

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 4138

6 By: May

7 COMMITTEE SUBSTITUTE

8 An Act relating to firearms; amending 21 O.S. 2021,
9 Section 1277, which relates to the unlawful carry of
10 firearms in certain places; modifying scope of
11 certain prohibited act; providing an exception;
12 prohibiting the carry of firearms into certain
13 places; deleting construing provisions; authorizing
14 the concealed carry of handguns into buildings and on
15 the fairgrounds during the Oklahoma State Fair and
16 Tulsa State Fair; authorizing event holders to allow
17 for the open carry of lawful firearms during Oklahoma
18 State Fair and Tulsa State Fair; authorizing public
19 trusts and nonprofit entities to allow for the open
20 carry of lawful firearms on public trust property;
21 amending 21 O.S. 2021, Section 1290.22, which relates
22 to the Oklahoma Self-Defense Act; prohibiting the
23 carry of concealed or unconcealed firearms at certain
24 events; deleting certain prohibition; and providing
an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1277, is
amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

13 3. Any public or private elementary or public or private
14 secondary school, except as provided in subsections C and D of this
15 section;

16 4. Any publicly owned or operated sports arena or venue during
17 a professional sporting event, unless allowed by the event holder;

18 5. Any place where gambling is authorized by law, unless
19 allowed by the property owner;

20 6. Any other place specifically prohibited by law; ~~and~~

21 7. Any public property set aside by a county, city, town,
22 public trust with a county, city or town as a beneficiary, or state
23 governmental authority for an event that is secured with minimum-
24 security provisions; provided, however, the provisions of this

1 paragraph shall not apply to and specifically excludes events held
2 on the fairgrounds and in buildings of the fairgrounds that are open
3 to the general public during the Oklahoma State Fair or the Tulsa
4 State Fair. For purposes of this paragraph, a minimum-security
5 provision consists of a location that is secured utilizing the
6 following:

- 7 a. a metallic-style security fence that is at least eight
8 (8) feet in height that encompasses the property and
9 is secured in such a way as to deter unauthorized
10 entry,
- 11 b. controlled access points staffed by a uniformed,
12 commissioned peace officer, and
- 13 c. a metal detector whereby persons walk or otherwise
14 travel with their property through or by the metal
15 detector;

16 8. Any public building used for a public meeting conducted
17 under the Oklahoma Open Meeting Act, unless otherwise authorized by
18 law;

19 9. Any public facility providing substance abuse or mental
20 health services or any facilities providing substance abuse programs
21 to persons who are under the direct supervision of the state, a
22 county or municipality, unless otherwise authorized by law; and

23 10. The State Capitol Building, unless otherwise authorized by
24 law.

1 B. It shall be lawful for a person to carry a concealed or
2 unconcealed firearm on the following properties:

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

6 2. Any property set aside for the use or parking of any
7 vehicle, whether attended or unattended, which is open to the
8 public, or by any entity engaged in gambling authorized by law;

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

12 4. Any property designated by a city, town, county or state
13 governmental authority as a park, recreational area, wildlife
14 refuge, wildlife management area or state or county fairgrounds;

15 ~~provided, nothing in this paragraph shall be construed to authorize~~
16 ~~any entry by a person in possession of a concealed or unconcealed~~
17 ~~firearm into any structure, building, office space or event which is~~
18 ~~specifically prohibited by the provisions of subsection A of this~~
19 ~~section;~~

20 5. Any property set aside by a public or private elementary or
21 secondary school for the use or parking of any vehicle, whether
22 attended or unattended; provided, however, the firearm shall be
23 stored and hidden from view in a locked motor vehicle when the motor
24 vehicle is left unattended on school property; ~~and~~

1 6. Any public property set aside temporarily by a county, city,
2 town, public trust with a county, city or town as a beneficiary, or
3 state governmental authority for the holder of an event permit that
4 is without minimum-security provisions, as such term is defined in
5 paragraph 7 of subsection A of this section; provided, the carry of
6 firearms within said permitted event area shall be limited to
7 concealed carry of a handgun unless otherwise authorized by the
8 holder of the event permit; and

9 7. On the fairgrounds and in buildings of the fairgrounds that
10 are open to the general public during the Oklahoma State Fair or the
11 Tulsa State Fair; provided, the handgun is carried in a concealed
12 manner. The event holder shall be authorized to allow for the open
13 carry of all lawful firearms during the Oklahoma State Fair or the
14 Tulsa State Fair.

15 Nothing contained in any provision of this subsection or
16 subsection C of this section shall be construed to authorize or
17 allow any person in control of any place described in subsection A
18 of this section to establish any policy or rule that has the effect
19 of prohibiting any person in lawful possession of a handgun license
20 or otherwise in lawful possession of a firearm from carrying or
21 possessing the firearm on the property described in this subsection.

22 C. A concealed or unconcealed weapon may be carried onto
23 private school property or in any school bus or vehicle used by any
24 private school for transportation of students or teachers by a

1 person who is licensed pursuant to the Oklahoma Self-Defense Act,
2 provided a policy has been adopted by the governing entity of the
3 private school that authorizes the carrying and possession of a
4 weapon on private school property or in any school bus or vehicle
5 used by a private school. Except for acts of gross negligence or
6 willful or wanton misconduct, a governing entity of a private school
7 that adopts a policy which authorizes the possession of a weapon on
8 private school property, a school bus or vehicle used by the private
9 school shall not be subject to liability for any injuries arising
10 from the adoption of the policy. The provisions of this subsection
11 shall not apply to claims pursuant to the Administrative Workers'
12 Compensation Act.

13 D. Notwithstanding paragraph 3 of subsection A of this section,
14 a board of education of a school district may adopt a policy
15 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
16 authorize the carrying of a handgun onto school property by school
17 personnel specifically designated by the board of education,
18 provided such personnel either:

19 1. Possess a valid armed security guard license as provided for
20 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

21 2. Hold a valid reserve peace officer certification as provided
22 for in Section 3311 of Title 70 of the Oklahoma Statutes.

23 Nothing in this subsection shall be construed to restrict authority
24 granted elsewhere in law to carry firearms.

1 E. Notwithstanding the provisions of subsection A of this
2 section, on any property designated as a municipal zoo or park of
3 any size that is owned, leased, operated or managed by:

4 1. A public trust created pursuant to the provisions of Section
5 176 of Title 60 of the Oklahoma Statutes; or

6 2. A nonprofit entity,
7 an individual shall be allowed to carry a concealed handgun but not
8 openly carry a handgun on the property. The public trust or
9 nonprofit entity shall be authorized to allow for the open carry of
10 all lawful firearms on the property of the public trust or nonprofit
11 entity.

12 F. Any person violating the provisions of paragraph 2 or 3 of
13 subsection A of this section shall, upon conviction, be guilty of a
14 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
15 Dollars (\$250.00). A person violating any other provision of
16 subsection A of this section may be denied entrance onto the
17 property or removed from the property. If the person refuses to
18 leave the property and a peace officer is summoned, the person may
19 be issued a citation for an amount not to exceed Two Hundred Fifty
20 Dollars (\$250.00).

21 G. No person in possession of a valid handgun license issued
22 pursuant to the provisions of the Oklahoma Self-Defense Act or who
23 is carrying or in possession of a firearm as otherwise permitted by
24 law or who is carrying or in possession of a machete, blackjack,

1 loaded cane, hand chain or metal knuckles shall be authorized to
2 carry the firearm, machete, blackjack, loaded cane, hand chain or
3 metal knuckles into or upon any college, university or technology
4 center school property, except as provided in this subsection. For
5 purposes of this subsection, the following property shall not be
6 construed to be college, university or technology center school
7 property:

8 1. Any property set aside for the use or parking of any motor
9 vehicle, whether attended or unattended, provided the firearm,
10 machete, blackjack, loaded cane, hand chain or metal knuckles are
11 carried or stored as required by law and the firearm, machete,
12 blackjack, loaded cane, hand chain or metal knuckles are not removed
13 from the motor vehicle without the prior consent of the college or
14 university president or technology center school administrator while
15 the vehicle is on any college, university or technology center
16 school property;

17 2. Any property authorized for possession or use of firearms,
18 machetes, blackjacks, loaded canes, hand chains or metal knuckles by
19 college, university or technology center school policy; and

20 3. Any property authorized by the written consent of the
21 college or university president or technology center school
22 administrator, provided the written consent is carried with the
23 firearm, machete, blackjack, loaded cane, hand chain or metal
24

1 knuckles and the valid handgun license while on college, university
2 or technology center school property.

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

12 Nothing contained in any provision of this subsection shall be
13 construed to authorize or allow any college, university or
14 technology center school to establish any policy or rule that has
15 the effect of prohibiting any person in lawful possession of a
16 handgun license or any person in lawful possession of a firearm,
17 machete, blackjack, loaded cane, hand chain or metal knuckles from
18 possession of a firearm, machete, blackjack, loaded cane, hand chain
19 or metal knuckles in places described in paragraphs 1, 2 and 3 of
20 this subsection. Nothing contained in any provision of this
21 subsection shall be construed to limit the authority of any college,
22 university or technology center school in this state from taking
23 administrative action against any student for any violation of any
24 provision of this subsection.

1 H. The provisions of this section shall not apply to the
2 following:

3 1. Any peace officer or any person authorized by law to carry a
4 firearm in the course of employment;

5 2. District judges, associate district judges and special
6 district judges, who are in possession of a valid handgun license
7 issued pursuant to the provisions of the Oklahoma Self-Defense Act
8 and whose names appear on a list maintained by the Administrative
9 Director of the Courts, when acting in the course and scope of
10 employment within the courthouses of this state;

11 3. Private investigators with a firearms authorization when
12 acting in the course and scope of employment;

13 4. Elected officials of a county, who are in possession of a
14 valid handgun license issued pursuant to the provisions of the
15 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
16 in the performance of his or her duties within the courthouses of
17 the county in which he or she was elected. The provisions of this
18 paragraph shall not allow the elected county official to carry the
19 handgun into a courtroom;

20 5. The sheriff of any county may authorize certain employees of
21 the county, who possess a valid handgun license issued pursuant to
22 the provisions of the Oklahoma Self-Defense Act, to carry a
23 concealed handgun when acting in the course and scope of employment
24 within the courthouse in the county in which the person is employed.

1 Nothing in the Oklahoma Self-Defense Act shall prohibit the sheriff
2 from requiring additional instruction or training before granting
3 authorization to carry a concealed handgun within the courthouse.
4 The provisions of this paragraph and of paragraph 6 of this
5 subsection shall not allow the county employee to carry the handgun
6 into a courtroom, sheriff's office, adult or juvenile jail or any
7 other prisoner detention area; and

8 6. The board of county commissioners of any county may
9 authorize certain employees of the county, who possess a valid
10 handgun license issued pursuant to the provisions of the Oklahoma
11 Self-Defense Act, to carry a concealed handgun when acting in the
12 course and scope of employment on county annex facilities or grounds
13 surrounding the county courthouse.

14 I. For the purposes of this section, "motor vehicle" means any
15 automobile, truck, minivan, sports utility vehicle, or motorcycle,
16 as defined in Section 1-135 of Title 47 of the Oklahoma Statutes,
17 equipped with a locked accessory container within or affixed to the
18 motorcycle.

19 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1290.22, is
20 amended to read as follows:

21 Section 1290.22

22 BUSINESS OWNER'S RIGHTS

23 A. Except as provided in subsections B, C and D of this
24 section, nothing contained in any provision of the Oklahoma Self-

1 Defense Act shall be construed to limit, restrict or prohibit in any
2 manner the existing rights of any person, property owner, tenant,
3 employer, liquor store, place of worship or business entity to
4 control the possession of weapons on any property owned or
5 controlled by the person or business entity.

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

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

18 D. No person, property owner, tenant, employer, liquor store,
19 holder of an event permit, place of worship or business entity shall
20 be permitted to establish any policy or rule that has the effect of
21 prohibiting any person from carrying a concealed or unconcealed
22 firearm on property within the specific exclusion provided for in
23 paragraph 4 of subsection B of Section 1277 of this title; provided
24

1 that carrying a concealed or unconcealed firearm may be prohibited
2 in the following places:

3 1. The portion of a public property ~~structure or~~ building
4 during an event authorized by the city, town, county, or state ~~or~~
5 ~~federal~~ governmental authority owning or controlling such building
6 ~~or structure~~;

7 2. Any public property sports field including any adjacent
8 seating or adjacent area set aside for viewing a sporting event,
9 where an elementary or secondary school, collegiate, or professional
10 sporting event ~~or~~, an International Olympic Committee or
11 organization or any committee subordinate to the International
12 Olympic Committee event, a national softball tournament event at the
13 Oklahoma Softball Hall of Fame Complex, or a national or
14 international Quarter Horse event is being held;

15 ~~3. The fairgrounds during the Oklahoma State Fair or the Tulsa~~
16 ~~State Fair;~~ and

17 ~~4.~~ 3. The portion of a public property ~~structure or~~ building
18 that is leased or under contract to a business or not-for-profit
19 entity or group for offices.

20 E. The otherwise lawful carrying of a concealed or unconcealed
21 firearm by a person on property that has signs prohibiting the
22 carrying of firearms shall subject the person to being denied
23 entrance onto the property or removed from the property. If the
24 person:

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

4 2. Refuses to leave the property and a peace officer is
5 summoned, the person shall, upon conviction, be guilty of a
6 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
7 Dollars (\$250.00).

8 F. A person, property owner, tenant, employer, liquor store,
9 holder of an event permit, place of worship or business entity that
10 does or does not prohibit any individual, except a convicted felon,
11 from carrying a loaded or unloaded, concealed or unconcealed weapon
12 on property that the person, property owner, tenant, employer,
13 liquor store, holder of an event permit, place of worship or
14 business entity owns, or has legal control of, is immune from any
15 liability arising from that decision. Except for acts of gross
16 negligence or willful or wanton misconduct, an employer who does or
17 does not prohibit his or her employees from carrying a concealed or
18 unconcealed weapon is immune from any liability arising from that
19 decision. A person, property owner, tenant, employer, liquor store,
20 holder of an event permit, place of worship or business entity that
21 does not prohibit persons from carrying a concealed or unconcealed
22 weapon pursuant to subsection D of this section shall be immune from
23 any liability arising from the carrying of a concealed or
24 unconcealed weapon, while in the scope of employment, on the

1 property or in or about a business entity vehicle. The provisions
2 of this subsection shall not apply to claims pursuant to the
3 Administrative Workers' Compensation Act.

4 G. It shall not be considered part of an employee's job
5 description or within the employee's scope of employment if an
6 employee is allowed to carry or discharge a weapon pursuant to this
7 section.

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

13 SECTION 3. This act shall become effective November 1, 2022.

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