

1 **SENATE FLOOR VERSION**

2 February 22, 2021

3 **AS AMENDED**

4 SENATE BILL NO. 646

5 By: Bergstrom of the Senate

6 and

7 Steagall of the House

8 **[firearms - carrying a weapon in a liquor**
9 **establishment - penalties - business owners' rights -**
10 **liquor stores - effective date]**

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

16 Section 1272.1

17 CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

18 A. It shall be unlawful for any person to carry or possess any
19 weapon designated in Section 1272 of this title in any establishment
20 where ~~low-point beer~~ or alcoholic beverages, as defined by Section
21 ~~163.2 of Title 37~~ 1-103 of Title 37A of the Oklahoma Statutes, ~~or~~
22 ~~alcoholic beverages, as defined by Section 506 of Title 37 of the~~
23 ~~Oklahoma Statutes,~~ are consumed. This provision shall not apply to
24 a peace officer, as defined in Section 99 of this title, or to

1 private investigators with a firearms authorization when acting in
2 the scope and course of employment, ~~and.~~ Further, this provision
3 shall not apply to an owner ~~or,~~ proprietor or employee of the
4 establishment ~~having;~~ provided, the employee, in the scope and
5 course of employment, has permission from the owner or proprietor of
6 the establishment that the employee may have a pistol, rifle, or
7 shotgun on the premises. Provided however, a person ~~possessing a~~
8 ~~valid handgun license pursuant to the provisions of the Oklahoma~~
9 ~~Self-Defense Act~~ may carry the ~~concealed or unconcealed handgun~~
10 firearm into any restaurant or other establishment licensed to
11 dispense ~~low-point~~ beer or alcoholic beverages where the sale of
12 ~~low-point~~ beer or alcoholic beverages does not constitute the
13 primary purpose of the business. It shall be lawful for a person
14 carrying a firearm to be in a designated bar area of the restaurant
15 as long as the person carrying the firearm is not consuming beer or
16 alcoholic beverages.

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

22 C. Nothing in this section shall be interpreted to authorize
23 any person, employee or private investigator with or without a
24 firearms authorization in actual physical possession of a weapon to

1 consume ~~low-point~~ beer or alcoholic beverages in any establishment
2 where ~~low-point~~ beer or alcoholic beverages are consumed.

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

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

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

11 Section 1272.2

12 PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

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

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

1 ~~hearing and determination that the person is in violation of Section~~
2 ~~1272.1 of this title.~~

3 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1290.22, as
4 last amended by Section 12, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
5 2020, Section 1290.22), is 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,

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, 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;

21 3. The fairgrounds during the Oklahoma State Fair or the Tulsa
22 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 otherwise lawful carrying of a concealed or unconcealed
5 firearm by a person on property that has signs prohibiting the
6 carrying of firearms shall subject the person to being denied
7 entrance onto the property or removed from the property. If the
8 person:

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

12 2. Refuses to leave the property and a peace officer is
13 summoned,
14 the person may be punished as provided in Section 1276 of this
15 title.

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

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

12 G. It shall not be considered part of an employee's job
13 description or within the employee's scope of employment if an
14 employee is allowed to carry or discharge a weapon pursuant to this
15 section.

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
23 February 22, 2021 - DO PASS AS AMENDED
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