STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2221 By: Newell

COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending 21 O.S. 2011, Sections 1290.2, as amended by Section 23, Chapter 259, O.S.L. 2012 and 1290.22 (21 O.S. Supp. 2012, Section 1290.2), which relate to the Oklahoma Self-Defense Act; modifying definition of concealed handgun; authorizing private property owners to prohibit certain conduct; requiring private property owners to post certain signage; providing penalty for certain prohibited conduct; providing immunity from liability; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.2, as amended by Section 23, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012, Section 1290.2), is amended to read as follows:

Section 1290.2

DEFINITIONS

A. As used in the Oklahoma Self-Defense Act:

1. "Concealed handgun" means a loaded or unloaded pistol ~~carried hidden from the detection and view of another person either~~

~~upon or about the person, in a purse or other container belonging to the person, or in a vehicle which is operated by the person or in which the person is riding as a passenger~~, the presence of which is not openly discernible to the ordinary observation of a reasonable person;

2. "Unconcealed handgun" means a loaded or unloaded pistol carried upon the person in a belt or shoulder holster that is wholly or partially visible, or carried upon the person in a scabbard or case designed for carrying firearms that is wholly or partially visible; and

3. "Pistol" means any derringer, revolver or semiautomatic firearm which:

a. has an overall length of less than sixteen (16) inches,

b. is capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury,

c. is designed to be held and fired by the use of a single hand, and

d. uses either gunpowder, gas or any means of rocket propulsion to discharge the projectile.

B. The definition of pistol for purposes of the Oklahoma Self-Defense Act shall not apply to homemade or imitation pistols, flare guns, underwater fishing guns or blank pistols.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.22, is amended to read as follows:

Section 1290.22

BUSINESS OWNER'S RIGHTS

A. Except as provided in subsection B of this section, nothing contained in any provision of the Oklahoma Self-Defense Act~~, Section 1290.1 et seq. of this title,~~ shall be construed to limit, restrict or prohibit in any manner the existing rights of any person, property owner, tenant, employer, place of worship or business entity to control the possession of weapons on any property owned or controlled by the person or business entity.

B. No person, property owner, tenant, employer, place of worship or business entity shall be permitted to establish any policy or rule that has the effect of prohibiting any person, except a convicted felon, from transporting and storing firearms in a locked vehicle on any property set aside for any vehicle.

C. A property owner, tenant, employer, place of worship or business entity may prohibit any person from carrying a concealed or unconcealed firearm on the property. If the building or property is open to the public, the property owner, tenant, employer, place of worship or business entity shall post signs on or about the property stating such prohibition.

D. The carrying of a concealed or unconcealed firearm by a person who has been issued a handgun license on property that has

signs prohibiting the carrying of firearms shall not be deemed a criminal act but may subject the person to being denied entrance onto the property or removed from the property. If the person refuses to leave the property and a peace officer is summoned, the person may be issued a citation for an amount not to exceed Two Hundred Fifty Dollars ($250.00).

E. A person, property owner, tenant, employer, place of worship or business entity that does not prohibit any individual, except a convicted felon, from carrying a loaded or unloaded, concealed or unconcealed weapon on property that the person, property owner, tenant, employer, place of worship or business entity owns or has legal control of is immune from any liability arising from that decision. An employer who does not prohibit an employee from carrying a concealed or unconcealed weapon is immune from any liability arising from that decision. The provisions of this subsection shall not apply to claims pursuant to the Workers' Compensation Act.

SECTION 3. This act shall become effective November 1, 2013.

54-1-7195 GRS 02/20/13