

An Act

ENROLLED SENATE
BILL NO. 646

By: Bergstrom and Jett of the
Senate

and

Steagall, McDugle, Gann,
Manger and Roberts (Sean)
of the House

An Act relating to firearms; amending 21 O.S. 2011, Section 1272.1, as amended by Section 2, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020, Section 1272.1), which relates to the carrying of firearms where liquor is consumed; updating statutory references; modifying exception to include certain persons; defining term; modifying scope of prohibited act; modifying scope of prohibition against carrying a weapon in a liquor establishment; reducing and deleting certain penalties; amending 21 O.S. 2011, Section 1290.22, as last amended by Section 12, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2020, Section 1290.22), which relates to business owners rights; expanding construing provision to include liquor stores; providing certain misdemeanor offense; repealing 1272.2, as amended by Section 3, Chapter 259, O.S.L. 2012, which relates to penalty for firearm in liquor establishment; and providing an effective date.

SUBJECT: Authorizing owner of an establishment that sells alcoholic beverages to permit employee to carry or possess a weapon while in the scope and course of employment

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272.1, as amended by Section 2, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020, Section 1272.1), is amended to read as follows:

Section 1272.1.

CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

A. It shall be unlawful for ~~any~~ a person to carry or possess any weapon designated in Section 1272 of this title in any establishment where ~~low-point beer~~ the sale of alcoholic beverages, as defined by Section ~~163.2 of Title 37~~ 1-103 of Title 37A of the Oklahoma Statutes, ~~or alcoholic beverages, as defined by Section 506 of Title 37 of the Oklahoma Statutes, are consumed~~ constitutes the primary purpose of the business. This provision shall not apply to ~~a~~ a:

1. A peace officer, as defined in Section 99 of this title, or ~~to private investigators~~ investigator or armed security guard with a firearms authorization when acting in the scope and course of employment, ~~and shall not apply to an;~~

2. An owner or proprietor of the establishment ~~having a pistol, rifle, or shotgun on the premises; or~~

3. An employee of the establishment who has permission from the owner or proprietor of the establishment to carry or possess a weapon while in the scope and course of employment.

~~B. Provided however,~~ It shall be lawful for a person possessing a valid handgun license pursuant to the provisions of the Oklahoma Self-Defense Act may to carry the concealed or unconcealed handgun or possess any weapon designated in Section 1272 of this title into any restaurant or other establishment licensed to dispense ~~low-point beer or alcoholic beverages where the sale of low-point beer or alcoholic beverages does not constitute the primary purpose of the business.~~

~~Provided further, nothing~~ C. Nothing in this section shall be interpreted to authorize any peace officer in actual physical possession of a weapon to consume ~~low-point beer or alcoholic~~

beverages, except in the authorized line of duty as an undercover officer.

D. Nothing in this section shall be interpreted to authorize any person, employee, private investigator or armed security guard with or without a firearms authorization in actual physical possession of a weapon to consume ~~low-point beer or~~ alcoholic beverages in any establishment where ~~low-point beer or~~ alcoholic beverages are consumed.

~~B.~~ E. Any person violating the provisions of this section shall upon conviction, be punished as provided in Section 1272.2 of this title guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00).

F. Any person who intentionally or knowingly carries or possesses any weapon in violation of the provisions of this section and refuses to leave the establishment or the property of the establishment shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00).

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

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.22, as last amended by Section 12, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2020, 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, liquor store, 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, liquor store, 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.

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

D. No person, property owner, tenant, employer, liquor store, 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 from carrying a concealed or unconcealed firearm on property within the specific exclusion provided for in paragraph 4 of subsection B of Section 1277 of this title; provided that carrying a concealed or unconcealed firearm may be prohibited in the following places:

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

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

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

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

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

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

2. Refuses to leave the property and a peace officer is summoned, ~~the person may be punished as provided in Section 1276 of this title shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00).~~

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

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

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

SECTION 3. REPEALER 21 O.S. 2011, Section 1272.2, as amended by Section 3, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020, Section 1272.2), is hereby repealed.

SECTION 4. This act shall become effective November 1, 2021.

Passed the Senate the 9th day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____