

1 ENGROSSED HOUSE
2 BILL NO. 1111

By: West (Kevin) and Roberts
(Sean) of the House

3 and

4 Bergstrom of the Senate
5

6
7 An Act relating to firearms; amending 21 O.S. 2011,
8 Sections 1272.1, as amended by Section 2, Chapter
9 259, O.S.L. 2012 and 1272.2, as amended by Section 3,
10 Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
11 Sections 1272.1 and 1272.2), which relate to the
12 carrying of firearms where liquor is consumed;
13 updating statutory references; modifying exception to
14 include certain persons; defining term; modifying
15 scope of prohibited act; modifying scope of
16 prohibition against carrying a weapon in a liquor
17 establishment; reducing and deleting certain
18 penalties; amending 21 O.S. 2011, Section 1290.22, as
19 last amended by Section 12, Chapter 1, O.S.L. 2019
20 (21 O.S. Supp. 2019, Section 1290.22), which relates
21 to business owners rights; expanding construing
22 provision to include liquor stores; and providing an
23 effective date.
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18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272.1, as
20 amended by Section 2, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
21 Section 1272.1), is amended to read as follows:

22 Section 1272.1

23 CARRYING FIREARMS WHERE LIQUOR IS CONSUMED
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1 A. It shall be unlawful for any person to carry or possess any
2 weapon designated in Section 1272 of this title in any establishment
3 where ~~low-point beer~~ or alcoholic beverages, as defined by Section
4 ~~163.2 of Title 37~~ 1-103 of Title 37A of the Oklahoma Statutes, ~~or~~
5 ~~alcoholic beverages, as defined by Section 506 of Title 37 of the~~
6 ~~Oklahoma Statutes,~~ are consumed. This provision shall not apply to
7 a peace officer, as defined in Section 99 of this title, or to
8 private investigators with a firearms authorization when acting in
9 the scope and course of employment, ~~and.~~ Further, this provision
10 shall not apply to an owner ~~or,~~ proprietor or employee of the
11 establishment ~~having;~~ provided, the employee has permission from the
12 owner or proprietor of the establishment that the employee may have
13 a pistol, rifle, or shotgun on the premises. Provided however, a
14 person ~~possessing a valid handgun license pursuant to the provisions~~
15 ~~of the Oklahoma Self-Defense Act~~ may carry the ~~concealed or~~
16 ~~unconcealed handgun~~ firearm into any restaurant or other
17 establishment licensed to dispense ~~low-point~~ beer or alcoholic
18 beverages where the sale of ~~low-point~~ beer or alcoholic beverages
19 does not constitute the primary purpose of the business. It shall
20 be lawful for a person carrying a firearm to be in a designated bar
21 area of the restaurant as long as the person carrying the firearm is
22 not consuming beer or alcoholic beverages.

23 ~~Provided further, nothing~~ B. Nothing in this section shall be
24 interpreted to authorize any peace officer in actual physical

1 possession of a weapon to consume ~~low-point~~ beer or alcoholic
2 beverages, except in the authorized line of duty as an undercover
3 officer.

4 C. Nothing in this section shall be interpreted to authorize
5 any person, employee or private investigator with or without a
6 firearms authorization in actual physical possession of a weapon to
7 consume ~~low-point~~ beer or alcoholic beverages in any establishment
8 where ~~low-point~~ beer or alcoholic beverages are consumed.

9 ~~B.~~ D. Any person violating the provisions of this section shall
10 be punished as provided in Section 1272.2 of this title.

11 E. As used in this section, "consume" means the act of drinking
12 or ingesting alcoholic beverages or eating a product containing
13 alcohol.

14 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1272.2, as
15 amended by Section 3, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2019,
16 Section 1272.2), is amended to read as follows:

17 Section 1272.2

18 PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

19 A. Any establishment where fifty-one percent (51%) of its
20 annual income is derived from alcohol sales consumed on the premises
21 of the establishment shall post on entry doors used by the public
22 signage that reads "51%".

23 B. Any ~~person~~ patron who intentionally or knowingly carries on
24 his or her person any weapon into an establishment that displays on

1 its entry doors a "51%" sign in violation of Section 1272.1 of this
2 title, and refuses to leave said property shall, upon conviction, be
3 guilty of a ~~felony~~ misdemeanor punishable by a fine not to exceed
4 ~~One Thousand Dollars (\$1,000.00), or imprisonment in the custody of~~
5 ~~the Department of Corrections for a period not to exceed two (2)~~
6 ~~years, or by both such fine and imprisonment~~ Two Hundred Fifty
7 Dollars (\$250.00).

8 ~~Any person convicted of violating the provisions of this section~~
9 ~~after having been issued a handgun license pursuant to the~~
10 ~~provisions of the Oklahoma Self-Defense Act shall have the license~~
11 ~~revoked by the Oklahoma State Bureau of Investigation after a~~
12 ~~hearing and determination that the person is in violation of Section~~
13 ~~1272.1 of this title.~~

14 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.22, as
15 last amended by Section 12, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
16 2019, Section 1290.22), is amended to read as follows:

17 Section 1290.22

18 BUSINESS OWNER'S RIGHTS

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

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

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

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

23 1. The portion of a public property structure or building
24 during an event authorized by the city, town, county, state or

1 federal governmental authority owning or controlling such building
2 or structure;

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

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

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

14 E. The otherwise lawful carrying of a concealed or unconcealed
15 firearm by a person on property that has signs prohibiting the
16 carrying of firearms shall subject the person to being denied
17 entrance onto the property or removed from the property. If the
18 person:

19 1. Has been informed by the property owner, business entity or
20 manager of the business that the person is in violation of a policy
21 that prohibits firearms on the property; and

22 2. Refuses to leave the property and a peace officer is
23 summoned,

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1 the person may be punished as provided in Section 1276 of this
2 title.

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

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

