

SB 793

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THE STATE SENATE  
Monday, February 23, 2009

Senate Bill No. 793  
As Amended

SENATE BILL NO. 793 - By: Sykes of the Senate and Duncan of the House.

[ crimes and punishments - employers - inquiry - codification - effective date ]

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

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

PROHIBITING FIREARM INQUIRY BY EMPLOYER

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

B. All public employers and public officials within this state shall be prohibited from asking any applicant for employment information about whether the applicant owns or possesses a firearm.

1 Any public employer or public official who violates the provisions  
2 of this subsection shall be deemed to be acting outside the scope of  
3 their employment and shall therefore be barred from seeking  
4 statutory immunity from any exemption or provision of The  
5 Governmental Tort Claims Act.

6 C. As used in this section:

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

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

14 3. "Public official" means any elected or appointed official in  
15 the executive, legislative or judicial branch of a political  
16 subdivision of the state.

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

18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-17-09 - DO  
19 PASS, As Amended and Coauthored.