

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1057

By: Fry

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5
6 AS INTRODUCED

7 An Act relating to municipality immunity; amending 21
8 O.S. 2011, Section 1290.22, as amended by Section 7,
9 Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015, Section
10 1290.22), which relates to business owner's rights;
11 clarifying language; making certain allowances;
12 amending 21 O.S. 2011, Section 1277, as last amended
13 by Section 1, Chapter 226, O.S.L. 2015 (21 O.S. Supp.
14 2015, Section 1277), which relates to unlawful carry
15 in certain places; modifying inclusions; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.22, as
19 amended by Section 7, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015,
20 Section 1290.22), is amended to read as follows:

21 Section 1290.22.

22 BUSINESS OWNER'S RIGHTS

23 A. Except as provided in ~~subsection~~ subsections B and C of this
24 section, nothing contained in any provision of the Oklahoma Self-
Defense Act shall be construed to limit, restrict or prohibit in any
manner the existing rights of any person, property owner, tenant,
employer, place of worship or business entity to control the

1 possession of weapons on any property owned or controlled by the
2 person or business entity.

3 B. No person, property owner, tenant, employer, place of
4 worship or business entity shall be permitted to establish any
5 policy or rule that has the effect of prohibiting any person, except
6 a convicted felon, from transporting and storing firearms in a
7 locked vehicle on any property set aside for any vehicle.

8 C. A property owner, tenant, employer, place of worship or
9 business entity may prohibit any person from carrying a concealed or
10 unconcealed firearm on the property. If the building or property is
11 open to the public, the property owner, tenant, employer, place of
12 worship or business entity shall post signs on or about the property
13 stating such prohibition.

14 D. The carrying of a concealed or unconcealed firearm by a
15 person who has been issued a handgun license on property that has
16 signs prohibiting the carrying of firearms shall not be deemed a
17 criminal act but may subject the person to being denied entrance
18 onto the property or removed from the property. If the person
19 refuses to leave the property and a peace officer is summoned, the
20 person may be issued a citation for an amount not to exceed Two
21 Hundred Fifty Dollars (\$250.00).

22 E. A person, corporation, place of worship or any other
23 business entity that does or does not prohibit any individual except
24 a convicted felon from carrying a loaded or unloaded, concealed or

1 unconcealed weapon on property that the person, corporation, place
2 of worship or other business entity owns, or has legal control of,
3 is immune from any liability arising from that decision. Except for
4 acts of gross negligence or willful or wanton misconduct, an
5 employer who does or does not prohibit their employees from carrying
6 a concealed or unconcealed weapon is immune from any liability
7 arising from that decision. A person, property owner, tenant,
8 employer, place of worship or business entity that does not prohibit
9 persons from carrying a concealed or unconcealed firearm pursuant to
10 subsection F of this section shall be immune from any liability
11 arising from the carrying of a concealed or unconcealed firearm on
12 the property. The provisions of this subsection shall not apply to
13 claims pursuant to the Workers' Compensation Code.

14 F. The issuance by a city, town, county or state of an event
15 permit, lease, or contract for the use of public property, shall not
16 cause the holder to be deemed a "person, property owner, tenant,
17 employer, place of worship or business entity" for purposes of this
18 section.

19 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as
20 last amended by Section 1, Chapter 226, O.S.L. 2015 (21 O.S. Supp.
21 2015, Section 1277), is amended to read as follows:

22 Section 1277.

23 UNLAWFUL CARRY IN CERTAIN PLACES

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1 A. It shall be unlawful for any person in possession of a valid
2 handgun license issued pursuant to the provisions of the Oklahoma
3 Self-Defense Act to carry any concealed or unconcealed handgun into
4 any of the following places:

5 1. Any structure, building, or office space which is owned or
6 leased by a city, town, county, state or federal governmental
7 authority for the purpose of conducting business with the public;

8 2. Any prison, jail, detention facility or any facility used to
9 process, hold or house arrested persons, prisoners or persons
10 alleged delinquent or adjudicated delinquent, except as provided in
11 Section 21 of Title 57 of the Oklahoma Statutes;

12 3. Any public or private elementary or public or private
13 secondary school, except as provided in subsection C of this
14 section;

15 4. Any publicly owned or operated sports arena during a
16 professional sporting event or other publicly owned or operated
17 venue during a professional sporting event;

18 5. Any place where pari-mutuel wagering is authorized by law;
19 and

20 6. Any structure, building, or sports field, including any
21 adjacent seating or adjacent area set aside for viewing a sporting
22 event, where a high school, collegiate, or professional sporting
23 event is being held on public property, unless the holder is a
24 participant in the event and a firearm is used in the event; and

1 7. Any other place specifically prohibited by law.

2 B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A
3 of this section, the prohibited place does not include and
4 specifically excludes the following property:

5 1. Any property set aside for the use or parking of any
6 vehicle, whether attended or unattended, by a city, town, county,
7 state or federal governmental authority;

8 2. Any property set aside for the use or parking of any
9 vehicle, whether attended or unattended, by any entity offering any
10 professional sporting event which is open to the public for
11 admission, or by any entity engaged in pari-mutuel wagering
12 authorized by law;

13 3. Any property adjacent to a structure, building or office
14 space in which concealed or unconcealed weapons are prohibited by
15 the provisions of this section;

16 4. Any property designated by a city, town, county or state
17 governmental authority as a park, recreational area, or fairgrounds;
18 provided, nothing in this paragraph shall be construed to authorize
19 any entry by a person in possession of a concealed or unconcealed
20 handgun into any structure, building or office space which is
21 specifically prohibited by the provisions of subsection A of this
22 section; ~~and~~

23 5. Any property set aside by a public or private elementary or
24 secondary school for the use or parking of any vehicle, whether

1 attended or unattended; provided, however, said handgun shall be
2 stored and hidden from view in a locked motor vehicle when the motor
3 vehicle is left unattended on school property; and

4 6. Any property set aside for the use or parking of any
5 vehicle, whether attended or unattended, for a building, structure,
6 or sports field where a high school, collegiate or professional
7 sporting event is being held.

8 Nothing contained in any provision of this subsection or
9 subsection C of this section shall be construed to authorize or
10 allow any person in control of any place described in paragraph 1,
11 2, 3, 4 or 5 of subsection A of this section to establish any policy
12 or rule that has the effect of prohibiting any person in lawful
13 possession of a handgun license from possession of a handgun
14 allowable under such license in places described in paragraph 1, 2,
15 3, 4 or 5 of this subsection.

16 C. A concealed or unconcealed weapon may be carried onto
17 private school property or in any school bus or vehicle used by any
18 private school for transportation of students or teachers by a
19 person who is licensed pursuant to the Oklahoma Self-Defense Act,
20 provided a policy has been adopted by the governing entity of the
21 private school that authorizes the carrying and possession of a
22 weapon on private school property or in any school bus or vehicle
23 used by a private school. Except for acts of gross negligence or
24 willful or wanton misconduct, a governing entity of a private school

1 that adopts a policy which authorizes the possession of a weapon on
2 private school property, a school bus or vehicle used by the private
3 school shall be immune from liability for any injuries arising from
4 the adoption of the policy. The provisions of this subsection shall
5 not apply to claims pursuant to the Workers' Compensation Code.

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

10 E. No person in possession of a valid handgun license issued
11 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
12 authorized to carry the handgun into or upon any college, university
13 or technology center school property, except as provided in this
14 subsection. For purposes of this subsection, the following property
15 shall not be construed as prohibited for persons having a valid
16 handgun license:

17 1. Any property set aside for the use or parking of any
18 vehicle, whether attended or unattended, provided the handgun is
19 carried or stored as required by law and the handgun is not removed
20 from the vehicle without the prior consent of the college or
21 university president or technology center school administrator while
22 the vehicle is on any college, university or technology center
23 school property;

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1 2. Any property authorized for possession or use of handguns by
2 college, university or technology center school policy; and

3 3. Any property authorized by the written consent of the
4 college or university president or technology center school
5 administrator, provided the written consent is carried with the
6 handgun and the valid handgun license while on college, university
7 or technology center school property.

8 The college, university or technology center school may notify
9 the Oklahoma State Bureau of Investigation within ten (10) days of a
10 violation of any provision of this subsection by a licensee. Upon
11 receipt of a written notification of violation, the Bureau shall
12 give a reasonable notice to the licensee and hold a hearing. At the
13 hearing, upon a determination that the licensee has violated any
14 provision of this subsection, the licensee may be subject to an
15 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
16 have the handgun license suspended for three (3) months.

17 Nothing contained in any provision of this subsection shall be
18 construed to authorize or allow any college, university or
19 technology center school to establish any policy or rule that has
20 the effect of prohibiting any person in lawful possession of a
21 handgun license from possession of a handgun allowable under such
22 license in places described in paragraphs 1, 2, and 3 of this
23 subsection. Nothing contained in any provision of this subsection
24 shall be construed to limit the authority of any college, university

1 or technology center school in this state from taking administrative
2 action against any student for any violation of any provision of
3 this subsection.

4 F. The provisions of this section shall not apply to any peace
5 officer or to any person authorized by law to carry a pistol in the
6 course of employment. District judges, associate district judges,
7 and special district judges, who are in possession of a valid
8 handgun license issued pursuant to the provisions of the Oklahoma
9 Self-Defense Act and whose names appear on a list maintained by the
10 Administrative Director of the Courts, shall be exempt from this
11 section when acting in the course and scope of employment within the
12 courthouses of this state. Private investigators with a firearms
13 authorization shall be exempt from this section when acting in the
14 course and scope of employment.

15 G. For the purposes of this section, "motor vehicle" means any
16 automobile, truck, minivan or sports utility vehicle.

17 SECTION 3. This act shall become effective November 1, 2016.

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