

1 ENGROSSED SENATE
2 BILL NO. 1057

By: Fry of the Senate

3 and

4 Calvey and Bennett of the
5 House

6
7 An Act relating to municipality immunity; amending 21
8 O.S. 2011, Section 1277, as last amended by Section
9 1, Chapter 226, O.S.L. 2015 (21 O.S. Supp. 2015,
10 Section 1277), which relates to unlawful carry in
11 certain places; modifying inclusions; modifying
12 punishment for violations; amending 21 O.S. 2011,
13 Section 1290.22, as amended by Section 7, Chapter
14 366, O.S.L. 2013 (21 O.S. Supp. 2015, Section
15 1290.22), which relates to business owner's rights;
16 clarifying language; modifying certain prohibitions;
17 making certain allowances; clarifying scope of
18 certain employment; authorizing action for certain
19 loss; and providing an effective date.

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21
22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as
24 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.

UNLAWFUL CARRY IN CERTAIN PLACES

A. It shall be unlawful for any person in possession of a valid
handgun license issued pursuant to the provisions of the Oklahoma

1 Self-Defense Act to carry any concealed or unconcealed handgun into
2 any of the following places:

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

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

11 3. Any public or private elementary or public or private
12 secondary school, except as provided in subsection C of this
13 section;

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

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

18 6. Any other place specifically prohibited by law.

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

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

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

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

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

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

21 Nothing contained in any provision of this subsection or
22 subsection C of this section shall be construed to authorize or
23 allow any person in control of any place described in ~~paragraph 1,~~
24 ~~2, 3, 4 or 5~~ of subsection A of this section to establish any policy

1 or rule that has the effect of prohibiting any person in lawful
2 possession of a handgun license from possession of a handgun
3 allowable under such license in places described in ~~paragraph 1, 2,~~
4 ~~3, 4 or 5~~ of this subsection.

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

20 D. Any person violating the provisions paragraph 2 or 3 of
21 subsection A of this section shall, upon conviction, be guilty of a
22 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
23 Dollars (\$250.00). A person violating any other provision of
24 subsection A may be denied entrance onto the property or removed

1 from the property. If the person refuses to leave the property and
2 a peace officer is summoned, the person may be issued a citation for
3 an amount not to exceed Two Hundred Fifty Dollars (\$250.00).

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

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

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

20 3. Any property authorized by the written consent of the
21 college or university president or technology center school
22 administrator, provided the written consent is carried with the
23 handgun and the valid handgun license while on college, university
24 or technology center school property.

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

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

21 F. The provisions of this section shall not apply to any peace
22 officer or to any person authorized by law to carry a pistol in the
23 course of employment. District judges, associate district judges,
24 and special district judges, who are in possession of a valid

1 handgun license issued pursuant to the provisions of the Oklahoma
2 Self-Defense Act and whose names appear on a list maintained by the
3 Administrative Director of the Courts, shall be exempt from this
4 section when acting in the course and scope of employment within the
5 courthouses of this state. Private investigators with a firearms
6 authorization shall be exempt from this section when acting in the
7 course and scope of employment.

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

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

13 Section 1290.22.

14 BUSINESS OWNER'S RIGHTS

15 A. Except as provided in ~~subsection~~ subsections B, C and D of
16 this section, nothing contained in any provision of the Oklahoma
17 Self-Defense Act shall be construed to limit, restrict or prohibit
18 in any manner the existing rights of any person, property owner,
19 tenant, employer, place of worship or business entity to control the
20 possession of weapons on any property owned or controlled by the
21 person or business entity.

22 B. No person, property owner, tenant, employer, holder of an
23 event permit, place of worship or business entity shall be permitted
24 to establish any policy or rule that has the effect of prohibiting

1 any person, except a convicted felon, from transporting and storing
2 firearms in a locked vehicle on any property set aside for any
3 vehicle.

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

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

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

22 2. Any public property sports field, including any adjacent
23 seating or adjacent area set aside for viewing a sporting event,
24 where an elementary or secondary school, collegiate, or professional

1 sporting event or an International Olympic Committee or organization
2 or any committee subordinate to the International Olympic Committee
3 event is being held;

4 3. The fairgrounds during the Oklahoma State Fair or the Tulsa
5 State Fair; and

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

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

17 ~~E.~~ F. A person, ~~corporation~~ property owner, tenant, employer,
18 holder of an event permit, place of worship or ~~any other~~ business
19 entity that does or does not prohibit any individual except a
20 convicted felon from carrying a loaded or unloaded, concealed or
21 unconcealed weapon on property that the person, ~~corporation~~ property
22 owner, tenant, employer, holder of an event permit, place of worship
23 or ~~other~~ business entity owns, or has legal control of, is immune
24 from any liability arising from that decision. Except for acts of

1 gross negligence or willful or wanton misconduct, an employer who
2 does or does not prohibit their employees from carrying a concealed
3 or unconcealed weapon is immune from any liability arising from that
4 decision. A person, property owner, tenant, employer, holder of an
5 event permit, place of worship or business entity that does not
6 prohibit persons from carrying a concealed or unconcealed weapon
7 pursuant to subsection D of this section shall be immune from any
8 liability arising from the carrying of a concealed or unconcealed
9 weapon on the property. The provisions of this subsection shall not
10 apply to claims pursuant to the ~~Workers' Compensation Code~~
11 Administrative Workers' Compensation Act.

12 G. It shall not be considered part of an employee's job
13 description or within the employee's scope of employment if an
14 employee is allowed to carry or discharge a weapon pursuant to this
15 section.

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

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

24 Section 1290.24.

1 IMMUNITY

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

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

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

14 3. Any injury to any person during a handgun training course
15 conducted by a firearms instructor certified by the Council on Law
16 Enforcement Education and Training to conduct training under the
17 Oklahoma Self-Defense Act, or injury from any misfire or malfunction
18 of any handgun on a training course firing range supervised by a
19 certified firearms instructor under the provisions of the Oklahoma
20 Self-Defense Act, or any injury resulting from carrying a concealed
21 or unconcealed handgun pursuant to a handgun license; and

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

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

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

8 SECTION 4. This act shall become effective November 1, 2016.
9 Passed the Senate the 9th day of March, 2016.

11 _____
12 Presiding Officer of the Senate

13 Passed the House of Representatives the ____ day of _____,
14 2016.

16 _____
17 Presiding Officer of the House
18 of Representatives