

1 **SENATE FLOOR VERSION**

2 April 11, 2023

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 1634

6 By: Staires and Davis of the
7 House

8 and

9 Bergstrom of the Senate

10 An Act relating to schools; amending 70 O.S. 2021,
11 Section 24-102, which relates to student searches;
12 updating statutory language and references; allowing
13 for search of shoes and hand and head coverings of
14 students; providing an exception for religious head
15 coverings; **authorizing designation of school
16 personnel to transport certain items**; and providing
17 an effective date.

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

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

21 Section 24-102. A. The superintendent, principal, teacher, or
22 security personnel of any public school in the State of Oklahoma,
23 upon reasonable suspicion, shall have the authority to detain and
24 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,

1 for dangerous weapons, controlled dangerous substances, as defined
2 in the Uniform Controlled Dangerous Substances Act, ~~intoxicating~~
3 alcoholic beverages, low-point beer, as defined ~~by Section 163.2 of~~
4 ~~Title 37 of the Oklahoma Statutes~~ in the Oklahoma Alcoholic Beverage
5 Control Act, or for missing or stolen property if ~~said~~ the property
6 ~~be~~ is reasonably suspected to have been taken from a pupil, a school
7 employee or the school during school activities. The search shall
8 be conducted by a person of the same sex as the person being
9 searched and shall be witnessed by at least one other authorized
10 person, said person to be of the same sex if practicable.

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

19 C. The superintendent, principal, teacher, or security
20 personnel searching or authorizing the search shall have authority
21 to detain the pupil to be searched and to preserve any dangerous
22 weapons, controlled dangerous substances, ~~intoxicating~~ alcoholic
23 beverages, low-point beer, or missing or stolen property that might
24 be in the pupil's possession including the authority to authorize

1 any other persons they deem necessary to restrain such pupil or to
2 preserve any dangerous weapons, controlled dangerous substances,
3 ~~intoxicating~~ alcoholic beverages, ~~low point beer~~, or missing or
4 stolen property. Students found to be in possession of such an item
5 shall be subject to the provisions of Section 24-101.3 of this
6 title.

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

18 E. The superintendent may designate school personnel to
19 transport items preserved as provided for in subsection C of this
20 section from a school site to a centralized location within the
21 school district or to local law enforcement offices for lawful
22 disposal. While in transport, the designated school personnel shall
23 carry their school identification and a letter from the
24 superintendent confirming their authority to transport the items for

1 disposal. All items transported for disposal pursuant to this
2 subsection shall be transported in a locked container.

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

4 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
5 April 11, 2023 - DO PASS AS AMENDED
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