

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2139

By: McDugle

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5  
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2021,  
8 Section 1277, which relates to the unlawful carry of  
9 firearms on certain property; updating statutory  
10 reference; authorizing handgun licensees to carry on  
11 school property under certain circumstances; amending  
12 21 O.S. 2021, Section 1280.1, which relates to the  
13 possession of firearms on school property; updating  
14 statutory reference; authorizing handgun licensees to  
15 carry on school property under certain circumstances;  
16 amending 70 O.S. 2021, Section 5-149.2, which relates  
17 to the authorization to carry handguns on school  
18 property; authorizing school boards to adopt policies  
19 related to carrying handguns on school property;  
20 stating qualifications for designated personnel;  
21 authorizing school boards to designate school  
22 personnel to attend training programs; clarifying  
23 immunity from liability provisions; and declaring an  
24 emergency.

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

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

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

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

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

18       5. Any place where gambling is authorized by law, unless  
19 allowed by the property owner;

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

21       7. Any property set aside by a county, city, town, public trust  
22 with a county, city or town as a beneficiary, or state governmental  
23 authority for an event that is secured with minimum-security  
24 provisions. For purposes of this paragraph, a minimum-security

1 provision consists of a location that is secured utilizing the  
2 following:

- 3 a. a metallic-style security fence that is at least eight  
4 (8) feet in height that encompasses the property and  
5 is secured in such a way as to deter unauthorized  
6 entry,
- 7 b. controlled access points staffed by a uniformed,  
8 commissioned peace officer, and
- 9 c. a metal detector whereby persons walk or otherwise  
10 travel with their property through or by the metal  
11 detector.

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

- 14 1. Any property set aside for the use or parking of any  
15 vehicle, whether attended or unattended, by a city, town, county,  
16 state or federal governmental authority;
- 17 2. Any property set aside for the use or parking of any  
18 vehicle, whether attended or unattended, which is open to the  
19 public, or by any entity engaged in gambling authorized by law;
- 20 3. Any property adjacent to a structure, building or office  
21 space in which concealed or unconcealed weapons are prohibited by  
22 the provisions of this section;
- 23 4. Any property designated by a city, town, county or state  
24 governmental authority as a park, recreational area, wildlife

1 refuge, wildlife management area or fairgrounds; provided, nothing  
2 in this paragraph shall be construed to authorize any entry by a  
3 person in possession of a concealed or unconcealed firearm into any  
4 structure, building, office space or event which is specifically  
5 prohibited by the provisions of subsection A of this section;

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

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

19 Nothing contained in any provision of this subsection or  
20 subsection C of this section shall be construed to authorize or  
21 allow any person in control of any place described in subsection A  
22 of this section to establish any policy or rule that has the effect  
23 of prohibiting any person in lawful possession of a handgun license  
24

1 or otherwise in lawful possession of a firearm from carrying or  
2 possessing the firearm on the property described in this subsection.

3 C. A concealed or unconcealed weapon may be carried onto  
4 private school property or in any school bus or vehicle used by any  
5 private school for transportation of students or teachers by a  
6 person who is licensed pursuant to the Oklahoma Self-Defense Act,  
7 provided a policy has been adopted by the governing entity of the  
8 private school that authorizes the carrying and possession of a  
9 weapon on private school property or in any school bus or vehicle  
10 used by a private school. Except for acts of gross negligence or  
11 willful or wanton misconduct, a governing entity of a private school  
12 that adopts a policy which authorizes the possession of a weapon on  
13 private school property, a school bus or vehicle used by the private  
14 school shall not be subject to liability for any injuries arising  
15 from the adoption of the policy. The provisions of this subsection  
16 shall not apply to claims pursuant to the Administrative Workers'  
17 Compensation Act.

18 D. Notwithstanding paragraph 3 of subsection A of this section,  
19 a board of education of a school district may adopt a policy  
20 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to  
21 authorize the carrying of a handgun onto school property by school  
22 personnel specifically designated by the board of education,  
23 provided such personnel either:  
24

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

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

6 3. Possess a valid handgun license issued pursuant to the  
7 provisions of the Oklahoma Self-Defense Act and meet other  
8 requirements authorized by the board of education of the school  
9 district.

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

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

15 1. A public trust created pursuant to the provisions of Section  
16 176 of Title 60 of the Oklahoma Statutes; or

17 2. A nonprofit entity,  
18 an individual shall be allowed to carry a concealed handgun but not  
19 openly carry a handgun on the property.

20 F. Any person violating the provisions of paragraph 2 or 3 of  
21 subsection A of this section shall, upon conviction, be guilty of a  
22 misdemeanor punishable by a fine not to exceed Two Hundred Fifty  
23 Dollars (\$250.00). A person violating any other provision of  
24 subsection A of this section may be denied entrance onto the

1 property or removed from the property. If the person refuses to  
2 leave the property and a peace officer is summoned, the person may  
3 be issued a citation for an amount not to exceed Two Hundred Fifty  
4 Dollars (\$250.00).

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

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

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

4        3. Any property authorized by the written consent of the  
5 college or university president or technology center school  
6 administrator, provided the written consent is carried with the  
7 firearm, machete, blackjack, loaded cane, hand chain or metal  
8 knuckles and the valid handgun license while on college, university  
9 or technology center school property.

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

19        Nothing contained in any provision of this subsection shall be  
20 construed to authorize or allow any college, university or  
21 technology center school to establish any policy or rule that has  
22 the effect of prohibiting any person in lawful possession of a  
23 handgun license or any person in lawful possession of a firearm,  
24 machete, blackjack, loaded cane, hand chain or metal knuckles from



1 possession of a firearm, machete, blackjack, loaded cane, hand chain  
2 or metal knuckles in places described in paragraphs 1, 2 and 3 of  
3 this subsection. Nothing contained in any provision of this  
4 subsection shall be construed to limit the authority of any college,  
5 university or technology center school in this state from taking  
6 administrative action against any student for any violation of any  
7 provision of this subsection.

8 H. The provisions of this section shall not apply to the  
9 following:

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

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

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

20 4. Elected officials of a county, who are in possession of a  
21 valid handgun license issued pursuant to the provisions of the  
22 Oklahoma Self-Defense Act, may carry a concealed handgun when acting  
23 in the performance of his or her duties within the courthouses of  
24 the county in which he or she was elected. The provisions of this

1 paragraph shall not allow the elected county official to carry the  
2 handgun into a courtroom;

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

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

21 I. For the purposes of this section, "motor vehicle" means any  
22 automobile, truck, minivan, sports utility vehicle, or motorcycle,  
23 as defined in Section 1-135 of Title 47 of the Oklahoma Statutes,  
24

1 equipped with a locked accessory container within or affixed to the  
2 motorcycle.

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

5 Section 1280.1

6 POSSESSION OF FIREARM ON SCHOOL PROPERTY

7 A. It shall be unlawful for any person to have in his or her  
8 possession on any public or private school property or while in any  
9 school bus or vehicle used by any school for transportation of  
10 students or teachers any firearm or weapon designated in Section  
11 1272 of this title, except as provided in subsection C of this  
12 section or as otherwise authorized by law.

13 B. For purposes of this section:

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

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

23 3. "Motor vehicle" means any automobile, truck, minivan or  
24 sports utility vehicle.

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

3 1. A gun or knife designed for hunting or fishing purposes kept  
4 in a privately owned vehicle and properly displayed or stored as  
5 required by law, provided such vehicle containing said gun or knife  
6 is driven onto school property only to transport a student to and  
7 from school and such vehicle does not remain unattended on school  
8 property;

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

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

22 4. A concealed or unconcealed weapon carried onto private  
23 school property or in any school bus or vehicle used by any private  
24 school for transportation of students or teachers by a person who is

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

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

21 6. A handgun carried in a motor vehicle pursuant to a valid  
22 handgun license authorized by the Oklahoma Self-Defense Act onto  
23 property set aside by a public or private elementary or secondary  
24 school for the use or parking of any vehicle; provided, however,

1 said handgun shall be stored and hidden from view in a locked motor  
2 vehicle when the motor vehicle is left unattended on school  
3 property; and

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

7 a. possess a valid armed security guard license as  
8 provided for in ~~Section 1750.1 et seq. of Title 59 of~~  
9 ~~the Oklahoma Statutes~~ the Oklahoma Security Guard and  
10 Private Investigator Act, or

11 b. hold a valid reserve peace officer certification as  
12 provided for in Section 3311 of Title 70 of the  
13 Oklahoma Statutes, or

14 c. possess a valid handgun license issued pursuant to the  
15 Oklahoma Self-Defense Act and meet other requirements  
16 authorized by the board of education of the school  
17 district,

18 if a policy has been adopted by the board of education of the school  
19 district that authorizes the carrying of a handgun onto public  
20 school property by such personnel. Nothing in this subsection shall  
21 be construed to restrict authority granted elsewhere in law to carry  
22 firearms.

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

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

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

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

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

16 3. Possess a valid handgun license issued pursuant to the  
17 provisions of the Oklahoma Self-Defense Act and meet other  
18 requirements authorized by the board of education of the school  
19 district.

20 B. The board of education of a school district may, through a  
21 majority vote of the board, designate school personnel to attend an  
22 armed security guard training program, as provided for in Section  
23 1750.5 of Title 59 of the Oklahoma Statutes, or a reserve peace  
24 officer certification program, as provided for in Section 3311 of

1 Title 70 of the Oklahoma Statutes, provided and developed by the  
2 Council on Law Enforcement Education and Training (CLEET). Nothing  
3 in this section shall be construed to prohibit or limit the board of  
4 education of a school district from requiring ongoing education and  
5 training.

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

15 ~~C.~~ D. The board of education of a school district that  
16 authorizes school personnel to participate in either the armed  
17 security guard program or the reserve peace officer program may pay  
18 all necessary training, meal and lodging expenses associated with  
19 the training.

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

24



1        ~~E.~~ F. Any school personnel who have successfully completed  
2 ~~either~~ armed security guard training, reserve peace officer  
3 certification training or handgun license training and while acting  
4 in good faith shall not be ~~immune from~~ subject to civil and criminal  
5 liability for any injury resulting from the carrying of a handgun  
6 onto public school property as provided for in this act. Any board  
7 of education of a school district or participating local law  
8 enforcement agency shall not be ~~immune from~~ subject to civil and  
9 criminal liability for any injury resulting from any act committed  
10 by school personnel who are designated to carry a concealed handgun  
11 on public school property pursuant to the provisions of this act.

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

15        SECTION 4. It being immediately necessary for the preservation  
16 of the public peace, health or safety, an emergency is hereby  
17 declared to exist, by reason whereof this act shall take effect and  
18 be in full force from and after its passage and approval.

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20        59-1-5073            GRS            01/01/23  
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