

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1025

By: Duncan

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6 AS INTRODUCED

7 An Act relating to crimes and punishments;
8 prohibiting private employers, public employers and
9 public officials from making certain inquiry;
10 providing penalties; defining terms; providing for
11 codification; and declaring an emergency.

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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
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1 county jail for not more than ninety (90) days, or by both such fine
2 and imprisonment.

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

11 C. As used in this section:

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

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

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

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

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4 52-1-5178 GRS 12/10/08

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