

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2007

By: Davis

6 COMMITTEE SUBSTITUTE

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;
10 authorizing designation of school personnel to
11 transport certain preserved items; providing for
12 lawful disposal of items; prescribing procedures for
13 transport; and providing an effective date.

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

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

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

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

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

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

1 stolen property. Students found to be in possession of such an item
2 shall be subject to the provisions of Section 24-101.3 of this
3 title.

4 D. The superintendent may designate school personnel to
5 transport items preserved as provided in subsection C of this
6 section from a school site to a centralized location within the
7 school district or to local law enforcement offices for lawful
8 disposal. While in transport, the designated school personnel shall
9 carry their school identification and a letter from the
10 superintendent confirming their authority to transport the items for
11 disposal. All items transported for disposal pursuant to this
12 subsection shall be transported in a locked container.

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

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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

59-1-7800 EK 02/28/23