

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1111

By: West (Kevin)

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5
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. 2018,
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; reducing and deleting
16 certain penalties; amending 21 O.S. 2011, Section
17 1290.22, as last amended by Section 1, Chapter 358,
18 O.S.L. 2017 (21 O.S. Supp. 2018, Section 1290.22),
19 which relates to business owners rights; expanding
20 construing provision to include liquor stores; and
21 providing an effective date.

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24 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. 2018,
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 person to carry or possess any
weapon designated in Section 1272 of this title in any establishment

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

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

23 C. Nothing in this section shall be interpreted to authorize
24 any person, employee or private investigator with or without a

1 firearms authorization in actual physical possession of a weapon to
2 consume ~~low-point~~ beer or alcoholic beverages in any establishment
3 where ~~low-point~~ beer or alcoholic beverages are consumed.

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

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

9 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1272.2, as
10 amended by Section 3, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2018,
11 Section 1272.2), is amended to read as follows:

12 Section 1272.2

13 PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

14 Any ~~person~~ patron who intentionally or knowingly carries on his
15 or her person any weapon in violation of Section 1272.1 of this
16 title, and refuses to leave said property shall, upon conviction, be
17 guilty of a ~~felony~~ misdemeanor punishable by a fine not to exceed
18 ~~One Thousand Dollars (\$1,000.00), or imprisonment in the custody of~~
19 ~~the Department of Corrections for a period not to exceed two (2)~~
20 ~~years, or by both such fine and imprisonment~~ Two Hundred Fifty
21 Dollars (\$250.00).

22 ~~Any person convicted of violating the provisions of this section~~
23 ~~after having been issued a handgun license pursuant to the~~
24 ~~provisions of the Oklahoma Self-Defense Act shall have the license~~

1 ~~revoked by the Oklahoma State Bureau of Investigation after a~~
2 ~~hearing and determination that the person is in violation of Section~~
3 ~~1272.1 of this title.~~

4 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.22, as
5 last amended by Section 1, Chapter 358, O.S.L. 2017 (21 O.S. Supp.
6 2018, Section 1290.22), is amended to read as follows:

7 Section 1290.22

8 BUSINESS OWNER'S RIGHTS

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

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

22 C. A property owner, tenant, employer, liquor store, place of
23 worship or business entity may prohibit any person from carrying a
24 concealed or unconcealed firearm on the property. If the building

1 or property is open to the public, the property owner, tenant,
2 employer, liquor store, place of worship or business entity shall
3 post signs on or about the property stating such prohibition.

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

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

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

22 3. The fairgrounds during the Oklahoma State Fair or the Tulsa
23 State Fair; and
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1 4. The portion of a public property structure or building that
2 is leased or under contract to a business or not-for-profit entity
3 or group for offices.

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

12 F. A person, property owner, tenant, employer, liquor store,
13 holder of an event permit, place of worship or business entity that
14 does or does not prohibit any individual except a convicted felon
15 from carrying a loaded or unloaded, concealed or unconcealed weapon
16 on property that the person, property owner, tenant, employer,
17 liquor store, holder of an event permit, place of worship or
18 business entity owns, or has legal control of, is immune from any
19 liability arising from that decision. Except for acts of gross
20 negligence or willful or wanton misconduct, an employer who does or
21 does not prohibit ~~their~~ its employees from carrying a concealed or
22 unconcealed weapon is immune from any liability arising from that
23 decision. A person, property owner, tenant, employer, liquor store,
24 holder of an event permit, place of worship or business entity that

1 does not prohibit persons from carrying a concealed or unconcealed
2 weapon pursuant to subsection D of this section shall be immune from
3 any liability arising from the carrying of a concealed or
4 unconcealed weapon, while in the scope of employment, on the
5 property or in or about a business entity vehicle. The provisions
6 of this subsection shall not apply to claims pursuant to the
7 Administrative Workers' Compensation Act.

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

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

17 SECTION 4. This act shall become effective November 1, 2019.

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19 57-1-6935 GRS 01/11/19

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