

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2644

By: Steagall

6 COMMITTEE SUBSTITUTE

7 An Act relating to firearms; amending 21 O.S. 2021,
8 Section 1290.22, which relates to the Oklahoma Self-
9 Defense Act; clarifying certain prohibited conduct
10 and exceptions; providing for the filing of a civil
11 action; directing court to award damages and fees;
12 providing an exception; clarifying liability
13 provisions; allowing for the transport or storage of
14 firearms or weapons in vehicles; defining term; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1290.22, is
18 amended to read as follows:

19 Section 1290.22

20 BUSINESS PRIVATE PROPERTY OWNER'S RIGHTS

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

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

3 B. 1. No person, property owner, tenant, employer, liquor
4 store, holder of an event permit, place of worship or business
5 entity shall be permitted to establish any policy or rule that ~~has~~
6 ~~the effect of prohibiting~~ prohibits any person, except a convicted
7 felon, from transporting and storing firearms in a locked vehicle on
8 any property set aside for any vehicle.

9 2. No person, employer, or business entity shall establish,
10 maintain, or enforce any policy or rule that has the effect of
11 prohibiting any person or employee, except a convicted felon, from
12 transporting, carrying, or storing firearms or ammunition in or upon
13 a vehicle, personally owned, leased, or rented by the person or
14 employee while conducting business for the employer or business
15 entity.

16 3. An individual may bring a civil action to enforce the
17 provisions of paragraph 1 and 2 of this subsection. If a plaintiff
18 prevails in a civil action against a person, property owner, tenant,
19 employer, liquor store, place of worship or business, for a policy
20 or rule that violates paragraph 1 and 2 of this subsection, the
21 court shall award actual damages, enjoin further violations of
22 paragraph 1 of this subsection, and award court costs and attorney
23 fees to the prevailing plaintiff. The provisions of this subsection
24

1 shall not apply to claims pursuant to the Administrative Workers'
2 Compensation Act.

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

1 organization, or any committee subordinate to the International
2 Olympic Committee 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 shall, upon conviction, be guilty of a misdemeanor
19 punishable by a fine not to exceed Two Hundred Fifty Dollars
20 (\$250.00).

21 F. A person, property owner, tenant, employer, liquor store,
22 holder of an event permit, place of worship or business entity that
23 does or does not prohibit any individual, except a convicted felon,
24 from transporting, storing, or carrying a loaded or unloaded,

1 concealed or unconcealed weapon on property that the person,
2 property owner, tenant, employer, liquor store, holder of an event
3 permit, place of worship or business entity owns, or has legal
4 control of, is immune from and shall not be subject to any liability
5 arising from that decision. Except for acts of gross negligence or
6 willful or wanton misconduct, an employer who does or does not
7 prohibit his or her employees from transporting, storing, or
8 carrying a concealed or unconcealed weapon is immune from and shall
9 not be subject to any liability arising from that decision. A
10 person, property owner, tenant, employer, liquor store, holder of an
11 event permit, place of worship or business entity that does not
12 prohibit persons from transporting, storing, or carrying a concealed
13 or unconcealed weapon pursuant to subsection D of this section shall
14 not be immune from and shall not be subject to any liability arising
15 from the transporting, storing, or carrying of a concealed or
16 unconcealed weapon, while in the scope of employment, on the
17 property or in or about a business entity vehicle. The provisions
18 of this subsection shall not apply to claims pursuant to the
19 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.

24

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 I. As used in the this section, "vehicle" includes, but is not
7 limited to any automobile, truck, minivan, sports utility vehicle,
8 motorcycle, motor scooter, bicycle, vessel, and any other vehicle or
9 vessel used for lawful transportation.

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

11

12 59-1-7866 LRB 03/01/23

13

14

15

16

17

18

19

20

21

22

23

24