

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2221

By: Newell of the House

and

Griffin of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to crimes and punishments; amending
12 21 O.S. 2011, Sections 1290.2, as amended by Section
13 23, Chapter 259, O.S.L. 2012 and 1290.22 (21 O.S.
14 Supp. 2012, Section 1290.2), which relate to the
15 Oklahoma Self-Defense Act; modifying definition of
16 concealed handgun; authorizing private property
17 owners to prohibit certain conduct; requiring private
18 property owners to post certain signage; providing
19 penalty for certain prohibited conduct; providing
20 immunity from liability; and providing an effective
21 date.

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

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

Section 1290.2

1 DEFINITIONS

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

3 1. "Concealed handgun" means a loaded or unloaded pistol
4 ~~carried hidden from the detection and view of another person either~~
5 ~~upon or about the person, in a purse or other container belonging to~~
6 ~~the person, or in a vehicle which is operated by the person or in~~
7 ~~which the person is riding as a passenger, the presence of which is~~
8 ~~not openly discernible to the ordinary observation of a reasonable~~
9 ~~person;~~

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

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

- 17 a. has an overall length of less than sixteen (16)
18 inches,
- 19 b. is capable of discharging a projectile composed of any
20 material which may reasonably be expected to be able
21 to cause lethal injury,
- 22 c. is designed to be held and fired by the use of a
23 single hand, and

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

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

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

8 Section 1290.22

9 BUSINESS OWNER'S RIGHTS

10 A. Except as provided in subsection B of this section, nothing
11 contained in any provision of the Oklahoma Self-Defense Act, ~~Section~~
12 ~~1290.1 et seq. of this title,~~ shall be construed to limit, restrict
13 or prohibit in any manner the existing rights of any person,
14 property owner, tenant, employer, place of worship or business
15 entity to control the possession of weapons on any property owned or
16 controlled by the person or business entity.

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

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

5 D. The carrying of a concealed or unconcealed firearm by a
6 person who has been issued a handgun license on property that has
7 signs prohibiting the carrying of firearms shall not be deemed a
8 criminal act but may subject the person to being denied entrance
9 onto the property or removed from the property. If the person
10 refuses to leave the property and a peace officer is summoned, the
11 person may be issued a citation for an amount not to exceed Two
12 Hundred Fifty Dollars (\$250.00).

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

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

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3 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/21/2013 - DO
4 PASS, As Amended and Coauthored.
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