

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1673

By: West (Kevin)

4
5
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,
8 Sections 1272.1, as amended by Section 2, Chapter
9 259, O.S.L. 2012 and 1272.2, as amended by Section 3,
10 Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
11 Sections 1272.1 and 1272.2), which relate to the
12 carrying of firearms where liquor is consumed;
13 updating statutory references; modifying exception to
14 include certain persons; modifying scope of certain
15 prohibited act; defining term; reducing and deleting
16 certain penalties and license revocation requirement;
17 amending 21 O.S. 2011, Section 1290.22, as last
18 amended by Section 12, Chapter 1, O.S.L. 2019 (21
19 O.S. Supp. 2020, Section 1290.22), which relates to
20 business owners rights; expanding construing
21 provision to include liquor stores; and providing an
22 effective date.

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

24 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272.1, as
amended by Section 2, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
Section 1272.1), is amended to read as follows:

Section 1272.1

CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

A. It shall be unlawful for any person to carry or possess any
weapon designated in Section 1272 of this title in any establishment

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

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

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 licensed private investigator with or
5 without a firearms authorization, or licensed armed security guard
6 in actual physical possession of a weapon, to consume ~~low-point~~ beer
7 or alcoholic beverages in any establishment where ~~low-point~~ beer or
8 alcoholic beverages are consumed.

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

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

14 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1272.2, as
15 amended by Section 3, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
16 Section 1272.2), is amended to read as follows:

17 Section 1272.2

18 PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

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

1 ~~a period not to exceed two (2) years, or by both such fine and~~
2 ~~imprisonment Two Hundred Fifty 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 12, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
11 2020, 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, holder of an
22 event permit, liquor store, place of worship or business entity
23 shall be permitted to establish any policy or rule that has the
24 effect of prohibiting any person, except a convicted felon, from

1 transporting and storing firearms in a locked vehicle on any
2 property set aside 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, holder of an
10 event permit, liquor store, place of worship or business entity
11 shall be permitted to establish any policy or rule that has the
12 effect of prohibiting any person from carrying a concealed or
13 unconcealed firearm on property within the specific exclusion
14 provided for in paragraph 4 of subsection B of Section 1277 of this
15 title; provided that carrying a concealed or unconcealed firearm may
16 be prohibited 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 otherwise lawful carrying of a concealed or unconcealed
9 firearm by a person on property that has signs prohibiting the
10 carrying of firearms shall subject the person to being denied
11 entrance onto the property or removed from the property. If the
12 person:

13 1. Has been informed by the property owner, business entity or
14 manager of the business that the person is in violation of a policy
15 that prohibits firearms on the property; and

16 2. Refuses to leave the property and a peace officer is
17 summoned,
18 the person may be punished as provided in Section 1276 of this
19 title.

20 F. 1. A person, property owner, tenant, employer, holder of an
21 event permit, liquor store, place of worship or business entity that
22 ~~does~~ prohibits or does not prohibit any individual, except a
23 convicted felon, from carrying a loaded or unloaded, concealed or
24 unconcealed weapon on property that the person, property owner,

1 tenant, employer, holder of an event permit, liquor store, place of
2 worship or business entity owns, or has legal control of, ~~is immune~~
3 ~~from any~~ shall not be subject to liability arising from that
4 decision.

5 2. Except for acts of gross negligence or willful or wanton
6 misconduct, an employer who ~~does~~ prohibits or does not prohibit his
7 or her employees from carrying a concealed or unconcealed weapon ~~is~~
8 ~~immune from any~~ shall not be subject to liability arising from that
9 decision.

10 3. A person, property owner, tenant, employer, holder of an
11 event permit, liquor store, place of worship or business entity that
12 does not prohibit ~~persons~~ employees from carrying a concealed or
13 unconcealed weapon pursuant to subsection D of this section shall
14 not be immune from any subject to liability arising from the
15 carrying of a concealed or unconcealed weapon, while in the scope of
16 employment, on the property or in or about a business entity
17 vehicle.

18 The provisions of this subsection shall not apply to claims
19 pursuant to the Administrative Workers' Compensation Act.

20 G. It shall not be considered part of an employee's job
21 description or within the employee's scope of employment if an
22 employee is allowed to carry or discharge a weapon pursuant to this
23 section.

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1 H. Nothing in subsections F and G of this section shall prevent
2 an employer, employee or person who has suffered loss resulting from
3 the discharge of a weapon to seek redress or damages of the person
4 who discharged the weapon or used the weapon outside the provisions
5 of the Oklahoma Self-Defense Act.

6 SECTION 4. This act shall become effective November 1, 2021.

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8 58-1-6157 GRS 01/10/21

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