

1 ENGROSSED SENATE
2 BILL NO. 793

By: Sykes, Gumm, Russell,
Garrison and Ellis of the
Senate

3
4 and

Duncan of the House

5
6
7
8 [crimes and punishments - employers - inquiry -
9 codification -

10 effective date]

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

16 PROHIBITING FIREARM INQUIRY BY EMPLOYER

17 A. It shall be unlawful for any private employer doing business
18 in this state to ask any applicant for employment information about
19 whether the applicant owns or possesses a firearm. Any private
20 employer who violates the provisions of this section shall, upon
21 conviction, be guilty of a misdemeanor punishable by a fine of not
22 more than One Thousand Dollars (\$1,000.00), or imprisonment in the
23 county jail for not more than ninety (90) days, or by both such fine
24 and imprisonment.

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

9 C. As used in this section:

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

13 2. "Public employer" means the State of Oklahoma or any
14 political subdivision thereof, including any department, agency,
15 board, commission, institution, authority, public trust,
16 municipality, county, district or instrumentalities thereof; and

17 3. "Public official" means any elected or appointed official in
18 the executive, legislative or judicial branch of a political
19 subdivision of the state.

20 SECTION 2. This act shall become effective November 1, 2009.

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