

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1634

By: Staires

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5
6 AS INTRODUCED

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

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

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

15 Section 24-102. A. The superintendent, principal, teacher, or
16 security personnel of any public school in the State of Oklahoma,
17 upon reasonable suspicion, shall have the authority to detain and
18 search or authorize the search, of any pupil or property in the
19 possession of the pupil when ~~said~~ the pupil is on any school
20 premises, or while in transit under the authority of the school, or
21 while attending any function sponsored or authorized by the school,
22 for dangerous weapons, controlled dangerous substances, as defined
23 in the Uniform Controlled Dangerous Substances Act, ~~intoxicating~~
24 alcoholic beverages, ~~low-point beer,~~ as defined by ~~Section 163.2 of~~

1 ~~Title 37 of the Oklahoma Statutes~~ in the Oklahoma Alcoholic Beverage
2 Control Act, or for missing or stolen property if ~~said~~ the property
3 ~~be~~ is reasonably suspected to have been taken from a pupil, a school
4 employee or the school during school activities. The search shall
5 be conducted by a person of the same sex as the person being
6 searched and shall be witnessed by at least one other authorized
7 person, said person to be of the same sex if practicable.

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

15 C. The superintendent, principal, teacher, or security
16 personnel searching or authorizing the search shall have authority
17 to detain the pupil to be searched and to preserve any dangerous
18 weapons, controlled dangerous substances, ~~intoxicating~~ alcoholic
19 beverages, ~~low-point beer~~, or missing or stolen property that might
20 be in the pupil's possession including the authority to authorize
21 any other persons they deem necessary to restrain such pupil or to
22 preserve any dangerous weapons, controlled dangerous substances,
23 ~~intoxicating~~ alcoholic beverages, ~~low-point beer~~, or missing or
24 stolen property. Students found to be in possession of such an item

1 shall be subject to the provisions of Section 24-101.3 of this
2 title.

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

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

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16 59-1-6700 EK 12/28/22

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