

BILL SUMMARY

1st Session of the 58th Legislature

Bill No.:	HB2645
Version:	FA1
Request Number:	7857
Author:	Rep. West, Kevin
Date:	3/8/2021
Impact:	No direct impact anticipated

Research Analysis

The Committee Substitute to HB 2645 makes numerous changes regarding the carrying of firearms. The measure provides that it is not unlawful for a person to transport a firearm by vehicle on a public roadway if otherwise eligible to carry a firearm. The measure clarifies the carrying of firearms where alcoholic beverages are sold and includes licensed armed security guards to the list of persons who may carry a firearm in an establishment where alcoholic beverages are sold. The measure allows an employee of an establishment where alcoholic beverages are sold to carry a weapon in the establishment with permission of the owner of the establishment. The measure provides that it is lawful for a person carrying a weapon to be in a designated bar area of a restaurant as long as the person is not consuming beer or alcoholic beverages. The measure clarifies that a person carrying a firearm in an establishment is not authorized to consume beer or alcoholic beverages in any establishment. The measure modifies the penalty for violations relating to carrying a firearm into an establishment or consuming beer or alcoholic beverages while carrying by making the penalty a misdemeanor punishable by a fine of \$250. The measure clarifies the places in which it is unlawful to carry a firearm by including any property set aside by a county, city, town, public trust with a county, city or town as a beneficiary, or state governmental authority for an event that is secured with minimum-security provisions. The measure defines minimum-security provisions. The measure clarifies that it is lawful for a person to carry a firearm on public streets, plazas, sidewalks and alleys. The measure provides that a person may carry concealed only on any public property set aside temporarily by a county, city, town, public trust with a county, city or town as a beneficiary, or state governmental authority for the holder of an event permit that is without minimum-security provisions. The measure allows an individual to carry openly on the property of a nonprofit entity or public trust if the person has permission from the nonprofit or public trust. The measure allows municipalities, by ordinance or resolution to authorize all or certain employees or municipal public officials to carry concealed firearms. The measure provides that a municipality, municipal employee or municipal public official is not civilly or criminally liable for any injury resulting from the carrying or discharge of the firearm. The measure establishes firearm-prohibited locations for municipal employees and municipal public officials, including any room or public place where public meetings governed by the Oklahoma Open Meeting Act occur, or locations as designated by the municipal government, and any police department, courthouse, courtroom, prison, jail, detention facility or facility holding arrested persons. The measure provides that nothing is to be construed as a mechanism to allow municipal employees or municipal public officials to carry a firearm as a duty or function of their employment with the municipality. The measure removes language regarding vehicles driving onto school property which contain a firearm or knife. The measure clarifies the Legislative findings for firearms act by stating that the defense of a private home or personal, business or real property and the use of firearms by law enforcement and other agencies is a lawful purpose. The measure clarifies the possession of firearms in vehicles. The measure clarifies the state preemption on firearms by prohibiting the adoption of any policy by an entity which may touch firearms and ammunition.

The measure allows the court to order a person, municipality, agency or political subdivision to pay reasonable expenses to a person who has been aggrieved by any order, policy, ordinance, resolution or regulation under certain circumstances. The measure clarifies that a person who is carrying a firearm is to be in possession of a valid state photo identification card, driver license or valid handgun license. The measure modifies the business owner's rights by providing that no person, employer or business entity can establish, maintain or enforce any policy or rule that has the effect of prohibiting any person or employee, except a convicted felon, from transporting, carrying or storing firearms or ammunition in a motor vehicle personally owned, leased or rented by the person or employee while conducting business for the employer or business entity. The measure allows liquor stores to prohibit a person from carrying on the property.

The measure repeals Title 21, Section 1289.13 relating to transporting a loaded firearm.

<https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=440210>

The Floor Substitute makes the following changes:

Section 2 – changed outline; removed provision regarding the carrying of a weapon in a designated bar area; added specific penalties; added new criminal offense & penalties

Section 3 – revised elements of criminal offense

Section 9 – allows for civil action to be brought against municipal employees who are acting beyond the scope of employment

Section 15 – business owners rights: removed paragraph 2, subsection B; added specific penalty

Prepared By: Brad Wolgamott

Fiscal Analysis

The measure modifies the provisions for the carrying and possession of firearms in certain circumstances.

Upon review, no direct impact to state revenues or expenditures is anticipated from passage of the measure.

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Other Considerations

None.