

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 288

By: Dossett, Brecheen, Dahm and
Bergstrom of the Senate

and

Coody, Gann, Roberts (Sean)
and West (Josh) of the
House

11 COMMITTEE SUBSTITUTE

12 An Act relating to firearms; amending 21 O.S. 2011,
13 Section 1290.22, as last amended by Section 2,
14 Chapter 18, O.S.L. 2016 (21 O.S. Supp. 2016, Section
15 1290.22), which relates to business owner's rights;
16 clarifying civil liability provision; and providing
17 an effective date.

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

19 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.22, as
20 last amended by Section 2, Chapter 18, O.S.L. 2016 (21 O.S. Supp.
21 2016, Section 1290.22), is amended to read as follows:

22 Section 1290.22

23 BUSINESS OWNER'S RIGHTS

24 A. Except as provided in subsections B, C and D of this
 section, nothing contained in any provision of the Oklahoma Self-

1 Defense Act shall be construed to limit, restrict or prohibit in any
2 manner the existing rights of any person, property owner, tenant,
3 employer, place of worship or business entity to control the
4 possession of weapons on any property owned or controlled by the
5 person or business entity.

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

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

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

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

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

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

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

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

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

22 G. It shall not be considered part of an employee's job
23 description or within the employee's scope of employment if an
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1 employee is allowed to carry or discharge a weapon 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 weapon to seek redress or damages of the person who
6 discharged the weapon or used the weapon outside the provisions of
7 the Oklahoma Self-Defense Act.

8 SECTION 2. This act shall become effective November 1, 2017.

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10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL AND
11 ENVIRONMENTAL, dated 04/04/2017 - DO PASS, As Amended and
12 Coauthored.

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