An Act

ENROLLED HOUSE
BILL NO. 1634

By: Staires and Davis of the House

and

Bergstrom of the Senate

An Act relating to schools; amending 70 O.S. 2021, Section 24-102, which relates to student searches; updating statutory language and references; allowing for search of shoes and hand and head coverings of students; providing an exception for religious head coverings; authorizing superintendent to make certain designation for purposes of transporting certain items; prescribing procedures; and providing an effective date.

SUBJECT: Schools

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

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

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

alcoholic beverages, ~~low-point beer,~~ as defined ~~by Section 163.2 of Title 37 of the Oklahoma Statutes~~ in the Oklahoma Alcoholic Beverage Control Act, or for missing or stolen property if ~~said~~ the property ~~be~~ is reasonably suspected to have been taken from a pupil, a school employee or the school during school activities. The search shall be conducted by a person of the same sex as the person being searched and shall be witnessed by at least one other authorized person, said person to be of the same sex if practicable.

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

C. The superintendent, principal, teacher, or security personnel searching or authorizing the search shall have authority to detain the pupil to be searched and to preserve any dangerous weapons, controlled dangerous substances, ~~intoxicating~~ alcoholic beverages, ~~low-point beer,~~ or missing or stolen property that might be in the pupil's possession including the authority to authorize any other persons they deem necessary to restrain such pupil or to preserve any dangerous weapons, controlled dangerous substances, ~~intoxicating~~ alcoholic beverages, ~~low-point beer,~~ or missing or stolen property. Students found to be in possession of such an item shall be subject to the provisions of Section 24-101.3 of this title.

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

E. The superintendent may designate school personnel to transport items preserved as provided for in subsection C of this

section from a school site to a centralized location within the school district or to local law enforcement offices for lawful disposal. While in transport, the designated school personnel shall carry their school identification and a letter from the superintendent confirming their authority to transport the items for disposal. All items transported for disposal pursuant to this subsection shall be transported in a locked container.

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

Passed the House of Representatives the 10th day of May, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 17th day of April, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 11th

day of May, 20 23, at 10:48 o'clock a. M.

By: [signature]

Approved by the Governor of the State of Oklahoma this 15th

day of May, 20 23, at 11:13 o'clock a. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 15th

day of May, 20 23, at 1:53 o'clock p M.

By: [signature]