

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2869

			Of the printed Bill
Page	<u>1</u>	Section	<u>1</u>
		Lines	<u>18</u>
			Of the Engrossed Bill

By removing Sections 1 and 2 from the bill in their entirety and inserting in lieu thereof, the following:

(see attached)

and by renumbering the subsequent section of the bill.

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Mike Christian

Adopted: _____

Reading Clerk

1 "SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
2 last amended by Section 1, Chapter 226, O.S.L. 2015 (21 O.S. Supp.
3 2015, Section 1277), is amended to read as follows:

4 Section 1277.

5 UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

18 3. Any public or private elementary or public or private
19 secondary school, except as provided in subsection C of this
20 section;

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

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

1 6. Any other place specifically prohibited by law.

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

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

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

13 3. Any property adjacent to a structure, building or office
14 space in which concealed or unconcealed ~~weapons~~ handguns are
15 prohibited by the provisions of this section;

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

23 5. Any property set aside by a public or private elementary or
24 secondary school for the use or parking of any vehicle, whether

1 attended or unattended; provided, however, said handgun shall be
2 stored and hidden from view in a locked motor vehicle when the motor
3 vehicle is left unattended on school property.

4 Nothing contained in any provision of this subsection or
5 subsection C of this section shall be construed to authorize or
6 allow any person in control of any place described in ~~paragraph 1,~~
7 ~~2, 3, 4 or 5~~ of subsection A of this section to establish any policy
8 or rule that has the effect of prohibiting any person in lawful
9 possession of a handgun license from possession of a handgun
10 allowable under such license in places described in ~~paragraph 1, 2,~~
11 ~~3, 4 or 5~~ of this subsection.

12 C. A concealed or unconcealed ~~weapon~~ handgun may be carried
13 onto private school property or in any school bus or vehicle used by
14 any private school for transportation of students or teachers by a
15 person who is licensed pursuant to the Oklahoma Self-Defense Act,
16 provided a policy has been adopted by the governing entity of the
17 private school that authorizes the carrying and possession of a
18 ~~weapon~~ handgun on private school property or in any school bus or
19 vehicle used by a private school. Except for acts of gross
20 negligence or willful or wanton misconduct, a governing entity of a
21 private school that adopts a policy which authorizes the possession
22 of a ~~weapon~~ handgun on private school property, a school bus or
23 vehicle used by the private school shall be immune from liability
24 for any injuries arising from the adoption of the policy. The

1 provisions of this subsection shall not apply to claims pursuant to
2 the ~~Workers' Compensation Code~~ Administrative Workers' Compensation
3 Act.

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

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

19 1. Any property set aside for the use or parking of any
20 vehicle, whether attended or unattended, provided the handgun is
21 carried or stored as required by law and the handgun is not removed
22 from the vehicle without the prior consent of the college or
23 university president or technology center school administrator while
24

1 the vehicle is on any college, university or technology center
2 school property;

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

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

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

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

1 subsection. Nothing contained in any provision of this subsection
2 shall be construed to limit the authority of any college, university
3 or technology center school in this state from taking administrative
4 action against any student for any violation of any provision of
5 this subsection.

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

17 G. For the purposes of this section, "motor vehicle" means any
18 automobile, truck, minivan or ~~sports~~ sport utility vehicle.

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

22 Section 1290.22

23 BUSINESS OWNER'S RIGHTS
24

1 A. Except as provided in ~~subsection~~ subsections B, C and D of
2 this section, nothing contained in any provision of the Oklahoma
3 Self-Defense Act shall be construed to limit, restrict or prohibit
4 in any manner the existing rights of any person, property owner,
5 tenant, employer, place of worship or business entity to control the
6 possession of ~~weapons~~ firearms on any property owned or controlled
7 by the person or business entity.

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

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

20 D. No person, property owner, tenant, employer, holder of an
21 event permit, place of worship or business entity shall be permitted
22 to establish any policy or rule that has the effect of prohibiting
23 any person from carrying a concealed or unconcealed handgun on
24 property within the specific exclusion provided for in paragraph 4

1 of subsection B of Section 1277 of this title; provided that
2 carrying a concealed or unconcealed handgun may be prohibited in the
3 following places:

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

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

14 3. The fairgrounds during the Oklahoma State Fair or the Tulsa
15 State Fair; and

16 4. The portion of a public property structure or building that
17 is leased or under contract to a business or not-for-profit entity
18 or group for offices.

19 E. The carrying of a concealed or unconcealed ~~firearm~~ handgun
20 by a person who has been issued a handgun license on property that
21 has signs prohibiting the carrying of firearms shall not be deemed a
22 criminal act but may subject the person to being denied entrance
23 onto the property or removed from the property. If the person
24 refuses to leave the property and a peace officer is summoned, the

1 person may be issued a citation for an amount not to exceed Two
2 Hundred Fifty Dollars (\$250.00).

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

23 G. It shall not be considered part of the job description of an
24 employee or within the scope of employment of an employee if an

1 employee is allowed to carry or discharge a handgun pursuant to this
2 section.

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

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

11 Section 1290.24

12 IMMUNITY

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

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

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

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

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

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

17 C. The provisions of this subsection shall not apply to claims
18 pursuant to the Administrative Workers' Compensation Act."

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