



ROSENSTEIN, FIST & RINGOLD

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## RED BANNER UPDATE

**Date:** May 30, 2023

**Re:** [HB 1634](#)

**Signed:** May 15, 2023

**Effective:** November 1, 2023

**Topic:** **Student Search and Seizure**

**Summary:** This bill amends existing law (70 O.S. § 24-102) regarding student searches. The statute currently provides that items a student may be searched for include “intoxicating beverages” and “low point beer.” The term “intoxicating beverages” has been replaced with “alcoholic beverages” and the term “low point beer” has been removed.

The law has further been amended regarding clothing removed during a warrantless search of a student. The statute now provides that “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.”

New language added to this statute specifies that a superintendent may designate school personnel to transport any dangerous weapons, controlled dangerous substances, alcoholic beverages or missing or stolen property in a student’s possession, from a school site to a centralized location within the school district or to local law enforcement offices for lawful disposal. During transport, the designated personnel shall carry their school identification and a letter from the superintendent confirming their authority to transport the items for disposal. The disposal items shall be transported by school personnel in a locked container.

For more information on this Act, please visit the firm’s website to view the signed Act.

Legal counsel at the firm is currently reviewing this legislation and will be advising clients as to any recommended changes to existing district policies.