

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 2221

By: Newell

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Sections 1290.2, as amended by Section
9 23, Chapter 259, O.S.L. 2012 and 1290.22 (21 O.S.
10 Supp. 2012, Section 1290.2), which relate to the
11 Oklahoma Self-Defense Act; modifying definition of
12 concealed handgun; authorizing private property
13 owners to prohibit certain conduct; requiring private
14 property owners to post certain signage; providing
15 penalty for certain prohibited conduct; providing
16 immunity from liability; and providing an effective
17 date.

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

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

22 Section 1290.2

23 DEFINITIONS

24 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~~

1 ~~the person, or in a vehicle which is operated by the person or in~~
2 ~~which the person is riding as a passenger, the presence of which is~~
3 ~~not openly discernible to the ordinary observation of a reasonable~~
4 ~~person;~~

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

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

- 12 a. has an overall length of less than sixteen (16)
- 13 inches,
- 14 b. is capable of discharging a projectile composed of any
- 15 material which may reasonably be expected to be able
- 16 to cause lethal injury,
- 17 c. is designed to be held and fired by the use of a
- 18 single hand, and
- 19 d. uses either gunpowder, gas or any means of rocket
- 20 propulsion to discharge the projectile.

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

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

3 Section 1290.22

4 BUSINESS OWNER'S RIGHTS

5 A. Except as provided in subsection B of this section, nothing
6 contained in any provision of the Oklahoma Self-Defense Act, ~~Section~~
7 ~~1290.1 et seq. of this title,~~ shall be construed to limit, restrict
8 or prohibit in any manner the existing rights of any person,
9 property owner, tenant, employer, place of worship or business
10 entity to control the possession of weapons on any property owned or
11 controlled by the person or business entity.

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

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

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

1 signs prohibiting the carrying of firearms shall not be deemed a
2 criminal act but may subject the person to being denied entrance
3 onto the property or removed from the property. If the person
4 refuses to leave the property and a peace officer is summoned, the
5 person may be issued a citation for an amount not to exceed One
6 Hundred Dollars (\$100.00).

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

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

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