

EHB 1025

1 THE STATE SENATE
2 Monday, April 6, 2009

3 ENGROSSED

4 House Bill No. 1025

5 As Amended

6 ENGROSSED HOUSE BILL NO. 1025 - By: Duncan, Sullivan, Terrill,
7 Reynolds, Schwartz, Ritze, Faught, Moore, Christian, McMullen,
8 Wesselhoft, Wright (John), Proctor, Dorman, Derby, Peterson and
9 Jones of the House and Sykes of the Senate.

10 [crimes and punishments - prohibiting certain inquiry -
11 codification -
12 emergency]

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

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

17 PROHIBITING FIREARM INQUIRY BY EMPLOYER

18 A. It shall be unlawful for any private employer doing business
19 in this state to ask any applicant for employment information about
20 whether the applicant owns or possesses a firearm. Any private
21 employer who violates the provisions of this section shall, upon
22 conviction, be guilty of a misdemeanor punishable by a fine of not
23 more than One Thousand Dollars (\$1,000.00), or imprisonment in the
24 county jail for not more than ninety (90) days, or by both such fine
25 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 therefor be barred from seeking statutory
7 immunity from any exemption or provision of The Governmental Tort
8 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. It being immediately necessary for the preservation
21 of the public peace, health and safety, an emergency is hereby
22 declared to exist, by reason whereof this act shall take effect and
23 be in full force from and after its passage and approval.

1 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-31-09 - DO
2 PASS, As Amended and Coauthored.