3 or technology center school property.

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

13 Nothing contained in any provision of this subsection shall be  
14 construed to authorize or allow any college, university or  
15 technology center school to establish any policy or rule that has  
16 the effect of prohibiting any person in lawful possession of a  
17 handgun license or any person in lawful possession of a firearm,  
18 machete, blackjack, loaded cane, hand chain or metal knuckles from  
19 possession of a firearm, machete, blackjack, loaded cane, hand chain  
20 or metal knuckles in places described in paragraphs 1, 2 and 3 of  
21 this subsection. Nothing contained in any provision of this  
22 subsection shall be construed to limit the authority of any college,  
23 university or technology center school in this state from taking

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1 administrative action against any student for any violation of any  
2 provision of this subsection.

3 H. The provisions of this section shall not apply to the  
4 following:

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

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

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

15 4. Elected officials of a county, who are in possession of a  
16 valid handgun license issued pursuant to the provisions of the  
17 Oklahoma Self-Defense Act, may carry a concealed handgun when acting  
18 in the performance of his or her duties within the courthouses of  
19 the county in which he or she was elected. The provisions of this  
20 paragraph shall not allow the elected county official to carry the  
21 handgun into a courtroom;

22 5. The sheriff of any county may authorize certain employees of  
23 the county, who possess a valid handgun license issued pursuant to  
24 the provisions of the Oklahoma Self-Defense Act, to carry a

1 concealed handgun when acting in the course and scope of employment  
2 within the courthouse in the county in which the person is employed.  
3 Nothing in the Oklahoma Self-Defense Act shall prohibit the sheriff  
4 from requiring additional instruction or training before granting  
5 authorization to carry a concealed handgun within the courthouse.  
6 The provisions of this paragraph and of paragraph 6 of this  
7 subsection shall not allow the county employee to carry the handgun  
8 into a courtroom, sheriff's office, adult or juvenile jail or any  
9 other prisoner detention area; and

10 6. The board of county commissioners of any county may  
11 authorize certain employees of the county, who possess a valid  
12 handgun license issued pursuant to the provisions of the Oklahoma  
13 Self-Defense Act, to carry a concealed handgun when acting in the  
14 course and scope of employment on county annex facilities or grounds  
15 surrounding the county courthouse.

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

21 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1280.1, is  
22 amended to read as follows:

23 Section 1280.1.

24 POSSESSION OF FIREARM ON SCHOOL PROPERTY

1           A. It shall be unlawful for any person to have in his or her  
2 possession on any public or private school property or while in any  
3 school bus or vehicle used by any school for transportation of  
4 students or teachers any firearm or weapon designated in Section  
5 1272 of this title, except as provided in subsection C of this  
6 section or as otherwise authorized by law.

7           B. For purposes of this section:

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

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

17           3. "Motor vehicle" means any automobile, truck, minivan or  
18 sports utility vehicle.

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

21           1. A gun or knife designed for hunting or fishing purposes kept  
22 in a privately owned vehicle and properly displayed or stored as  
23 required by law, provided such vehicle containing ~~said~~ the gun or  
24 knife is driven onto school property only to transport a student to

1 and from school and such vehicle does not remain unattended on  
2 school property;

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

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

16 4. A concealed or unconcealed weapon carried onto private  
17 school property or in any school bus or vehicle used by any private  
18 school for transportation of students or teachers by a person who is  
19 licensed pursuant to the Oklahoma Self-Defense Act, provided a  
20 policy has been adopted by the governing entity of the private  
21 school that authorizes the possession of a weapon on private school  
22 property or in any school bus or vehicle used by a private school.  
23 Except for acts of gross negligence or willful or wanton misconduct,  
24 a governing entity of a private school that adopts a policy which

1 authorizes the possession of a weapon on private school property, a  
2 school bus or vehicle used by the private school shall be immune  
3 from liability for any injuries arising from the adoption of the  
4 policy. The provisions of this paragraph shall not apply to claims  
5 pursuant to the Workers' Compensation Code;

6 5. A gun, knife, bayonet or other weapon in the possession of a  
7 member of a veterans group, the national guard, active military, the  
8 Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to  
9 participate in a ceremony, assembly or educational program approved  
10 by the principal or chief administrator of a school or school  
11 district where the ceremony, assembly or educational program is  
12 being held; provided, however, the gun or other weapon that uses  
13 projectiles is not loaded and is inoperable at all times while on  
14 school property;

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

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

1 a. possess a valid armed security guard license as  
2 provided for in ~~Section 1750.1 et seq. of Title 59 of~~  
3 ~~the Oklahoma Statutes~~ the Oklahoma Security Guard and  
4 Private Investigator Act, or

5 b. hold a valid reserve peace officer certification as  
6 provided for in Section 3311 of Title 70 of the  
7 Oklahoma Statutes, or

8 c. (1) possesses a valid handgun license issued pursuant  
9 to the provisions of the Oklahoma Self-Defense  
10 Act,

11 (2) has successfully completed twenty-four (24) hours  
12 of training, including a minimum of four (4)  
13 hours of weapon retention training certified by  
14 the Council on Law Enforcement Education and  
15 Training (CLEET), and

16 (3) has demonstrated proficiency in handgun training  
17 and campus-specific active shooter training as  
18 determined by the law enforcement agency having  
19 jurisdiction in that public school district,

20 if a policy has been adopted by the board of education of the public  
21 school district that authorizes the carrying of a concealed handgun  
22 onto public school property by such personnel. Ongoing continuing  
23 education and training shall be required of any person authorized by  
24 the board of education to carry a handgun pursuant to the provisions

1 and requirements provided in subsection D of Section 1277 of this  
2 title. Nothing in this subsection shall be construed to restrict  
3 authority granted elsewhere in law to carry firearms.

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

7 SECTION 3. AMENDATORY 70 O.S. 2021, Section 5-149.2, is  
8 amended to read as follows:

9 Section 5-149.2. A. The board of education of a public school  
10 district may, through a majority vote of the board, designate adopt  
11 a policy to authorize the carrying of a concealed handgun onto  
12 school property by school personnel who have been issued a handgun  
13 license pursuant to the Oklahoma Self-Defense Act to attend an  
14 specifically designated by the public school board of education,  
15 provided such personnel either:

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

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

20 3. a. Possess a valid handgun license issued pursuant to the  
21 provisions of the Oklahoma Self-Defense Act,

22 b. Has successfully completed twenty-four (24) hours of  
23 training, including a minimum of four (4) hours of  
24



1 weapon retention training certified by the Council on  
2 Law Enforcement Education and Training (CLEET), and  
3 c. Has 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 public school district.

7 Ongoing continuing education and training shall be required of  
8 any person authorized by the board of education to carry a concealed  
9 handgun pursuant to the provisions and requirements provided in  
10 subsection D of Section 1277 of Title 21 of the Oklahoma Statutes.

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

20 ~~B.~~ C. Participation in either the armed security guard training  
21 program ~~or~~, the reserve peace officer certification program or  
22 training to carry a handgun as provided in paragraph 3 of subsection  
23 A of this section, shall be voluntary and shall not in any way be  
24 considered a requirement for continued employment with the public

1 school district. The board of education of a public school district  
2 shall have the final authority to determine and designate the school  
3 personnel who will be authorized to obtain and use an armed security  
4 guard license ~~or~~, reserve peace officer certification or participate  
5 with a handgun license and required training components in  
6 conjunction with ~~their~~ his or her employment as school personnel.

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

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

16 ~~E.~~ F. Any public school personnel who have successfully  
17 completed ~~either~~ armed security guard training, reserve peace  
18 officer certification training or handgun license training as  
19 provided in paragraph 3 of subsection A of this section and while  
20 acting in ~~good faith~~ a reasonable and prudent manner shall not be  
21 ~~immune from~~ subject to civil and criminal liability for any injury  
22 resulting from the carrying of a handgun onto public school property  
23 as provided for in this ~~act~~ section. Any board of education of a  
24 public school district or participating local law enforcement agency

1 shall not be ~~immune from~~ subject to civil and criminal liability for  
2 any injury resulting from any act committed by school personnel who  
3 are designated to carry a concealed handgun on public school  
4 property pursuant to the provisions of this ~~act~~ section.

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

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

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

14 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
15 March 2, 2023 - DO PASS AS AMENDED  
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