

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 3656

By: McDugle

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5  
6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2011,  
8 Sections 1272, as last amended by Section 1, Chapter  
9 217, O.S.L. 2016 and 1277, as last amended by Section  
10 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp. 2017,  
11 Sections 1272 and 1277), which relate to the unlawful  
12 carrying of firearms; adding exception to certain  
13 prohibited act; modifying scope of prohibited acts;  
14 clarifying construing provision; adding statutory  
15 reference; amending 21 O.S. 2011, Sections 1289.6, as  
16 last amended by Section 1, Chapter 268, O.S.L. 2016,  
17 1289.7, as amended by Section 12, Chapter 259, O.S.L.  
18 2012, 1289.13A, as amended by Section 19, Chapter  
19 259, O.S.L. 2012 and 1289.24, as last amended by  
20 Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.  
21 2017, Sections 1289.6, 1289.7, 1289.13A and 1289.24),  
22 which relate to the Oklahoma Firearms Act of 1971;  
23 modifying manner in which firearms may be carried;  
24 authorizing certain persons to carry concealed or  
unconcealed firearms without a handgun license;  
prohibiting the carrying of firearms into certain  
places; modifying manner in which unloaded shotguns,  
rifles and pistols may be carried; declaring  
authority of persons to carry concealed or  
unconcealed firearms; prohibiting the disarming or  
physical restraint of person carrying firearms;  
construing certain provisions; stating age limitation  
for carrying firearms in vehicles; deleting certain  
definition; updating language; making certain acts  
unlawful; providing penalties; clarifying provision  
that allows for firearms confiscation; adding  
statutory reference for state preemption requirement;  
amending 21 O.S. 2011, Section 1290.22, as last  
amended by Section 1, Chapter 358, O.S.L. 2017 (21  
O.S. Supp. 2017, Section 1290.22), which relates to  
the Oklahoma Self-Defense Act; modifying description

1 of persons who may be denied entry onto posted  
2 property; and providing an effective date.

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

5 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as  
6 last amended by Section 1, Chapter 217, O.S.L. 2016 (21 O.S. Supp.  
7 2017, Section 1272), is amended to read as follows:

8 Section 1272.

9 UNLAWFUL CARRY

10 A. It shall be unlawful for any person to carry upon or about  
11 his or her person, or in a purse or other container belonging to the  
12 person, any pistol, revolver, shotgun or rifle whether loaded or  
13 unloaded or any blackjack, loaded cane, billy, hand chain, metal  
14 knuckles, or any other offensive weapon, whether such weapon be  
15 concealed or unconcealed, except this section shall not prohibit:

16 1. The proper use of guns and knives for self-defense, hunting,  
17 fishing, educational or recreational purposes;

18 2. The carrying or use of weapons in a manner otherwise  
19 permitted by statute or authorized by the Oklahoma Self-Defense Act;

20 3. The carrying, possession and use of any weapon by a peace  
21 officer or other person authorized by law to carry a weapon in the  
22 performance of official duties and in compliance with the rules of  
23 the employing agency;

1 4. The carrying or use of weapons in a courthouse by a district  
2 judge, associate district judge or special district judge within  
3 this state, who is in possession of a valid handgun license issued  
4 pursuant to the provisions of the Oklahoma Self-Defense Act and  
5 whose name appears on a list maintained by the Administrative  
6 Director of the Courts; ~~or~~

7 5. The carrying and use of firearms and other weapons provided  
8 in this subsection when used for the purpose of living history  
9 reenactment. For purposes of this paragraph, "living history  
10 reenactment" means depiction of historical characters, scenes,  
11 historical life or events for entertainment, education, or  
12 historical documentation through the wearing or use of period,  
13 historical, antique or vintage clothing, accessories, firearms,  
14 weapons, and other implements of the historical period; or

15 6. The carrying of concealed or unconcealed firearms, pursuant  
16 to the definitions provided for in Sections 1289.3, 1289.4, 1289.5  
17 and paragraphs 2 and 3 of subsection A of Section 1290.2 of this  
18 title, by a person who is a legal resident, twenty-one (21) years of  
19 age or older, is not a convicted felon or who is otherwise not  
20 disqualified from the possession or legal purchase of a firearm  
21 under state or federal law and is not involved in a crime. Any  
22 person who carries a firearm in the manner provided for in this  
23 paragraph shall be prohibited from carrying the firearm into any of  
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1 the places provided for in subsections A and F of Section 1277 of  
2 this title.

3 B. Any person convicted of violating the foregoing provision  
4 shall be guilty of a misdemeanor punishable as provided in Section  
5 1276 of this title.

6 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as  
7 last amended by Section 1, Chapter 165, O.S.L. 2017 (21 O.S. Supp.  
8 2017, Section 1277), is amended to read as follows:

9 Section 1277.

10 UNLAWFUL CARRY IN CERTAIN PLACES

11 A. It shall be unlawful for any person ~~in possession of a valid~~  
12 ~~handgun license issued pursuant to the provisions of the Oklahoma~~  
13 ~~Self-Defense Act to carry any concealed or unconcealed handgun a~~  
14 firearm into any of the following places:

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

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

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1       3. Any public or private elementary or public or private  
2 secondary school, except as provided in subsections C and D of this  
3 section;

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

6       5. Any place where gambling is authorized by law, unless  
7 allowed by the property owner; and

8       6. Any other place specifically prohibited by law.

9       B. For purposes of subsection A of this section, the prohibited  
10 place does not include and specifically excludes the following  
11 property:

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

15       2. Any property set aside for the use or parking of any  
16 vehicle, whether attended or unattended, which is open to the  
17 public, or by any entity engaged in gambling authorized by law;

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

21       4. Any property designated by a city, town, county or state  
22 governmental authority as a park, recreational area, or fairgrounds;  
23 provided, nothing in this paragraph shall be construed to authorize  
24 any entry by a person in possession of a concealed or unconcealed

1 handgun into any structure, building or office space which is  
2 specifically prohibited by the provisions of subsection A of this  
3 section; and

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

9 Nothing contained in any provision of this subsection or  
10 subsection C of this section shall be construed to authorize or  
11 allow any person in control of any place described in subsection A  
12 of this section to establish any policy or rule that has the effect  
13 of prohibiting any person in lawful possession of a ~~handgun license~~  
14 firearm from possession of a ~~handgun allowable under such license~~  
15 firearm in places described in this subsection.

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

1 that adopts a policy which authorizes the possession of a weapon on  
2 private school property, a school bus or vehicle used by the private  
3 school shall be immune from liability for any injuries arising from  
4 the adoption of the policy. The provisions of this subsection shall  
5 not apply to claims pursuant to the Administrative Workers'  
6 Compensation Act.

7 D. Notwithstanding paragraph 3 of subsection A of this section,  
8 a board of education of a school district may adopt a policy  
9 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to  
10 authorize the carrying of a handgun onto school property by school  
11 personnel specifically designated by the board of education,  
12 provided such personnel either:

- 13 1. Possess a valid armed security guard license as provided for  
14 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or
- 15 2. Hold a valid reserve peace officer certification as provided  
16 for in Section 3311 of Title 70 of the Oklahoma Statutes.

17 Nothing in this subsection shall be construed to restrict authority  
18 granted elsewhere in law to carry firearms.

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

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

4 F. 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~~ a firearm into or upon any college,  
7 university or technology center school property, except as provided  
8 in this subsection. For purposes of this subsection, the following  
9 property shall not be construed as prohibited for persons having a  
10 valid handgun license issued pursuant to the Oklahoma Self-Defense  
11 Act:

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

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

21 3. Any property authorized by the written consent of the  
22 college or university president or technology center school  
23 administrator, provided the written consent is carried with the  
24

1 handgun and the valid handgun license while on college, university  
2 or technology center school property.

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

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

23       G. The provisions of this section shall not apply to the  
24 following:

1 1. Any peace officer or any person authorized by law to carry a  
2 pistol in the course of employment;

3 2. District judges, associate district judges and special  
4 district judges, who are in possession of a valid handgun license  
5 issued pursuant to the provisions of the Oklahoma Self-Defense Act  
6 and whose names appear on a list maintained by the Administrative  
7 Director of the Courts, when acting in the course and scope of  
8 employment within the courthouses of this state;

9 3. Private investigators with a firearms authorization when  
10 acting in the course and scope of employment; and

11 4. Elected officials of a county, who are in possession of a  
12 valid handgun license issued pursuant to the provisions of the  
13 Oklahoma Self-Defense Act, may carry a concealed handgun when acting  
14 in the performance of their duties within the courthouses of the  
15 county in which he or she was elected. The provisions of this  
16 paragraph shall not allow the elected county official to carry the  
17 handgun into a courtroom.

18 H. For the purposes of this section, "motor vehicle" means any  
19 automobile, truck, minivan or sports utility vehicle.

20 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1289.6, as  
21 last amended by Section 1, Chapter 268, O.S.L. 2016 (21 O.S. Supp.  
22 2017, Section 1289.6), is amended to read as follows:

23 Section 1289.6

24 CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

1 A. A person shall be permitted to carry loaded and unloaded  
2 shotguns, rifles and pistols, ~~open and not concealed~~ and without a  
3 handgun license as authorized by the Oklahoma Self-Defense Act  
4 pursuant to the following conditions:

5 1. When hunting animals or fowl;

6 2. During competition in or practicing in a safety or hunter  
7 safety class, target shooting, skeet, trap or other recognized  
8 sporting events;

9 3. During participation in or in preparation for a military  
10 function of the state military forces to be defined as the Oklahoma  
11 Army or Air National Guard, Federal Military Reserve and active  
12 military forces. It is further provided that Oklahoma Army or Air  
13 National Guard personnel with proper authorization and performing a  
14 military function may carry loaded or unloaded and concealed weapons  
15 on Oklahoma Military Department facilities in accordance with rules  
16 promulgated by the Adjutant General;

17 4. During participation in or in preparation for a recognized  
18 police function of either a municipal, county or state government as  
19 functioning police officials;

20 5. During a practice for or a performance for entertainment  
21 purposes;

22 6. For lawful self-defense and self-protection or any other  
23 legitimate purpose ~~in or on property that is owned, leased, rented,~~  
24 ~~or otherwise legally controlled by the person; or~~

1       7. When carried concealed or unconcealed pursuant to the  
2 definitions provided for in Sections 1289.3, 1289.4, 1289.5 and  
3 paragraphs 2 and 3 of subsection A of Section 1290.2 of this title  
4 by a person who is:

5           a. a legal resident,

6           b. twenty-one (21) years of age or older,

7           c. not a convicted felon or who is otherwise not  
8 disqualified from the possession or legal purchase of  
9 a firearm under state or federal law, and

10          d. not involved in a crime.

11 Any person who carries a firearm in the manner provided for in this  
12 paragraph shall be prohibited from carrying the firearm into any of  
13 the places prescribed in subsections A and F of Section 1277 of this  
14 title; or

15       8. For any legitimate purpose not in violation of the Oklahoma  
16 Firearms Act of 1971 or any legislative enactment regarding the use,  
17 ownership and control of firearms.

18       B. A person shall be permitted to carry unloaded shotguns,  
19 rifles and pistols, ~~open and not concealed~~ and without a handgun  
20 license as authorized by the Oklahoma Self-Defense Act pursuant to  
21 the following conditions:

22           1. When going to or from the person's private residence or  
23 vehicle or a vehicle in which the person is riding as a passenger to  
24 a place designated or authorized for firearms repairs or

1 reconditioning, or for firearms trade, sale, or barter, or gunsmith,  
2 or hunting animals or fowl, or hunter safety course, or target  
3 shooting, or skeet or trap shooting or any recognized firearms  
4 activity or event and while in such places; or

5 2. For any legitimate purpose not in violation of the Oklahoma  
6 Firearms Act of 1971.

7 C. The provisions of this section shall not be construed to  
8 prohibit educational or recreational activities, exhibitions,  
9 displays or shows involving the use or display of rifles, shotguns  
10 or pistols or other weapons if the activity is approved by the  
11 property owner and sponsor of the activity.

12 D. Except as otherwise prohibited by law, a person shall have  
13 authority to carry a concealed or unconcealed firearm in this state.  
14 In the absence of reasonable and articulable suspicion of other  
15 criminal activity, a person carrying a firearm shall not be disarmed  
16 or physically restrained. Nothing in this section shall be  
17 construed to authorize a law enforcement officer to inspect any  
18 firearm without probable cause that a crime has been committed.

19 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.7, as  
20 amended by Section 12, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,  
21 Section 1289.7), is amended to read as follows:

22 Section 1289.7

23 FIREARMS IN VEHICLES

24

1        A. Any person twenty-one (21) years of age or older, except a  
2 convicted felon, may transport in a motor vehicle a ~~rifle, shotgun~~  
3 ~~or pistol or handgun, open and loaded or unloaded, at any time. For~~  
4 ~~purposes of this section "open" means the firearm is transported in~~  
5 ~~plain view, in a case designed for carrying firearms, which case is~~  
6 ~~wholly or partially visible, in a gun rack mounted in the vehicle,~~  
7 ~~in an exterior locked compartment or a trunk of a vehicle for the~~  
8 purpose of self-defense, provided the person is not involved in a  
9 crime.

10        B. Any person, except a convicted felon, may transport in a  
11 motor vehicle a rifle ~~or,~~ shotgun concealed, pistol or handgun  
12 behind a seat of the vehicle or within the interior of the vehicle  
13 provided the rifle or shotgun is not clip\_, magazine\_ or chamber\_  
14 loaded. The authority to transport a clip\_ or magazine\_loaded rifle  
15 or shotgun shall be pursuant to Section 1289.13 of this title.

16        C. It shall be unlawful for any person to fail or refuse to  
17 identify the fact that the person is in actual possession of a  
18 firearm pursuant to the authority of the Oklahoma Self-Defense Act  
19 or the Oklahoma Firearms Act of 1971 when the person comes into  
20 contact with any federal, state or local law enforcement officer  
21 during the course of any arrest, detainment or routine traffic stop.  
22 Notice of the possession of a firearm shall be made to the law  
23 enforcement officer at the first opportunity. Any violation of the  
24 provisions of this subsection shall, upon conviction, be a

1 misdemeanor punishable by a fine not exceeding One Hundred Dollars  
2 (\$100.00).

3 D. Any person who is the operator of a vehicle or is a  
4 passenger in any vehicle wherein another person who is licensed  
5 pursuant to the Oklahoma Self-Defense Act to carry a handgun,  
6 concealed or unconcealed, and is carrying a handgun or has the  
7 handgun in such vehicle, shall not be deemed in violation of the  
8 provisions of this section provided the licensee is in or near the  
9 vehicle.

10 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1289.13A, as  
11 amended by Section 19, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2017,  
12 Section 1289.13A), is amended to read as follows:

13 Section 1289.13A

14 IMPROPER TRANSPORTATION OF FIREARMS

15 A. Notwithstanding the provisions of Section 1272 or 1289.13 of  
16 this title, any person stopped pursuant to a moving traffic  
17 violation who is transporting a loaded pistol in the motor vehicle  
18 without a valid handgun license authorized by the Oklahoma Self-  
19 Defense Act ~~or~~, a valid license from another state or as otherwise  
20 permitted by law, whether the loaded firearm is concealed or  
21 unconcealed in the vehicle, shall be issued a traffic citation in  
22 the amount of Seventy Dollars (\$70.00), plus court costs for  
23 transporting a firearm improperly. In addition to the traffic  
24

1 citation provided in this section, the person may also be arrested  
2 for any other violation of law.

3 B. ~~When the arresting officer determines that a valid handgun~~  
4 ~~license exists, pursuant to the Oklahoma Self-Defense Act or any~~  
5 ~~provision of law from another state, for any person in the stopped~~  
6 ~~vehicle, any~~ Any firearms lawfully carried or transported as  
7 ~~permitted to be carried pursuant to that license~~ state law shall not  
8 be confiscated, unless:

9 1. The person is arrested for violating another provision of  
10 law other than a violation of subsection A of this section;  
11 provided, however, if the person is never charged with an offense  
12 pursuant to this paragraph or if the charges are dismissed or the  
13 person is acquitted, the weapon shall be returned to the person; or

14 2. The officer has probable cause to believe the weapon is:  
15 a. contraband, or  
16 b. a firearm used in the commission of a crime other than  
17 a violation of subsection A of this section.

18 C. Nothing in this section shall be construed to require  
19 confiscation of any firearm.

20 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.24, as  
21 last amended by Section 1, Chapter 241, O.S.L. 2015 (21 O.S. Supp.  
22 2017, Section 1289.24), is amended to read as follows:

23 Section 1289.24

24 FIREARM REGULATION - STATE PREEMPTION

1           A. 1. The State Legislature hereby occupies and preempts the  
2 entire field of legislation in this state touching in any way  
3 firearms, knives, components, ammunition, and supplies to the  
4 complete exclusion of any order, ordinance, or regulation by any  
5 municipality or other political subdivision of this state. Any  
6 existing or future orders, ordinances, or regulations in this field,  
7 except as provided for in paragraph 2 of this subsection and  
8 subsection C of this section, are null and void.

9           2. A municipality may adopt any ordinance:

10           a. relating to the discharge of firearms within the  
11 jurisdiction of the municipality, and

12           b. allowing the municipality to issue a traffic citation  
13 for transporting a firearm improperly as provided for  
14 in Section 1289.13A of this title; provided however,  
15 that penalties contained for violation of any  
16 ordinance enacted pursuant to the provisions of this  
17 subparagraph shall not exceed the penalties  
18 established in the Oklahoma Self-Defense Act.

19           3. As provided in the preemption provisions of this section,  
20 the otherwise lawful ~~open~~ carrying of a ~~handgun~~ firearm under the  
21 provisions of the Oklahoma Self-Defense Act or the Oklahoma Firearms  
22 Act of 1971 shall not be punishable by any municipality or other  
23 political subdivision of this state as disorderly conduct,  
24 disturbing the peace or similar offense against public order.

1           4. A public or private school may create a policy regulating  
2 the possession of knives on school property or in any school bus or  
3 vehicle used by the school for purposes of transportation.

4           B. No municipality or other political subdivision of this state  
5 shall adopt any order, ordinance, or regulation concerning in any  
6 way the sale, purchase, purchase delay, transfer, ownership, use,  
7 keeping, possession, carrying, bearing, transportation, licensing,  
8 permit, registration, taxation other than sales and compensating use  
9 taxes, or other controls on firearms, knives, components,  
10 ammunition, and supplies.

11           C. Except as hereinafter provided, this section shall not  
12 prohibit any order, ordinance, or regulation by any municipality  
13 concerning the confiscation of property used in violation of the  
14 ordinances of the municipality as provided for in Section 28-121 of  
15 Title 11 of the Oklahoma Statutes. Provided, however, no municipal  
16 ordinance relating to transporting a firearm or knife improperly may  
17 include a provision for confiscation of property.

18           D. When a person's rights pursuant to the protection of the  
19 preemption provisions of this section have been violated, the person  
20 shall have the right to bring a civil action against the persons,  
21 municipality, and political subdivision jointly and severally for  
22 injunctive relief or monetary damages or both.

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1 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1290.22, as  
2 last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp.  
3 2017, Section 1290.22), is amended to read as follows:

4 Section 1290.22

5 BUSINESS OWNER'S RIGHTS

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

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

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

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

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

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

19 3. The fairgrounds during the Oklahoma State Fair or the Tulsa  
20 State Fair; and

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

24

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

9 F. A person, property owner, tenant, employer, holder of an  
10 event permit, place of worship or business entity that does or does  
11 not prohibit any individual except a convicted felon from carrying a  
12 loaded or unloaded, concealed or unconcealed weapon on property that  
13 the person, property owner, tenant, employer, holder of an event  
14 permit, place of worship or business entity owns, or has legal  
15 control of, is immune from any liability arising from that decision.  
16 Except for acts of gross negligence or willful or wanton misconduct,  
17 an employer who does or does not prohibit their employees from  
18 carrying a concealed or unconcealed weapon is immune from any  
19 liability arising from that decision. A person, property owner,  
20 tenant, employer, holder of an event permit, place of worship or  
21 business entity that does not prohibit persons from carrying a  
22 concealed or unconcealed weapon pursuant to subsection D of this  
23 section shall be immune from any liability arising from the carrying  
24 of a concealed or unconcealed weapon, while in the scope of

1 employment, on the property or in or about a business entity  
2 vehicle. The provisions of this subsection shall not apply to  
3 claims pursuant to the Administrative Workers' Compensation Act.

4 G. It shall not be considered part of an employee's job  
5 description or within the employee's scope of employment if an  
6 employee is allowed to carry or discharge a weapon pursuant to this  
7 section.

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

13 SECTION 8. This act shall become effective November 1, 2018.

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15 56-2-8292 GRS 01/15/18

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