

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 1111

By: West (Kevin) of the House

5 and

6 **Bergstrom** of the Senate

7  
8  
9 AS INTRODUCED

10 An Act relating to firearms; amending 21 O.S. 2011,  
11 Sections 1272.1, as amended by Section 2, Chapter  
12 259, O.S.L. 2012 and 1272.2, as amended by Section 3,  
13 Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018,  
14 Sections 1272.1 and 1272.2), which relate to the  
15 carrying of firearms where liquor is consumed;  
16 updating statutory references; modifying exception to  
17 include certain persons; defining term; modifying  
18 scope of prohibited act; reducing and deleting  
19 certain penalties; amending 21 O.S. 2011, Section  
20 1290.22, as last amended by Section 1, Chapter 358,  
21 O.S.L. 2017 (21 O.S. Supp. 2018, Section 1290.22),  
22 which relates to business owners rights; expanding  
23 construing provision to include liquor stores; and  
24 providing an effective date.

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

21 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272.1, as  
22 amended by Section 2, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018,  
23 Section 1272.1), is amended to read as follows:

24 Section 1272.1

1 CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

2 A. It shall be unlawful for any person to carry or possess any  
3 weapon designated in Section 1272 of this title in any establishment  
4 where ~~low-point~~ beer or alcoholic beverages, as defined by Section  
5 ~~163.2 of Title 37~~ 1-103 of Title 37A of the Oklahoma Statutes, ~~or~~  
6 ~~alcoholic beverages, as defined by Section 506 of Title 37 of the~~  
7 ~~Oklahoma Statutes,~~ are consumed. This provision shall not apply to  
8 a peace officer, as defined in Section 99 of this title, or to  
9 private investigators with a firearms authorization when acting in  
10 the scope and course of employment, ~~and~~. Further, this provision  
11 shall not apply to an owner ~~or~~, proprietor or employee of the  
12 establishment having; provided, the employee has permission from the  
13 owner or proprietor of the establishment that the employee may have  
14 a pistol, rifle, or shotgun on the premises. Provided however, a  
15 person possessing a valid handgun license pursuant to the provisions  
16 of the Oklahoma Self-Defense Act may carry the concealed or  
17 unconcealed handgun into any restaurant or other establishment  
18 licensed to dispense ~~low-point~~ beer or alcoholic beverages where the  
19 sale of ~~low-point~~ beer or alcoholic beverages does not constitute  
20 the primary purpose of the business.

21 B. ~~Provided further, nothing~~ Nothing in this section shall be  
22 interpreted to authorize any peace officer in actual physical  
23 possession of a weapon to consume ~~low-point~~ beer or alcoholic  
24

1 beverages, except in the authorized line of duty as an undercover  
2 officer.

3 C. Nothing in this section shall be interpreted to authorize  
4 any person, employee or private investigator with or without a  
5 firearms authorization in actual physical possession of a weapon to  
6 consume ~~low-point~~ beer or alcoholic beverages in any establishment  
7 where ~~low-point~~ beer or alcoholic beverages are consumed.

8 ~~B.~~ D. Any person violating the provisions of this section shall  
9 be punished as provided in Section 1272.2 of this title.

10 E. As used in this section, "consume" means the act of drinking  
11 or ingesting alcoholic beverages or eating a product containing  
12 alcohol.

13 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1272.2, as  
14 amended by Section 3, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018,  
15 Section 1272.2), is amended to read as follows:

16 Section 1272.2

17 PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

18 Any ~~person~~ patron who intentionally or knowingly carries on his  
19 or her person any weapon in violation of Section 1272.1 of this  
20 title, and refuses to leave said property shall, upon conviction, be  
21 guilty of a ~~felony~~ misdemeanor punishable by a fine not to exceed  
22 ~~One Thousand Dollars (\$1,000.00), or imprisonment in the custody of~~  
23 ~~the Department of Corrections for a period not to exceed two (2)~~  
24

1 ~~years, or by both such fine and imprisonment~~ Two Hundred Fifty  
2 Dollars (\$250.00).

3 ~~Any person convicted of violating the provisions of this section~~  
4 ~~after having been issued a handgun license pursuant to the~~  
5 ~~provisions of the Oklahoma Self-Defense Act shall have the license~~  
6 ~~revoked by the Oklahoma State Bureau of Investigation after a~~  
7 ~~hearing and determination that the person is in violation of Section~~  
8 ~~1272.1 of this title.~~

9 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.22, as  
10 last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp.  
11 2018, Section 1290.22), is amended to read as follows:

12 Section 1290.22

13 BUSINESS OWNER'S RIGHTS

14 A. Except as provided in subsections B, C and D of this  
15 section, nothing contained in any provision of the Oklahoma Self-  
16 Defense Act shall be construed to limit, restrict or prohibit in any  
17 manner the existing rights of any person, property owner, tenant,  
18 employer, liquor store, place of worship or business entity to  
19 control the possession of weapons on any property owned or  
20 controlled by the person or business entity.

21 B. No person, property owner, tenant, employer, liquor store,  
22 holder of an event permit, place of worship or business entity shall  
23 be permitted to establish any policy or rule that has the effect of  
24 prohibiting any person, except a convicted felon, from transporting

1 and storing firearms in a locked vehicle on any property set aside  
2 for any vehicle.

3 C. A property owner, tenant, employer, liquor store, place of  
4 worship or business entity may prohibit any person from carrying a  
5 concealed or unconcealed firearm on the property. If the building  
6 or property is open to the public, the property owner, tenant,  
7 employer, liquor store, place of worship or business entity shall  
8 post signs on or about the property stating such prohibition.

9 D. No person, property owner, tenant, employer, liquor store,  
10 holder of an event permit, place of worship or business entity shall  
11 be permitted to establish any policy or rule that has the effect of  
12 prohibiting any person from carrying a concealed or unconcealed  
13 firearm on property within the specific exclusion provided for in  
14 paragraph 4 of subsection B of Section 1277 of this title; provided  
15 that carrying a concealed or unconcealed firearm may be prohibited  
16 in the following places:

17 1. The portion of a public property structure or building  
18 during an event authorized by the city, town, county, state or  
19 federal governmental authority owning or controlling such building  
20 or structure;

21 2. Any public property sports field, including any adjacent  
22 seating or adjacent area set aside for viewing a sporting event,  
23 where an elementary or secondary school, collegiate, or professional  
24 sporting event or an International Olympic Committee or organization

1 or any committee subordinate to the International Olympic Committee  
2 event is being held;

3 3. The fairgrounds during the Oklahoma State Fair or the Tulsa  
4 State Fair; and

5 4. The portion of a public property structure or building that  
6 is leased or under contract to a business or not-for-profit entity  
7 or group for offices.

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

16 F. A person, property owner, tenant, employer, liquor store,  
17 holder of an event permit, place of worship or business entity that  
18 does or does not prohibit any individual except a convicted felon  
19 from carrying a loaded or unloaded, concealed or unconcealed weapon  
20 on property that the person, property owner, tenant, employer,  
21 liquor store, holder of an event permit, place of worship or  
22 business entity owns, or has legal control of, is immune from any  
23 liability arising from that decision. Except for acts of gross  
24 negligence or willful or wanton misconduct, an employer who does or

1 does not prohibit ~~their~~ its employees from carrying a concealed or  
2 unconcealed weapon is immune from any liability arising from that  
3 decision. A person, property owner, tenant, employer, liquor store,  
4 holder of an event permit, place of worship or business entity that  
5 does not prohibit persons from carrying a concealed or unconcealed  
6 weapon pursuant to subsection D of this section shall be immune from  
7 any liability arising from the carrying of a concealed or  
8 unconcealed weapon, while in the scope of employment, on the  
9 property or in or about a business entity vehicle. The provisions  
10 of this subsection shall not apply to claims pursuant to the  
11 Administrative Workers' Compensation Act.

12 G. It shall not be considered part of an employee's job  
13 description or within the employee's scope of employment if an  
14 employee is allowed to carry or discharge a weapon pursuant to this  
15 section.

16 H. Nothing in subsections F and G shall prevent an employer,  
17 employee or person who has suffered loss resulting from the  
18 discharge of a weapon to seek redress or damages of the person who  
19 discharged the weapon or used the weapon outside the provisions of  
20 the Oklahoma Self-Defense Act.

21 SECTION 4. This act shall become effective November 1, 2019.

22  
23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/14/2019 -  
24 DO PASS, As Coauthored.