

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1132

By: Bergstrom

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6 AS INTRODUCED

7 An Act relating to firearms; amending 21 O.S. 2021,
8 Sections 1277 and 1290.22, which relate to unlawful
9 carry in certain places and business owner's rights;
10 modifying prohibited places for lawful carry;
11 updating statutory language; and declaring an
12 emergency.

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

14 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1277, is
15 amended to read as follows:

16 Section 1277.

17 UNLAWFUL CARRY IN CERTAIN PLACES

18 A. It shall be unlawful for any person, including a person in
19 possession of a valid handgun license issued pursuant to the
20 provisions of the Oklahoma Self-Defense Act, to carry any concealed
21 or unconcealed firearm into any of the following places:

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

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

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

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

11 5. Any place where gambling is authorized by law, unless
12 allowed by the property owner;

13 6. Any other place specifically prohibited by law; ~~and~~

14 7. Any public property excluding the Oklahoma State Fair and
15 Tulsa State Fair events, property set aside by a county, city, town,
16 public trust with a county, city or town as a beneficiary, or state
17 governmental authority for an event that is secured with minimum-
18 security provisions. For purposes of this paragraph, a minimum-
19 security provision consists of a location that is secured utilizing
20 the following:

- 21 a. a metallic-style security fence that is at least eight
22 (8) feet in height that encompasses the property and
23 is secured in such a way as to deter unauthorized
24 entry,

- 1 b. controlled access points staffed by a uniformed,
2 commissioned peace officer, and
3 c. a metal detector whereby persons walk or otherwise
4 travel with their property through or by the metal
5 detector;

6 8. Any public meeting conducted in accordance with the Oklahoma
7 Open Meeting Act, unless otherwise authorized by law;

8 9. Any public facility that houses substance abuse or mental
9 health facilities or persons who are under direct supervision of a
10 state, county, or municipal abuse program unless otherwise
11 authorized by law; and

12 10. The Oklahoma State Capitol, unless authorized by law.

13 B. It shall be lawful for a person to carry a concealed or
14 unconcealed firearm on the following properties:

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

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

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

1 4. Any property designated by a city, town, county or state
2 governmental authority as a park, recreational area, wildlife
3 refuge, wildlife management area or state or county fairgrounds;
4 ~~provided, nothing in this paragraph shall be construed to authorize~~
5 ~~any entry by a person in possession of a concealed or unconcealed~~
6 ~~firearm into any structure, building, office space or event which is~~
7 ~~specifically prohibited by the provisions of subsection A of this~~
8 ~~section;~~

9 5. Any property set aside by a public or private elementary or
10 secondary school for the use or parking of any vehicle, whether
11 attended or unattended; provided, however, the firearm shall be
12 stored and hidden from view in a locked motor vehicle when the motor
13 vehicle is left unattended on school property; and

14 6. Any public property set aside temporarily by a county, city,
15 town, public trust with a county, city or town as a beneficiary, or
16 state governmental authority for the holder of an event permit that
17 is without minimum-security provisions, as such term is defined in
18 paragraph 7 of subsection A of this section; provided, the carry of
19 firearms within ~~said~~ the permitted event area shall be limited to
20 concealed carry of a handgun unless otherwise authorized by the
21 holder of the event permit.

22 C. It shall be lawful to carry a concealed handgun on the
23 fairgrounds during the Oklahoma State Fair or the Tulsa State Fair
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1 unless open carry of any lawful firearm is otherwise authorized by
2 the event holder.

3 Nothing contained in any provision of this subsection or
4 subsection C of this section shall be construed to authorize or
5 allow any person in control of any place described in subsection A
6 of this section to establish any policy or rule that has the effect
7 of prohibiting any person in lawful possession of a handgun license
8 or otherwise in lawful possession of a firearm from carrying or
9 possessing the firearm on the property described in this subsection.

10 ~~C.~~ D. A concealed or unconcealed weapon may be carried onto
11 private school property or in any school bus or vehicle used by any
12 private school for transportation of students or teachers by a
13 person who is licensed pursuant to the Oklahoma Self-Defense Act,
14 provided a policy has been adopted by the governing entity of the
15 private school that authorizes the carrying and possession of a
16 weapon on private school property or in any school bus or vehicle
17 used by a private school. Except for acts of gross negligence or
18 willful or wanton misconduct, a governing entity of a private school
19 that adopts a policy which authorizes the possession of a weapon on
20 private school property, a school bus or vehicle used by the private
21 school shall not be subject to liability for any injuries arising
22 from the adoption of the policy. The provisions of this subsection
23 shall not apply to claims pursuant to the Administrative Workers'
24 Compensation Act.

1 ~~D.~~ E. Notwithstanding paragraph 3 of subsection A of this
2 section, a board of education of a school district may adopt a
3 policy pursuant to Section 5-149.2 of Title 70 of the Oklahoma
4 Statutes to authorize the carrying of a handgun onto school property
5 by school personnel specifically designated by the board of
6 education, provided such personnel either:

7 1. Possess a valid armed security guard license as provided for
8 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

9 2. Hold a valid reserve peace officer certification as provided
10 for in Section 3311 of Title 70 of the Oklahoma Statutes.

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

13 ~~E.~~ F. Notwithstanding the provisions of subsection A of this
14 section, on any property designated as a municipal zoo or park of
15 any size that is owned, leased, operated or managed by:

16 1. A public trust created pursuant to the provisions of Section
17 176 of Title 60 of the Oklahoma Statutes; or

18 2. A nonprofit entity,
19 an individual shall be allowed to carry a concealed handgun but not
20 openly carry a handgun on the property.

21 ~~F.~~ G. Any person violating the provisions of paragraph 2 or 3
22 of subsection A of this section shall, upon conviction, be guilty of
23 a misdemeanor punishable by a fine not to exceed Two Hundred Fifty
24 Dollars (\$250.00). A person violating any other provision of
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1 subsection A of this section may be denied entrance onto the
2 property or removed from the property. If the person refuses to
3 leave the property and a peace officer is summoned, the person may
4 be issued a citation for an amount not to exceed Two Hundred Fifty
5 Dollars (\$250.00).

6 ~~G.~~ H. No person in possession of a valid handgun license issued
7 pursuant to the provisions of the Oklahoma Self-Defense Act or who
8 is carrying or in possession of a firearm as otherwise permitted by
9 law or who is carrying or in possession of a machete, blackjack,
10 loaded cane, hand chain or metal knuckles shall be authorized to
11 carry the firearm, machete, blackjack, loaded cane, hand chain or
12 metal knuckles into or upon any college, university or technology
13 center school property, except as provided in this subsection. For
14 purposes of this subsection, the following property shall not be
15 construed to be college, university or technology center school
16 property:

17 1. Any property set aside for the use or parking of any motor
18 vehicle, whether attended or unattended, provided the firearm,
19 machete, blackjack, loaded cane, hand chain or metal knuckles are
20 carried or stored as required by law and the firearm, machete,
21 blackjack, loaded cane, hand chain or metal knuckles are not removed
22 from the motor vehicle without the prior consent of the college or
23 university president or technology center school administrator while
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1 the vehicle is on any college, university or technology center
2 school property;

3 2. Any property authorized for possession or use of firearms,
4 machetes, blackjacks, loaded canes, hand chains or metal knuckles by
5 college, university or technology center school policy; and

6 3. Any property authorized by the written consent of the
7 college or university president or technology center school
8 administrator, provided the written consent is carried with the
9 firearm, machete, blackjack, loaded cane, hand chain or metal
10 knuckles and the valid handgun license while on college, university
11 or technology center school property.

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

21 Nothing contained in any provision of this subsection shall be
22 construed to authorize or allow any college, university or
23 technology center school to establish any policy or rule that has
24 the effect of prohibiting any person in lawful possession of a
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1 handgun license or any person in lawful possession of a firearm,
2 machete, blackjack, loaded cane, hand chain or metal knuckles from
3 possession of a firearm, machete, blackjack, loaded cane, hand chain
4 or metal knuckles in places described in paragraphs 1, 2 and 3 of
5 this subsection. Nothing contained in any provision of this
6 subsection shall be construed to limit the authority of any college,
7 university or technology center school in this state from taking
8 administrative action against any student for any violation of any
9 provision of this subsection.

10 ~~H.~~ I. The provisions of this section shall not apply to the
11 following:

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

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

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

22 4. Elected officials of a county, who are in possession of a
23 valid handgun license issued pursuant to the provisions of the
24 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
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1 in the performance of his or her duties within the courthouses of
2 the county in which he or she was elected. The provisions of this
3 paragraph shall not allow the elected county official to carry the
4 handgun into a courtroom;

5 5. The sheriff of any county may authorize certain employees of
6 the county, who possess a valid handgun license issued pursuant to
7 the provisions of the Oklahoma Self-Defense Act, to carry a
8 concealed handgun when acting in the course and scope of employment
9 within the courthouse in the county in which the person is employed.
10 Nothing in the Oklahoma Self-Defense Act shall prohibit the sheriff
11 from requiring additional instruction or training before granting
12 authorization to carry a concealed handgun within the courthouse.
13 The provisions of this paragraph and of paragraph 6 of this
14 subsection shall not allow the county employee to carry the handgun
15 into a courtroom, sheriff's office, adult or juvenile jail or any
16 other prisoner detention area; and

17 6. The board of county commissioners of any county may
18 authorize certain employees of the county, who possess a valid
19 handgun license issued pursuant to the provisions of the Oklahoma
20 Self-Defense Act, to carry a concealed handgun when acting in the
21 course and scope of employment on county annex facilities or grounds
22 surrounding the county courthouse.

23 ~~F.~~ J. For the purposes of this section, "motor vehicle" means
24 any automobile, truck, minivan, sports utility vehicle, or
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1 motorcycle, as defined in Section 1-135 of Title 47 of the Oklahoma
2 Statutes, equipped with a locked accessory container within or
3 affixed to the motorcycle.

4 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1290.22, is
5 amended to read as follows:

6 Section 1290.22.

7 BUSINESS OWNER'S RIGHTS

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

15 B. 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, except a convicted felon, from transporting
19 and storing firearms in a locked vehicle on any property set aside
20 for any vehicle.

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

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

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

15 2. Any public property sports field including any adjacent
16 seating or adjacent area set aside for viewing a sporting event,
17 where an elementary or secondary school, collegiate, or professional
18 sporting event or an International Olympic Committee or organization
19 or any committee subordinate to the International Olympic Committee
20 event is being held, or the USA National Softball Hall of Fame
21 Stadium during the Women's College World Series, or any horse show
22 event held at the Jim Norick Arena, unless authorized by the event
23 holder;

1 ~~3. The fairgrounds during the Oklahoma State Fair or the Tulsa~~
2 ~~State Fair, and~~

3 ~~4.~~ 3. The portion of a public property structure or building
4 that is leased or under contract to a business or not-for-profit
5 entity or group for offices.

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

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

14 2. Refuses to leave the property and a peace officer is
15 summoned, the person shall, upon conviction, be guilty of a
16 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
17 Dollars (\$250.00).

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

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

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 of this section shall prevent
19 an employer, employee or person who has suffered loss resulting from
20 the discharge of a weapon to seek redress or damages of the person
21 who discharged the weapon or used the weapon outside the provisions
22 of the Oklahoma Self-Defense Act.

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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