

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1057

By: Fry of the Senate

and

Calvey of the House

COMMITTEE SUBSTITUTE

An Act relating to carrying of firearms; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 226, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1277), which relates to unlawful carry in certain places; modifying inclusions; amending 21 O.S. 2011, Section 1290.22, as amended by Section 7, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015, Section 1290.22), which relates to business owner's rights; clarifying language; making certain allowances; amending 21 O.S. 2011, Section 1290.24, as amended by Section 42, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015, Section 1290.24), which relates to immunity; modifying inclusions, providing exception of applicability of requirements; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 226, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1277), is amended to read as follows:

Section 1277.

1 UNLAWFUL CARRY IN CERTAIN PLACES

2 A. It shall be unlawful for any person in possession of a valid
3 handgun license issued pursuant to the provisions of the Oklahoma
4 Self-Defense Act to carry any concealed or unconcealed handgun into
5 any of the following places:

6 1. Any structure, building, or office space which is owned or
7 leased by a city, town, county, state or federal governmental
8 authority for the purpose of conducting business with the public;

9 2. Any courthouse, courtroom, prison, jail, detention facility
10 or any facility used to process, hold or house arrested persons,
11 prisoners or persons alleged delinquent or adjudicated delinquent,
12 except as provided in Section 21 of Title 57 of the Oklahoma
13 Statutes;

14 3. Any public or private elementary or public or private
15 secondary school, except as provided in subsection C of this
16 section;

17 4. Any publicly owned or operated sports arena or venue during
18 a professional sporting event, unless allowed by the event holder;

19 5. Any place where ~~pari-mutuel wagering~~ gambling is authorized
20 by law, unless allowed by the property owner; and

21 6. Any other place specifically prohibited by law.

22 B. For purposes of ~~paragraphs 1, 2, 3, 4 and 5~~ of subsection A
23 of this section, the prohibited place does not include and
24 specifically excludes the following property:

1 1. Any property set aside for the use or parking of any
2 vehicle, whether attended or unattended, by a city, town, county,
3 state or federal governmental authority;

4 2. Any property set aside for the use or parking of any
5 vehicle, whether attended or unattended, by any entity offering any
6 amateur or professional sporting event which is open to the public
7 for admission, or by any entity engaged in ~~pari-mutuel wagering~~
8 gambling authorized by law;

9 3. Any property adjacent to a structure, building or office
10 space in which concealed or unconcealed weapons are prohibited by
11 the provisions of this section;

12 4. Any property designated by a city, town, county or state
13 governmental authority as a park, recreational area, or fairgrounds;
14 provided, nothing in this paragraph shall be construed to authorize
15 any entry by a person in possession of a concealed or unconcealed
16 handgun into any structure, building or office space which is
17 specifically prohibited by the provisions of subsection A of this
18 section; and

19 5. Any property set aside by a public or private elementary or
20 secondary school for the use or parking of any vehicle, whether
21 attended or unattended; provided, however, said handgun shall be
22 stored and hidden from view in a locked motor vehicle when the motor
23 vehicle is left unattended on school property.

1 Nothing contained in any provision of this subsection or
2 subsection C of this section shall be construed to authorize or
3 allow any person in control of any place described in ~~paragraph 1,~~
4 ~~2, 3, 4 or 5~~ of subsection A of this section to establish any policy
5 or rule that has the effect of prohibiting any person in lawful
6 possession of a handgun license from possession of a handgun
7 allowable under such license in places described in ~~paragraph 1, 2,~~
8 ~~3, 4 or 5~~ of this subsection.

9 C. A concealed or unconcealed weapon may be carried onto
10 private school property or in any school bus or vehicle used by any
11 private school for transportation of students or teachers by a
12 person who is licensed pursuant to the Oklahoma Self-Defense Act,
13 provided a policy has been adopted by the governing entity of the
14 private school that authorizes the carrying and possession of a
15 weapon on private school property or in any school bus or vehicle
16 used by a private school. Except for acts of gross negligence or
17 willful or wanton misconduct, a governing entity of a private school
18 that adopts a policy which authorizes the possession of a weapon on
19 private school property, a school bus or vehicle used by the private
20 school shall be immune from liability for any injuries arising from
21 the adoption of the policy. The provisions of this subsection shall
22 not apply to claims pursuant to the ~~Workers' Compensation Code~~
23 Administrative Workers' Compensation Act.

1 D. Any person violating the provisions paragraph 2 or 3 of
2 subsection A of this section shall, upon conviction, be guilty of a
3 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
4 Dollars (\$250.00). A person violating any other provision of
5 subsection A may be denied entrance onto the property or removed
6 from the property. If the person refuses to leave the property and
7 a peace officer is summoned, the person may be issued a citation for
8 an amount not to exceed Two Hundred Fifty Dollars (\$250.00).

9 E. No person in possession of a valid handgun license issued
10 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
11 authorized to carry the handgun into or upon any college, university
12 or technology center school property, except as provided in this
13 subsection. For purposes of this subsection, the following property
14 shall not be construed as prohibited for persons having a valid
15 handgun license:

16 1. Any property set aside for the use or parking of any
17 vehicle, whether attended or unattended, provided the handgun is
18 carried or stored as required by law and the handgun is not removed
19 from the vehicle without the prior consent of the college or
20 university president or technology center school administrator while
21 the vehicle is on any college, university or technology center
22 school property;

23 2. Any property authorized for possession or use of handguns by
24 college, university or technology center school policy; and

1 3. Any property authorized by the written consent of the
2 college or university president or technology center school
3 administrator, provided the written consent is carried with the
4 handgun and the valid handgun license while on college, university
5 or technology center school property.

6 The college, university or technology center school may notify
7 the Oklahoma State Bureau of Investigation within ten (10) days of a
8 violation of any provision of this subsection by a licensee. Upon
9 receipt of a written notification of violation, the Bureau shall
10 give a reasonable notice to the licensee and hold a hearing. At the
11 hearing, upon a determination that the licensee has violated any
12 provision of this subsection, the licensee may be subject to an
13 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
14 have the handgun license suspended for three (3) months.

15 Nothing contained in any provision of this subsection shall be
16 construed to authorize or allow any college, university or
17 technology center school to establish any policy or rule that has
18 the effect of prohibiting any person in lawful possession of a
19 handgun license from possession of a handgun allowable under such
20 license in places described in paragraphs 1, 2, and 3 of this
21 subsection. Nothing contained in any provision of this subsection
22 shall be construed to limit the authority of any college, university
23 or technology center school in this state from taking administrative
24

1 action against any student for any violation of any provision of
2 this subsection.

3 F. The provisions of this section shall not apply to any peace
4 officer or to any person authorized by law to carry a pistol in the
5 course of employment. District judges, associate district judges,
6 and special district judges, who are in possession of a valid
7 handgun license issued pursuant to the provisions of the Oklahoma
8 Self-Defense Act and whose names appear on a list maintained by the
9 Administrative Director of the Courts, shall be exempt from this
10 section when acting in the course and scope of employment within the
11 courthouses of this state. Private investigators with a firearms
12 authorization shall be exempt from this section when acting in the
13 course and scope of employment.

14 G. For the purposes of this section, "motor vehicle" means any
15 automobile, truck, minivan or sports utility vehicle.

16 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.22, as
17 amended by Section 7, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015,
18 Section 1290.22), is amended to read as follows:

19 Section 1290.22.

20 BUSINESS OWNER'S RIGHTS

21 A. Except as provided in ~~subsection~~ subsections B, C and D of
22 this section, nothing contained in any provision of the Oklahoma
23 Self-Defense Act shall be construed to limit, restrict or prohibit
24 in any manner the existing rights of any person, property owner,

1 tenant, employer, place of worship or business entity to control the
2 possession of weapons on any property owned or controlled by the
3 person or business entity.

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

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

16 D. No person, property owner, tenant, employer, holder of an
17 event permit, place of worship or business entity shall be permitted
18 to establish any policy or rule that has the effect of prohibiting
19 any person from carrying a concealed or unconcealed firearm on
20 property within the specific exclusion provided for in paragraph 4
21 of subsection B of Section 1277 of this title; provided that
22 carrying a concealed or unconcealed firearm may be prohibited in the
23 following places:
24

1 1. The portion of a public property structure or building
2 during an event authorized by the city, town, county, state or
3 federal governmental authority owning or controlling such building
4 or structure;

5 2. Any public property sports field, including any adjacent
6 seating or adjacent area set aside for viewing a sporting event,
7 where an elementary or secondary school, collegiate, or professional
8 sporting event or an International Olympic Committee or organization
9 or any committee subordinate to the International Olympic Committee
10 event is being held;

11 3. The fairgrounds during the Oklahoma State Fair or the Tulsa
12 State Fair; and

13 4. The portion of a public property structure or building that
14 is leased or under contract to a business or not for profit entity
15 or group for offices.

16 E. The carrying of a concealed or unconcealed firearm by a
17 person who has been issued a handgun license on property that has
18 signs prohibiting the carrying of firearms shall not be deemed a
19 criminal act but may subject the person to being denied entrance
20 onto the property or removed from the property. If the person
21 refuses to leave the property and a peace officer is summoned, the
22 person may be issued a citation for an amount not to exceed Two
23 Hundred Fifty Dollars (\$250.00).
24

1 ~~E.~~ F. A person, ~~corporation~~ property owner, tenant, employer,
2 holder of an event permit, place of worship or ~~any other~~ business
3 entity that does or does not prohibit any individual except a
4 convicted felon from carrying a loaded or unloaded, concealed or
5 unconcealed weapon on property that the person, ~~corporation~~ property
6 owner, tenant, employer, holder of an event permit, place of worship
7 or ~~other~~ business entity owns, or has legal control of, is immune
8 from any liability arising from that decision. Except for acts of
9 gross negligence or willful or wanton misconduct, an employer who
10 does or does not prohibit their employees from carrying a concealed
11 or unconcealed weapon is immune from any liability arising from that
12 decision. A person, property owner, tenant, employer, holder of an
13 event permit, place of worship or business entity that does not
14 prohibit persons from carrying a concealed or unconcealed weapon
15 pursuant to subsection D of this section shall be immune from any
16 liability arising from the carrying of a concealed or unconcealed
17 weapon on the property. The provisions of this subsection shall not
18 apply to claims pursuant to the ~~Workers' Compensation Code~~
19 Administrative Workers' Compensation Act.

20 G. It shall not be considered part of an employee's job
21 description or within the employee's scope of employment if an
22 employee is allowed to carry or discharge a weapon pursuant to this
23 section.
24

H. Nothing in subsections F and G shall prevent an employer, employee or person who has suffered loss resulting from the discharge of a weapon to seek redress or damages of the person who discharged the weapon or used the weapon outside the provisions of the Oklahoma Self-Defense Act.

SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.24, as amended by Section 42, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015, Section 1290.24), is amended to read as follows:

Section 1290.24.

IMMUNITY

A. The state, or any political subdivision of the state as defined in Section 152 of Title 51 of the Oklahoma Statutes, and its officers, agents and employees shall be immune from liability resulting or arising from:

1. Failure to prevent the licensing of an individual for whom the receipt of the license is unlawful pursuant to the provisions of the Oklahoma Self-Defense Act or any other provision of law of this state;

2. Any action or misconduct with a pistol committed by a person to whom a license to carry a concealed or unconcealed handgun has been issued pursuant to the provisions of the Oklahoma Self-Defense Act or by any person who obtains a pistol from a licensee;

3. Any injury to any person during a handgun training course conducted by a firearms instructor certified by the Council on Law

1 Enforcement Education and Training to conduct training under the
2 Oklahoma Self-Defense Act, or injury from any misfire or malfunction
3 of any handgun on a training course firing range supervised by a
4 certified firearms instructor under the provisions of the Oklahoma
5 Self-Defense Act, or any injury resulting from carrying a concealed
6 or unconcealed handgun pursuant to a handgun license; and

7 4. Any action or finding pursuant to a hearing conducted in
8 accordance with the Administrative Procedures Act as required in the
9 Oklahoma Self-Defense Act.

10 B. Firearms instructors certified by the Council on Law
11 Enforcement Education and Training to conduct training for the
12 Oklahoma Self-Defense Act shall be immune from liability to third
13 persons resulting or arising from any claim based on an act or
14 omission of a trainee.

15 C. The provisions of this subsection shall not apply to claims
16 pursuant to the Administrative Workers' Compensation Act.

17 SECTION 4. This act shall become effective November 1, 2016.

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