

1 ENGROSSED HOUSE
2 BILL NO. 1025

By: Duncan, Sullivan, Terrill,
Reynolds, Schwartz, Ritze,
Faught, Moore, Christian,
McMullen, Wesselhoft,
Wright (John), Proctor,
Dorman, Derby, Peterson and
Jones of the House

5 and

6 Anderson of the Senate
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11 An Act relating to crimes and punishments;
12 prohibiting private employers, public employers and
13 public officials from making certain inquiry;
14 providing penalties; defining terms; providing for
15 codification; and declaring an emergency.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1289.27 of Title 21, unless
19 there is created a duplication in numbering, reads as follows:

20 PROHIBITING FIREARM INQUIRY BY EMPLOYER

21 A. It shall be unlawful for any private employer doing business
22 in this state to ask any applicant for employment information about
23 whether the applicant owns or possesses a firearm. Any private
24 employer who violates the provisions of this section shall, upon

1 conviction, be guilty of a misdemeanor punishable by a fine of not
2 more than One Thousand Dollars (\$1,000.00), or imprisonment in the
3 county jail for not more than ninety (90) days, or by both such fine
4 and imprisonment.

5 B. All public employers and public officials within this state
6 shall be prohibited from asking any applicant for employment
7 information about whether the applicant owns or possesses a firearm.
8 Any public employer or public official who violates the provisions
9 of this subsection shall be deemed to be acting outside the scope of
10 their employment and shall therefor be barred from seeking statutory
11 immunity from any exemption or provision of The Governmental Tort
12 Claims Act.

13 C. As used in this section:

14 1. "Private employer" means any individual, partnership, firm,
15 association, corporation or nonprofit organization that employs or
16 offers to employ one or more persons in this state;

17 2. "Public employer" means the State of Oklahoma or any
18 political subdivision thereof, including any department, agency,
19 board, commission, institution, authority, public trust,
20 municipality, county, district or instrumentalities thereof; and

21 3. "Public official" means any elected or appointed official in
22 the executive, legislative or judicial branch of a political
23 subdivision of the state.

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1 SECTION 2. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 Passed the House of Representatives the 18th day of February,
6 2009.

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Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2009.

Presiding Officer of the Senate