

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1416

By: Crosswhite Hader

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5  
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2021,  
8 Section 1280.1, which relates to possession of  
9 firearms on school property; authorizing the  
10 transport and storage of firearms and weapons on  
11 school property under certain circumstances; removing  
12 certain qualifier; updating language; clarifying  
13 liability provision; considering certain individuals  
14 as licensed and verified pursuant to the federal Gun-  
15 Free School Zones Act of 1990; and providing an  
16 effective date.

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

20 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1280.1, is  
21 amended to read as follows:

22 Section 1280.1

23 POSSESSION OF FIREARM ON SCHOOL PROPERTY

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

1 B. For purposes of this section:

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

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

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

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

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

21 2. A ~~gun~~ firearm or knife used for the purposes of  
22 participating in the Oklahoma Department of Wildlife Conservation  
23 certified hunter training education course or any other hunting,  
24 fishing, safety or firearms training courses, or a recognized

1 firearms sports event, team shooting program or competition, or  
2 living history reenactment, provided the course or event is approved  
3 by the principal or chief administrator of the school where the  
4 course or event is offered, and provided the ~~weapon~~ firearm or knife  
5 is properly displayed or stored as required by law pending  
6 participation in the course, event, program or competition;

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

11 4. A concealed or unconcealed firearm or weapon carried onto  
12 private school property or in any school bus or vehicle used by any  
13 private school for transportation of students or teachers by a  
14 person who is licensed pursuant to the Oklahoma Self-Defense Act,  
15 provided a policy has been adopted by the governing entity of the  
16 private school that authorizes the possession of a firearm or weapon  
17 on private school property or in any school bus or vehicle used by a  
18 private school. Except for acts of gross negligence or willful or  
19 wanton misconduct, a governing entity of a private school that  
20 adopts a policy which authorizes the possession of a firearm or  
21 weapon on private school property, a school bus or vehicle used by  
22 the private school shall not be ~~immune from~~ subject to liability for  
23 any injuries arising from the adoption of the policy. The  
24

1 provisions of this paragraph shall not apply to claims pursuant to  
2 the Workers' Compensation Code;

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

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

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

22 a. possess a valid armed security guard license as  
23 provided for in Section 1750.1 et seq. of Title 59 of  
24 the Oklahoma Statutes, or

1           b.    hold a valid reserve peace officer certification as  
2                   provided for in Section 3311 of Title 70 of the  
3                   Oklahoma Statutes,  
4 if a policy has been adopted by the board of education of the school  
5 district that authorizes the carrying of a handgun onto public  
6 school property by such personnel. Nothing in this subsection shall  
7 be construed to restrict authority granted elsewhere in law to carry  
8 firearms.

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

12           E. Considering the right to keep and bear arms provided in  
13 Section 26 of Article II of the Oklahoma Constitution, any person  
14 who is not precluded from lawfully owning and possessing a firearm  
15 pursuant to state and federal law shall be considered to be  
16 individually authorized by the State of Oklahoma within the meaning  
17 of the provisions regarding individual licensure and verification  
18 pursuant to the federal Gun-Free School Zones Act of 1990.

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

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21           59-1-5082           GRS           01/11/23

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