

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 288

By: Dossett, Brecheen, and Dahm
of the Senate

3
4 and

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

7
8
9 An Act relating to firearms; amending 21 O.S. 2011,
10 Section 1290.22, as last amended by Section 2,
Chapter 18, O.S.L. 2016 (21 O.S. Supp. 2016, Section
11 1290.22), which relates to business owner's rights;
12 modifying inclusions; and providing an effective
13 date.

14 AUTHOR: Add the following Senate Coauthor: Bergstrom

15 AMENDMENT NO. 1. Replace the title, enacting clause and entire bill
16 and insert

17
18 "An Act relating to firearms; amending 21 O.S. 2011,
19 Section 1290.22, as last amended by Section 2,
Chapter 18, O.S.L. 2016 (21 O.S. Supp. 2016, Section
20 1290.22), which relates to business owner's rights;
21 clarifying civil liability provision; and providing
22 an effective date.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
24

1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1290.22, as
2 last amended by Section 2, Chapter 18, O.S.L. 2016 (21 O.S. Supp.
3 2016, Section 1290.22), is amended to read as follows:

4 Section 1290.22

5 BUSINESS OWNER'S RIGHTS

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

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

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

1 D. No person, property owner, tenant, employer, holder of an
2 event permit, place of worship or business entity shall be permitted
3 to establish any policy or rule that has the effect of prohibiting
4 any person from carrying a concealed or unconcealed firearm on
5 property within the specific exclusion provided for in paragraph 4
6 of subsection B of Section 1277 of this title; provided that
7 carrying a concealed or unconcealed firearm may be prohibited in the
8 following places:

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

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

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

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

24

1 E. The carrying of a concealed or unconcealed firearm by a
2 person who has been issued a handgun license on property that has
3 signs prohibiting the carrying of firearms shall not be deemed a
4 criminal act but may subject the person to being denied entrance
5 onto the property or removed from the property. If the person
6 refuses to leave the property and a peace officer is summoned, the
7 person may be issued a citation for an amount not to exceed Two
8 Hundred Fifty Dollars (\$250.00).

9 F. A person, property owner, tenant, employer, holder of an
10 event permit, place of worship or business entity that does or does
11 not prohibit any individual except a convicted felon from carrying a
12 loaded or unloaded, concealed or unconcealed weapon on property that
13 the person, property owner, tenant, employer, holder of an event
14 permit, place of worship or business entity owns, or has legal
15 control of, is immune from any liability arising from that decision.
16 Except for acts of gross negligence or willful or wanton misconduct,
17 an employer who does or does not prohibit their employees from
18 carrying a concealed or unconcealed weapon is immune from any
19 liability arising from that decision. A person, property owner,
20 tenant, employer, holder of an event permit, place of worship or
21 business entity that does not prohibit persons from carrying a
22 concealed or unconcealed weapon pursuant to subsection D of this
23 section shall be immune from any liability arising from the carrying
24 of a concealed or unconcealed weapon, while in the scope of

1 employment, on the property or in or about a business entity
2 vehicle. The provisions of this subsection shall not apply to
3 claims pursuant to the Administrative Workers' Compensation Act.

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

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

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

14 Passed the House of Representatives the 17th day of April, 2017.

15

16

17

Presiding Officer of the House of
Representatives

18

19 Passed the Senate the ____ day of _____, 2017.

20

21

22

Presiding Officer of the Senate

23

24

1 ENGROSSED SENATE
2 BILL NO. 288

By: Dossett, Brecheen, and Dahm
of the Senate

3 and

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

6
7
8 An Act relating to firearms; amending 21 O.S. 2011,
9 Section 1290.22, as last amended by Section 2,
10 Chapter 18, O.S.L. 2016 (21 O.S. Supp. 2016, Section
11 1290.22), which relates to business owner's rights;
12 modifying inclusions; and providing an effective
13 date.

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

15 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.22, as
16 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:

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, place of worship or business entity to control the
24

1 possession of weapons on any property owned or controlled by the
2 person or business entity.

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

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

15 D. No person, property owner, tenant, employer, holder of an
16 event permit, place of worship or business entity shall be permitted
17 to establish any policy or rule that has the effect of prohibiting
18 any person from carrying a concealed or unconcealed firearm on
19 property within the specific exclusion provided for in paragraph 4
20 of subsection B of Section 1277 of this title; provided that
21 carrying a concealed or unconcealed firearm may be prohibited in the
22 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 carrying of a concealed or unconcealed firearm by a
15 person who has been issued a handgun license on property that has
16 signs prohibiting the carrying of firearms shall not be deemed a
17 criminal act but may subject the person to being denied entrance
18 onto the property or removed from the property. If the person
19 refuses to leave the property and a peace officer is summoned, the
20 person may be issued a citation for an amount not to exceed Two
21 Hundred Fifty Dollars (\$250.00).

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

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

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

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

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

3 SECTION 4. This act shall become effective November 1, 2017.

4 Passed the Senate the 22nd day of March, 2017.

5

6

Presiding Officer of the Senate

7

8 Passed the House of Representatives the ____ day of _____,
9 2017.

10

11

Presiding Officer of the House
of Representatives

12

13

14

15

16

17

18

19

20

21

22

23

24