An Act

ENROLLED SENATE
BILL NO. 1057

By: Fry and Brooks of the Senate

and

Calvey, Bennett, Ritze, Faught and Kern of the House

An Act relating to municipality immunity; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 226, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1277), which relates to unlawful carry in certain places; modifying inclusions; modifying punishment for violations; amending 21 O.S. 2011, Section 1290.22, as amended by Section 7, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015, Section 1290.22), which relates to business owner's rights; clarifying language; making certain allowances; clarifying scope of certain employment; authorizing action for certain loss; and providing an effective date.

SUBJECT: Unlawful carry in certain places

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 226, O.S.L. 2015 (21 O.S. Supp. 2015, Section 1277), is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

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

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

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

3. Any public or private elementary or public or private secondary school, except as provided in subsection C of this section;

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

5. Any place where ~~pari-mutuel wagering~~ gambling is authorized by law, unless allowed by the property owner; and

6. Any other place specifically prohibited by law.

B. For purposes ~~of paragraphs 1, 2, 3, 4 and 5~~ of subsection A of this section, the prohibited place does not include and specifically excludes the following property:

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

2. Any property set aside for the use or parking of any vehicle, whether attended or unattended, ~~by any entity offering any professional sporting event~~ which is open to the public ~~for admission~~, or by any entity engaged in ~~pari-mutuel wagering~~ gambling authorized by law;

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

4. Any property designated by a city, town, county or state governmental authority as a park, recreational area, or fairgrounds; provided, nothing in this paragraph shall be construed to authorize any entry by a person in possession of a concealed or unconcealed handgun into any structure, building or office space which is specifically prohibited by the provisions of subsection A of this section; and

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

Nothing contained in any provision of this subsection or subsection C of this section shall be construed to authorize or allow any person in control of any place described in ~~paragraph 1, 2, 3, 4 or 5 of~~ subsection A of this section to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license from possession of a handgun allowable under such license in places described in ~~paragraph 1, 2, 3, 4 or 5 of~~ this subsection.

C. A concealed or unconcealed weapon may be carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the carrying and possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this subsection shall

not apply to claims pursuant to the ~~Workers' Compensation Code~~ Administrative Workers' Compensation Act.

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

E. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act shall be authorized to carry the handgun into or upon any college, university or technology center school property, except as provided in this subsection. For purposes of this subsection, the following property shall not be construed as prohibited for persons having a valid handgun license:

1. Any property set aside for the use or parking of any vehicle, whether attended or unattended, provided the handgun is carried or stored as required by law and the handgun is not removed from the vehicle without the prior consent of the college or university president or technology center school administrator while the vehicle is on any college, university or technology center school property;

2. Any property authorized for possession or use of handguns by college, university or technology center school policy; and

3. Any property authorized by the written consent of the college or university president or technology center school administrator, provided the written consent is carried with the handgun and the valid handgun license while on college, university or technology center school property.

The college, university or technology center school may notify the Oklahoma State Bureau of Investigation within ten (10) days of a violation of any provision of this subsection by a licensee. Upon receipt of a written notification of violation, the Bureau shall give a reasonable notice to the licensee and hold a hearing. At the

hearing, upon a determination that the licensee has violated any provision of this subsection, the licensee may be subject to an administrative fine of Two Hundred Fifty Dollars ($250.00) and may have the handgun license suspended for three (3) months.

Nothing contained in any provision of this subsection shall be construed to authorize or allow any college, university or technology center school to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license from possession of a handgun allowable under such license in places described in paragraphs 1, 2, and 3 of this subsection. Nothing contained in any provision of this subsection shall be construed to limit the authority of any college, university or technology center school in this state from taking administrative action against any student for any violation of any provision of this subsection.

F. The provisions of this section shall not apply to any peace officer or to any person authorized by law to carry a pistol in the course of employment. District judges, associate district judges, and special district judges, who are in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose names appear on a list maintained by the Administrative Director of the Courts, shall be exempt from this section when acting in the course and scope of employment within the courthouses of this state. Private investigators with a firearms authorization shall be exempt from this section when acting in the course and scope of employment.

G. For the purposes of this section, "motor vehicle" means any automobile, truck, minivan or sports utility vehicle.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.22, as amended by Section 7, Chapter 366, O.S.L. 2013 (21 O.S. Supp. 2015, Section 1290.22), is amended to read as follows:

Section 1290.22.

BUSINESS OWNER'S RIGHTS

A. Except as provided in ~~subsection~~ 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, 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, 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, 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, place of worship or business entity shall post signs on or about the property stating such prohibition.

D. No person, property owner, tenant, employer, 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 carrying of a concealed or unconcealed firearm by a person who has been issued a handgun license on property that has signs prohibiting the carrying of firearms shall not be deemed a criminal act but may subject the person to being denied entrance onto the property or removed from the property. If the person refuses to leave the property and a peace officer is summoned, the person may be issued a citation for an amount not to exceed Two Hundred Fifty Dollars ($250.00).

~~E.~~ F. A person, ~~corporation~~ property owner, tenant, employer, holder of an event permit, place of worship or ~~any other~~ 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, ~~corporation~~ property owner, tenant, employer, holder of an event permit, place of worship or ~~other~~ 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 their employees from carrying a concealed or unconcealed weapon is immune from any liability arising from that decision. A person, property owner, tenant, employer, 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 on the property. The provisions of this subsection shall not apply to claims pursuant to the ~~Workers' Compensation Code~~ 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 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. AMENDATORY 21 O.S. 2011, Section 1290.24, as amended by Section 42, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2015, Section 1290.24), is amended to read as follows:

Section 1290.24.

IMMUNITY

A. The state~~,~~ or any political subdivision of the state as defined in Section 152 of Title 51 of the Oklahoma Statutes, and its officers, agents and employees shall be immune from liability resulting or arising from:

1. Failure to prevent the licensing of an individual for whom the receipt of the license is unlawful pursuant to the provisions of the Oklahoma Self-Defense Act or any other provision of law of this state;

2. Any action or misconduct with a pistol committed by a person to whom a license to carry a concealed or unconcealed handgun has been issued pursuant to the provisions of the Oklahoma Self-Defense Act or by any person who obtains a pistol from a licensee;

3. Any injury to any person during a handgun training course conducted by a firearms instructor certified by the Council on Law Enforcement Education and Training to conduct training under the Oklahoma Self-Defense Act, or injury from any misfire or malfunction of any handgun on a training course firing range supervised by a certified firearms instructor under the provisions of the Oklahoma Self-Defense Act, or any injury resulting from carrying a concealed or unconcealed handgun pursuant to a handgun license; and

4. Any action or finding pursuant to a hearing conducted in accordance with the Administrative Procedures Act as required in the Oklahoma Self-Defense Act.

B. Firearms instructors certified by the Council on Law Enforcement Education and Training to conduct training for the Oklahoma Self-Defense Act shall be immune from liability to third persons resulting or arising from any claim based on an act or omission of a trainee.

C. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

SECTION 4. This act shall become effective November 1, 2016.

Passed the Senate the 9th day of March, 2016.

Presiding Officer of the Senate

Passed the House of Representatives the 31st day of March, 2016.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 4th
day of April, 2016, at 3:30 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 7th
day of April, 2016, at 3:22 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 7th
day of April, 2016, at 3:43 o'clock P. M.
By: [illegible]