

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 646

By: Bergstrom

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6 AS INTRODUCED

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. 2020,
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. 2020, 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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28 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

32 Section 1272.1

33 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, in the scope and
12 course of employment, has permission from the owner or proprietor of
13 the establishment that the employee may have a pistol, rifle, or
14 shotgun on the premises. Provided however, a person possessing a
15 valid handgun license pursuant to the provisions of the Oklahoma
16 Self-Defense Act may carry the concealed or unconcealed handgun
17 firearm into any restaurant or other establishment licensed to
18 dispense low-point beer or alcoholic beverages where the sale of
19 low-point beer or alcoholic beverages does not constitute the
20 primary purpose of the business. It shall be lawful for a person
21 carrying a firearm to be in a designated bar area of the restaurant
22 as long as the person carrying the firearm is not consuming beer or
23 alcoholic beverages.

1 ~~Provided further, nothing~~ B. Nothing in this section shall be
2 interpreted to authorize any peace officer in actual physical
3 possession of a weapon to consume ~~low-point~~ beer or alcoholic
4 beverages, except in the authorized line of duty as an undercover
5 officer.

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

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

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

16 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1272.2, as
17 amended by Section 3, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,
18 Section 1272.2), is amended to read as follows:

19 Section 1272.2

20 PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

21 Any ~~person~~ patron who intentionally or knowingly carries on his
22 or her person any weapon in violation of Section 1272.1 of this
23 title, and refuses to leave said property shall, upon conviction, be
24 guilty of a ~~felony~~ misdemeanor punishable by a fine not to exceed

1 ~~One Thousand Dollars (\$1,000.00), or imprisonment in the custody of~~
2 ~~the Department of Corrections for a period not to exceed two (2)~~
3 ~~years, or by both such fine and imprisonment~~ Two Hundred Fifty
4 Dollars (\$250.00).

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

11 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.22, as
12 last amended by Section 12, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
13 2020, Section 1290.22), is amended to read as follows:

14 Section 1290.22

15 BUSINESS OWNER'S RIGHTS

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

23 B. No person, property owner, tenant, employer, liquor store,
24 holder of an event permit, place of worship or business entity shall

1 be permitted to establish any policy or rule that has the effect of
2 prohibiting any person, except a convicted felon, from transporting
3 and storing firearms in a locked vehicle on any property set aside
4 for any vehicle.

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

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

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

23 2. Any public property sports field, including any adjacent
24 seating or adjacent area set aside for viewing a sporting event,

1 where an elementary or secondary school, collegiate, or professional
2 sporting event or an International Olympic Committee or organization
3 or any committee subordinate to the International Olympic Committee
4 event is being held;

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

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

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

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

18 2. Refuses to leave the property and a peace officer is
19 summoned,

20 the person may be punished as provided in Section 1276 of this
21 title.

22 F. A person, property owner, tenant, employer, liquor store,
23 holder of an event permit, place of worship or business entity that
24 does or does not prohibit any individual, except a convicted felon,

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

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

22 H. Nothing in subsections F and G of this section shall prevent
23 an employer, employee or person who has suffered loss resulting from
24 the discharge of a weapon to seek redress or damages of the person

1 who discharged the weapon or used the weapon outside the provisions
2 of the Oklahoma Self-Defense Act.

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