

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 288

By: Dossett, Brecheen, and Dahm
of the Senate

and

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

COMMITTEE SUBSTITUTE

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

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

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

Section 1290.22

BUSINESS OWNER'S RIGHTS

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

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

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

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8 D. 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 from carrying a concealed or unconcealed firearm on
12 property within the specific exclusion provided for in paragraph 4
13 of subsection B of Section 1277 of this title; provided that
14 carrying a concealed or unconcealed firearm may be prohibited in the
15 following places:

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

20 2. Any public property sports field, including any adjacent
21 seating or adjacent area set aside for viewing a sporting event,
22 where an elementary or secondary school, collegiate, or professional
23 sporting event or an International Olympic Committee or organization
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1 or any committee subordinate to the International Olympic Committee
2 event is being held;

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

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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).

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

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

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

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

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